

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

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# Fort Wayne Housing Authority (FWHA)

## PHA Plans

5 Year Plan for Fiscal Years 2005 - 2009

Annual Plan for Fiscal Year 2005

Housing Authority of the City of Fort Wayne Indiana

IN003v01

April 15, 2005

## PHA Plan Agency Identification

**PHA Name:** Housing Authority of the City of Fort Wayne Indiana

**PHA Number:** IN003

**PHA Fiscal Year Beginning:** 07/2005

### 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:  
**2013 S. Anthony blvd., Fort Wayne, IN 46803, (260)449-7811, Maynard Scales**
- 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  
**2013 S. Anthony blvd., Fort Wayne, IN 46803, (260)449-7811, Maynard Scales**
- 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  
**2013 S. Anthony blvd., Fort Wayne, IN 46803, (260)449-7811, Maynard Scales**
- PHA development management offices
- Other (list below)

**5-YEAR PLAN**  
**PHA FISCAL YEARS 2005 - 2009**  
[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: The mission of the Fort Wayne Housing Authority is to provide good quality, affordable housing and superior services to eligible members of the Fort Wayne Community and to maintain an atmosphere that encourages self-sufficiency.

**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: **Maintain public housing vacancies below 3%**
  - Leverage private or other public funds to create additional housing opportunities:
  - Acquire **existing** or build **new affordable housing** units or developments
  - Other (list below)
    1. Annually acquire and rehabilitate 1-2 for sale houses obtained through HUD owned properties.
    2. Promote Homeownership opportunities including the Self-Sufficiency and Housing Choice Voucher Program.
    3. Submit at least one tax credit application per year with a goal to increase the number of affordable housing units by at least 250 under FWHA management.

**PROGRESS STATEMENT:**

FWHA made progress toward the above stated goal by:

1. Became a High Performing Agency with progressively improving scores for the last 5-years.
2. Secured LIHTC to develop 52 new, affordable, senior housing units.
3. Acquired a 212 unit tax credit turn-around property; project based HCVP assistance to help stabilize the property.

PHA Goal: Improve the quality of assisted housing

Objectives:

- Improve public housing management: (2003 PHAS score) 95
- Improve voucher management: (SEMAP score)
- Increase customer satisfaction: Continue to provide a high-level of customer service, measure customer satisfaction for the primary and secondary customer, and implement improvement plans, as required.
- Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections) Implement Pre/Post Occupancy Training program to help reduce Public Housing turnover by 5% for each of the next 5 years.
- Renovate or modernize public housing units:
- Demolish or dispose of obsolete public housing:
- Provide replacement public housing: Working with the City of Fort Wayne to apply for HOPE VI grant based on the City's Housing Strategy Report.
- Provide replacement vouchers: Increase ability to fund HCVP vouchers
- Other: (list below)
  1. Implement a skills assessment testing program to evaluate staff training needs.
  2. Maintain a commitment to a high level of usage of HTVN and Apartment Association staff training opportunities.
  3. Maintain a commitment to a high level of usage of Professional trainer, seminars, conferences, in-house seminars, etc. for staff training.

**PROGRESS STATEMENT:**

FWHA made progress toward the above stated goal by:

1. Used CFP Housing Revenue Bonds to accelerate a 10 year capital improvements plan.
2. Used CFP funds to reduce the incident of crime and crime related activities on all properties to levels below city-wide averages
3. Provided HCVP landlords information regarding program usage HQS and compliance.
4. Analyzed agency business software needs and prepared high quality RFP to replace inefficient, non-interactive, existing program.
5. Renovated family properties adding curb appeal type site improvements, air conditioning, windows, doors, and siding.
6. Provided RIM training to staff to improve rental management integrity.

PHA Goal: Increase assisted housing choices

Objectives:

Provide voucher mobility counseling: Add mobility module to HCVP orientation procedure.

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)

1. Explore implementation of public housing site-based waiting lists.
2. Following market analysis, explore converting public housing stock to vouchers.
3. Explore establishing a Project-based HCVP Program as a tool to deconcentrate HCV usage.

**PROGRESS STATEMENT:**

FWHA made progress toward the above stated goal by:

1. Conducted study of location of vouchers in jurisdiction by City quadrants and census tracts to assist in deconcentration efforts.
2. Participated in Senior Housing Fair, joined City Housing "Cabinet" to expand housing choices under the City Housing Strategy.
3. Under Homeownership program, placed 9 loans for program participants.

**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)

1. Perform necessary modifications to units and public housing sites to successfully compete with comparable market housing. Complete and implement a curb appeal improvement plan.

2. Apply sound asset management principles on an individual site basis to maintain and build the value of all properties.
3. Explore the possibilities of designating developments or buildings for particular resident groups (elderly, persons with disabilities).

**PROGRESS STATEMENT:**

FWHA made progress toward the above stated goal by:

1. Using CFP funded Community Policing and CPTED principles, reduce FWHA property crime levels below community-wide rate.
2. FWHA continues to explore the designated development options.

**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)

1. Develop Pre/Post Occupancy orientation and training program to assess the self-sufficiency levels and needs of assisted households.

**PROGRESS STATEMENT:**

FWHA made progress toward the above stated goal by:

1. Resident Services Department PLEASE Program
2. Public Housing Self-Sufficiency Program
3. Housing Choice Voucher Family Self-Sufficiency Program
4. Economic Self-Sufficiency Program

**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)

1. FWHA provides training opportunities for staff and community on an annual basis to promote equal opportunity in housing.

**PROGRESS STATEMENT:**

FWHA made progress toward the above stated goal by:

1. Participation by all departments in staff training on Fair Housing principles.
2. Reviewed and updated the use of the Fair Housing logo on FWHA printed materials.
3. Outreach marketing to families less likely to apply to FWHA programs: Hispanic Community Center.

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

The goals of FWHA as stated in the 5-Year Plan for Fiscal Years 2005-2009 are consistent with HUD strategic goals and the Consolidated Plan of the City of Fort Wayne to increase the availability of decent, safe, affordable housing. FWHA's 5-Year Plan is available for review at the City of Fort Wayne, Division of Community and Economic Development as well as the FWHA main office.

*To accelerate the completion of modernization activities, Fort Wayne Housing Authority completed issuance of a bond issue in the approximate amount of \$3,710,000 that will be secured by the anticipated receipt of a portion of the Authority's capital funds from HUD. The bond issue proceeds will be available in 2003, and the authority will allocate approximately 25% of each capital fund grant for the debt service on the bond issue. At the present time, it is planned to use the proceeds of the bond issue for the following projects:*

**Demolition/Disposition:**

During 2001 we successfully demolished the Miami Village property providing that will serve to local community including the senior residents that will occupy the new senior apartments scheduled for construction on 2005. These 52 units of mixed finance housing will further our goals of increasing the supply of affordable housing. FWHA is committed to maintaining its current housing stock while seeking development opportunities to increase the amount of affordable housing to meet the needs documented in the Housing Needs Section below. In that regard, FWHA will develop the area in cooperation with local business resources and the City of Fort Wayne. We have adopted the following goals and objectives to guide the agency during FY2005-2009:

1. Develop an affirmative fair housing marketing strategy based on the recently completed market study and other research.
2. Seek ways and resources to add amenities to public housing and other FWHA managed properties necessary for developments to compete with the surrounding apartment market.
3. Expand the non profit entity (Housing Opportunities Program) to develop tax credit and or mixed financed housing.
4. Develop a redevelopment plan for Anthony Apartments

5. Integrate Anthony Apartments redevelopment and other FWHA assets with the City Corridor Improvement strategy.
6. Using our non-profit entity, acquire and rehabilitate 1-2 HUD-owned or tax sale properties to meet home ownership goals per year.
7. Maintain at least 10, maximum of 25 FWHA residents in PH FSS Program.
8. Continue to provide financial counseling to at least 100 families interested in homeownership, default and debt management improvement and rental pre and post occupancy counseling through the HUD and CDBG supported Housing Counseling Program.
9. Measure and provide high-level customer service to primary and secondary customer base.
10. Annually review and update the comprehensive wage and benefit study completed in 2003 as part of our effort to attract and retain competent, committed staff.
11. Maintain commitment to Staff training using HTVN, Apartment Association, in-house seminars, etc.
12. Ensure Equal Housing Opportunity for all applicants and residents.
13. Develop a plan to use property portfolio to leverage and borrow funds to purchase and improve properties.
14. Develop an effective public relations program including producing an annual report for external stakeholders.
15. Develop an Operating Procedures Manual using general overview format.
16. Publish a quarterly Agency-wide newsletter.
17. Execute Work out Plan for McMillen Park Apartments, including establishing a Computer Learning Lab at the property.
18. Expand Resident Advisory Board Activity year round with quarterly meetings.
19. Using Tax Credit and Private Co-Developer resources, investigate feasibility of developing additional property for elderly and other population' apartments. Submit at least 1 tax credit project annually for the next 5 years.
20. Expand Section 8 Home Ownership Program.
21. Continue to explore how the HOP program can participate in homeownership training.
22. Develop contingency plans for proposed Federal funding cuts. Such items to include but not be limited to: fee management, small PH support services, maintenance services to outside agencies, grant writing, banking and mortgage companies.
23. Develop improvement plan to respond to the issues in the Resident Satisfaction Survey.
24. Formulate and implement plan for replacement public housing program.
25. Continue to work with the City of Fort Wayne to benefit from joint housing study and Housing Strategy with the City of Fort Wayne.
26. Pursue Hope VI after securing concentrated commitment of support and resources from essential partners such as the City of Fort Wayne.
27. Use CHDO to further the FWHA mission.
28. Web Site Improvement Plan.



**Annual PHA Plan**  
**PHA Fiscal Year 2004**  
[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.

In Accordance with Section 511 of the Quality Housing and Work Responsibility Act of Fort Wayne is submitting its second 5-year PHA plan covering the period July 1, 2005 to June 30, 2010

**Mission:** Strategic planning sessions were held in September 2004 to revisit the mission. The work-group, consisting of Residents, Commissioners, a City of Fort Wayne Community Development representative, staff and other public housing specialists, concluded that FWHA's mission statement: The mission of the Fort Wayne Housing Authority is to provide good quality, affordable housing and superior services to eligible members of the Fort Wayne Community and to maintain an atmosphere that encourages self-sufficiency, is still appropriate for the organization

**Admissions:** At least 40% of the public housing units that become available (turnover) will be rented to the poorest families, at or below 30% of area median income. Section 8 program applicants at 30 % or less of median income will receive at least 75 % of all turnover vouchers.

**Rent:** No changes in the way FWHA determines a family's rent were made. FWHA is however, continuing to review the flat rents that it currently charges higher income families as compared with the levels charged by other affordable programs and the cost of operating the developments. Following that review, FWHA will decide whether any adjustments in ceiling and flat rents are appropriate.

**Community Service:**, Effective October 2003 FWHA reverted to the Community Service Requirements contained in the Quality Housing and Work Responsibility Act of 1998.

**Resident Employment:** The Authority will continue to consider ways to further improve its performance under the Section 3 program. Currently at least 10% of the FWHA workforce is comprised of persons receiving rental assistance. Our intern partnership with the Jobs Works division of the Department of Labor was discontinued due to changes in federal funding policies. We continue to use the CFP Program to fund PH internship Program. Under the program, unemployed Section 3 eligible persons are trained in various employment skill areas enhancing their job readiness capability.

**Deconcentration:** As required by PIH Notice 2001-26, the FWHA has completed the required Income Analysis to determine the need for further action regarding deconcentration of poverty at our sites. At this time, no changes are planned to the FWHA Admissions and Continued Occupancy Policy (ACOP) based on this analysis. We are in compliance with the requirements of the proposed rule since the average income at all covered developments is at or below 30% of area median income.

**Section 8 Homeownership** Our 2005 goal is to increase our homeownership program to a minimum of 5 homes sold per year with an upward target of 10. FWHA has established a maximum program size of 100.

**Project –based Assistance (PBA)**

The Fort Wayne Housing Authority Section 8 administrative plan was amended to provide for the operation of a project-based assistance (PBA) program. The plan provides information to eligible families, owners, and other interested members of the public. Consistent with federal and local goals such as deconcentration, increasing affordable housing in targeted census tracts, elderly only and disability housing needs, project-based choice voucher in the City.

**Deployment of Military Personnel to the Persian Gulf Region**

PIH Notice 2003-5 (HA) encourages PHAs administering Public Housing and/or Housing Choice Vouchers and Section 8 Moderate Rehabilitation programs to be supportive of active duty Persian Gulf families. Specific actions that FWHA will undertake to support these families include, but are not limited to:

1. Allowing a suitable guardian to move into the assisted unit on a temporary basis to care for any dependents that the military person leaves in the unit. Income of the guardian temporarily living in the unit solely for this purpose is not to be counted in determining family income and the amount of rent the family income and the amount of rent the family pays based on family income.
2. Careful consideration of the circumstances of any case involving delayed payment of rent by the family. Determine whether it is appropriate to accept a late payment.
3. For the voucher program, granting exceptions to FWHA Section 8 administrative plan policies concerning family absence from the unit to continue housing assistance payments to the owner on behalf of a military family, even though all members of the military family are temporarily absent from the assisted unit because a member of the assisted family has been called to active duty in the Persian Gulf. The voucher program regulation at 24 CFR 982.312 permits family absence from the unit for no more than 180 consecutive days and FWHA may not exceed this regulatory limit.
4. For public housing, FWHA will allow the assisted tenancy and dwelling lease to remain in effect for a reasonable period of time (for example, six months), even though all members of the military family are temporarily absent from the assisted unit because a member of the family has been called to active duty on the Persian Gulf. After a reasonable period of time FWHA will reevaluate the situation and take appropriate action to balance the needs of the family with the need of FWHA to make good use of the scarce housing resources.  
It is important to note that special pay to a family member who is exposed to hostile fire while serving in the Armed Forces is specifically excluded from annual income (24 CFR 5.509 (c) (7)).

**Capital Fund Program:**

The FY 2004 Capital Fund Plan and the Replacement Housing Fund Plan are included as attachments to the Annual and 5 Year Plans. FWHA will continue its focused and aggressive strategy for tackling the basic capital improvements issues facing the portfolio in this 5-year plan. In the elevator buildings, the FWHA has been able to address all of the primary and secondary critical capital projects. The latest REAC scores for these properties reflect this effort with average scores of 98 points. Special emphasis will now be placed

on apartment interior upgrades and common area beautification. Likewise, in the Family portfolio all of the priority life/safety system projects, CEPTD security and safety improvements added have been completed as well as such items such as site improvements, building envelope upgrades and basic interior systems replacements. The progress reflected in the FY2004 Capital Fund Plan represents real progress towards bringing the entire portfolio to a level superior to the majority of public housing stock throughout the country. Illustrative of this point, HUD's current physical score for all properties is 98 on a 100-point basis (Physical Indicator). See the attached CFP Annual Statement and 5-Year Plan for specific funding allocations.

***Capital Fund Grant Anticipation Revenue Bonds***

*To accelerate the completion of modernization activities, Fort Wayne Housing Authority completed issuance of a bond issue in the approximate amount of \$3,710,000 that will be secured by the anticipated receipt of a portion of the Authority's capital funds from HUD. The bond issue proceeds will be available in 2003, and the authority will allocate approximately 25% of each capital fund grant for the debt service on the bond issue. At the present time, it is planned to use the proceeds of the bond issue for the following projects:*

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Our Annual Plan is based on the premise that if we accomplish our goals and objectives we will be working towards the achievement of our mission, all of which is consistent with the City of Fort Wayne Consolidate Plan.

**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.

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**Attachments**

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

**Required Attachments:**

- Admissions Policy for Deconcentration
- FY 2005 Capital Fund Program Annual Statement
- 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 -
- FY 2005 Capital Fund Program 5 Year Action Plan
- Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- Other (List below, providing each attachment name)

1. Public Housing Admissions and Continued Occupancy Plan
2. Section 8 Administrative Plan

**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>
<b>X</b>	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view 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: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the methodology for setting public housing flat rents <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 <input checked="" 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 <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 <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X		
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
X	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
X	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
N/A	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
N/A	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
N/A	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
N/A	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
X	Policies governing any Section 8 Homeownership program <input checked="" type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
X	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
X	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) (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.

<b>Housing Needs of Families in the Jurisdiction by Family Type</b>							
Family Type	Overall	Affordability	Supply	Quality	Accessibility	Size	Location
Income <= 30% of AMI	8,923	5	3	5	5	5	5
Income >30% but <=50% of AMI	15,788	5	3	5	5	5	5
Income >50% but <80% of AMI	22,488	3	3	5	5	5	5
Elderly	4,769	5	4	5	5	2	4
Families with Disabilities	3,316	5	5	5	5	3	5
Race/Ethnicity White alone	22,502	5	5	5	5	5	5
Race/Ethnicity Black/African American alone	7,143	5	5	5	5	5	5
Race/Ethnicity American	198	5	5	5	5	5	5

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Affordability	Supply	Quality	Accessibility	Size	Location
Indian/Alaska Native alone							
Race/Ethnicity Native Hawaiian/other Pacific Islander alone	15	5	5	5	5	5	5
Race/Ethnicity Some other race alone	925	5	5	5	5	5	5
Race/Ethnicity Two or more races	622	5	5	5	5	5	5

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: 2005
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- American Housing Survey data  
Indicate year: 2004
- 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.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/>	Section 8 tenant-based assistance		
<input checked="" type="checkbox"/>	Public Housing		
<input type="checkbox"/>	Combined Section 8 and Public Housing		
<input type="checkbox"/>	Public Housing Site-Based or sub-jurisdictional waiting list (optional)		
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	899		177
Extremely low income <=30% AMI	795	88.4%	
Very low income (>30% but <=50% AMI)	74	8.2%	
Low income (>50% but <80% AMI)	17	1.9%	
Families with children	466	51.8%	
Elderly families	7	0.9%	
Families with Disabilities	119	13.2%	



Housing Needs of Families on the Waiting List			
Race/ethnicity (white)	282	31.4%	
Race/ethnicity (Black)	596	66.3%	
Race/ethnicity (Ind/Ala)	2	0.2%	
Race/ethnicity (Asa/Pac)	6	0.7%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	326	36.3%	75
2 BR	432	48.1%	29
3 BR	124	13.8%	41
4 BR	15	1.7%	14
5 BR	2	0.2%	4
5+ BR	0	0.0%	0
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/>			
No <input type="checkbox"/> Yes			

### C. Strategy for Addressing Needs

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

#### (1) Strategies

**Need: Shortage of affordable housing for all eligible populations**

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

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed finance development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration

- Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other (list below)

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

Select all that apply

- Apply for additional section 8 units should they become available
- Leverage affordable housing resources in the community through the creation of mixed - finance housing
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- Other: (list below)
  1. Acquire and Rehabilitate existing properties for homeownership purposes including auction and HUD-owned properties.
  2. Pursue HOPE VI revitalization grant with FWHA partners such as the City of Fort Wayne and private developers.
  3. Develop mixed financed properties in partnership with private developers.

**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)
  1. Develop Housing Choice Voucher Administration Plan revisions to adjust the program to benefit local housing needs

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

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

Select all that apply

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

**Need: Specific Family Types: The Elderly**

**Strategy 1: Target available assistance to the elderly:**

Select all that apply

- Seek designation of public housing for the elderly
- Apply for special-purpose vouchers targeted to the elderly, should they become available
- Other: (list below)
  1. Maintain frail elderly in independent living with additional supportive services to avoid premature nursing home placement.
  2. Develop elderly tax credit housing with supportive services on the Miami Village and/or other appropriate location (s)

**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 where available.
- 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)
  1. Seek additional 75 vouchers for mainstreaming person with disabilities.
  2. Partner with non-profit agencies to produce homeownership opportunities for families with disabilities.

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

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

Select if applicable

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- 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)
  1. Seek funding to establish a Mobility Counseling Program to provide group and individual counseling to Section 8 Voucher holders who are conducting housing searches.
  2. Conduct annual meetings with Independent Owners Group of the Apartment Association to discuss all aspects of the Section 8 Program, including fair housing.
  3. Provide all employees with annual fair housing training.

**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 – Driven by the City of Fort Wayne Housing Strategy
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- Other: (list below)

**2. Statement of Financial Resources**

[24 CFR Part 903.7 9 (b)]

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

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2005 grants)</b>		
a) Public Housing Operating Fund	\$1,647,488	O&M 703 PH units
b) Public Housing Capital Fund	\$1,202,690	See CFP Plan
c) HOPE VI Revitalization	-0-	N/A
d) Replacement Housing Factory		
e) HOPE VI Demolition	-0-	N/A
f) Annual Contributions for Section 8 Tenant-Based Assistance	\$13,187,163	Support 2,860 Sect. 8 vouchers
g) Public Housing Drug Elimination Program (including any Technical Assistance funds)	-0-	
h) Resident Opportunity and Self-Sufficiency Grants	\$39,836	FSS Coordinator Elderly/Disabled
i) Section 8 Self Sufficiency	\$75,256	Supportive Services for 390 Elderly and Disabled families
j) Community Development Block Grant	\$45,000	Housing, Rental and Financial Counseling
k) HOME	-0-	
Other Federal Grants (list below)		
HUD Housing Counseling Grant	\$13,658	Housing and Financial Counseling
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>		
	\$969,551	PH O&M
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>		
Anthony Apartments	\$147,500	O&M for non-federal dwelling units
<b>Total resources</b>	<b>\$17,497,162</b>	

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

[24 CFR Part 903.7 9 (c)]

#### **A. Public Housing**

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

##### **(1) Eligibility**

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

- When families are within a certain number of being offered a unit: (not more than 120 days)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe)

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

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

1. History of disturbing neighbors or destruction of property.
2. Having committed fraud in connection with any federal housing assistance program.
3. History of abusing alcohol and illegal drugs in any way that may interfere with the health, safety, or right to peaceful enjoyment by others.
4. Check of State's lifetime sex offender registration program for each adult member.
5. Ability to successfully care for and maintain dwelling units to FWHHA housekeeping standards.

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? Exploring the economic feasibility of this resource.

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

Exploring the economic feasibility of this resource on an as needed basis.

**(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 – Pilot SBWL will be developed during the 5-year Plan to transition to project based management
- Other (describe)

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

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

1. Applications will be available at all site offices, from the FWHA website, by mail and at other community resources offices; however, all applications for public housing must be submitted to the FWHA main administrative office in person or by mail.

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) See Admissions and Continued Occupancy/Tenant Selection Assignment Plan (ACOP/TSAP).

c. Preferences

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

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

Former Federal preferences:

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



- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

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

1. Graduates of transitional housing programs.
2. Single Preference – applicants who are elderly, disabled, or displaced households of no more than two persons will be given a selection preference over all other single applicants regardless of preference status.

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

#### 1 Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

- Victims of reprisals or hate crimes  
 Other preference(s) (list below)

1. Working preference
2. Graduates of transitional housing programs
3. Singles preference
4. Involuntary displacement preference.

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)

1. FWHA website

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? Policy is in development stage.

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

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

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

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

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

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

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

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

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

## **B. Section 8**

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B.

**Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### **(1) Eligibility**

- a. What is the extent of screening conducted by the PHA? (select all that apply)
- Criminal or drug-related activity only to the extent required by law or regulation
  - Criminal and drug-related activity, more extensively than required by law or regulation
  - More general screening than criminal and drug-related activity (list factors below)
  - Other (list below)
1. The FWHA will take into consideration any of the criteria for admission in Chapter 15 of the Section 8 Administrative Plan, but may not otherwise screen for factors that relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicant as to their suitability for tenancy.
- 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)
1. FWHA will inform owners that it is their responsibility to determine suitability of prospective tenants. Owners are encouraged to screen applicants for rent payment history, eviction history, damages to units, and other factors relating to the family's suitability as a tenant.

## **(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)
1. FWHA Section 8 Program has adopted a separate Project Based Preference List. "Preference points are given to an applicant currently living in a unit that is located at a site where a Section 8 Project-Based Housing Assistance Program is implemented by the Owner. **(100 points)**

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)

1. FWHA website, and other locations selected by FWHA when wait list is open.

### **(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:

1. Upon request if family meets extension criteria as defined in Chapter 8 of the attached Section 8 Administrative Plan.

### **(4) Admissions Preferences**

a. Income targeting

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

b. Preferences

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

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

Former Federal preferences

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

Other preferences (select all that apply)

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

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

1      Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

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

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

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

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

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

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

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

### **(5) Special Purpose Section 8 Assistance Programs**

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

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

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

- Through published notices  
 Other (list below)

1. In partnership with service provider who specializes in working with special purpose populations.

## **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:

1. In accordance with ceiling rent and flat rent policies submitted in the Admissions and Continued Occupancy Plan (ACOP)

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)

See Section 15.6 of ACOP:

1. During interim reexaminations, families will not be required to report any increases in income or decreases in allowable expenses.
2. Families are required to report the following changes:
  - a) A member has been added to the family through birth, or adoption or court awarded custody.
  - b) A household member is leaving or has left the family unit.
  
1. The family is not required to report a decrease in income but may at any time request an interim for a decrease in income.

- 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)
  
1. Occupancy Policy, page 52. FWHA set a flat rent for each public housing unit considering the size, type, condition, amenities, services and neighborhood of the unit.

**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)

1. Affects of deconcentration
2. Comparability study

**(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)  
See HCVP Administrative Policy

**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 2004</b>	<b>Expected Turnover</b>
Public Housing	703	177
Section 8 Vouchers	2678	400-500
Section 8 Certificates	N/A	
Section 8 Mod Rehab	N/A	
Special Purpose Section 8 Certificates/Vouchers (list individually)	125 FUP 75 Mainstreaming	5-10 5
Public Housing Drug Elimination Program (PHDEP)		
Other Federal		

Programs(list individually)		

**C. Management and Maintenance Policies**

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

- (1) Public Housing Maintenance and Management: (list below)
  - a. Admissions and Continued Occupancy Policy
  - b. Maintenance Plan
  
- (2) Section 8 Management: (list below)
  - a. Section 8 Administrative Plan

**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:

Fort Wayne Housing Authority is exempt from this section as a High Performer.

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:

1. Requirements outlined in Chapter 18 of Section 8 Administrative Plan
2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)
  - PHA main administrative office
  - Other (list below)

## **7. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

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

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

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

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

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

Select one:

The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

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

**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 IN36P00350105 FFY of Grant Approval:

Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	114,600
3	1408 Management Improvements	194,000
4	1410 Administration	114,600
5	1411 Audit	
6	1415 Liquidated Damages	
7	1430 Fees and Costs	50,000
8	1440 Site Acquisition	0
9	1450 Site Improvement	0
10	1460 Dwelling Structures	332,309
11	1465.1 Dwelling Equipment-Nonexpendable	
12	1470 Nondwelling Structures	
13	1475 Nondwelling Equipment	45,000
14	1485 Demolition	
15	1490 Replacement Reserve	
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	
18	1498 Mod Used for Development	
19	1502 Contingency	295,500
20	Amount of Annual Grant (Sum of lines 2-19)	
21	Amount of line 20 Related to LBP Activities	1,146,009
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	
24	Amount of line 20 Related to Energy Conservation Measures	

Annual Statement  
Capital Fund Program (CFP) Part II: Supporting Table

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
Operations	Public Housing supplement	1406	114,600
Management Improvements	Security	1408	124,000
	Administrative training	1408	15,000
	Maintenance training	1408	10,000
	Resident initiative program	1408	25,000
	Computer software	1408	20,000
Salaries/Benefits	Staff salaries/benefits	1410	114,600
Fees/Costs	A/E services	1430	50,000
Debt Service	Repayment of debt	1501	295,500
Non-dwelling Equipment	Vehicles replacement	1475	25,000
	Computer hardware	1475	20,000
IN003-05 Beacon Heights	Replace trash compactor	1460	20,000
	Elevator shaft replacement	1460	145,000
IN003-08 North Highlands	Reseal roof	1460	35,000
	Replace trash compactor	1460	23,714
	Replace exterior building panels	1460	50,000
IN003-10 Tall Oaks	Reseal roof	1460	35,000
	Replace trash compactor	1460	23,595

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



Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
Operations	06/30/07	06/30/09
Management	06/30/07	06/30/09
Improvements		
Salaries/Benefits	06/30/07	06/30/09
Fees/Costs	06/30/07	06/30/09
Debt	06/30/07	06/30/09
Non-dwelling	06/30/07	06/30/09
Equipment		
IN003-05	06/30/07	06/30/09
Beacon Heights		
IN003-08	06/30/07	06/30/09
North Highlands		
IN003-10	06/30/07	06/30/09
Tall Oaks		
IN003-15	06/30/07	06/30/09
River Cove		

**(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

-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)

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

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

Optional 5-Year Action Plan Tables				
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development	
IN003-04	Miami Homes			
Description of Needed Physical Improvements or Management Improvements			Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace dumpster pads			6,000	2006
Replace flooring			50,000	2007
Replace HVAC			240,000	2008
Total estimated cost over next 5 years			296,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-05	Beacon Heights		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Landscaping		15,000	2007
Exterior lighting		25,000	2007
Total estimated cost over next 5 years		40,000	

Optional 5-Year Action Plan Tables			
Development	Development Name	Number	% Vacancies

Number	(or indicate PHA wide)	Vacant Units	in Development	
IN003-06	McCormick Place			
Description of Needed Physical Improvements or Management Improvements			Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace siding			600,000	2007
Bath renovations			400,000	2008
Kitchen renovations			600,000	2009
Parking lot repairs			25,000	2007
Total estimated cost over next 5 years			1,625,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development

IN003-07	Brookmill Court		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace windows		400,000	2006
Bath renovations		200,000	2007
HVAC replacement – phase II		250,000	2008
Bath renovations		200,000	2008, 2009
Total estimated cost over next 5 years		1,050,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-08	North Highlands		

Description of Needed Physical Improvements or Management Improvements	Estimated Cost	Planned Start Date (HA Fiscal Year)
Exterior lighting	50,000	2006
Landscaping	15,000	2006
Total estimated cost over next 5 years	65,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-10	Tall Oaks		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)

Exterior lighting	50,000	2006
Landscaping	30,000	2006, 2007
Total estimated cost over next 5 years	80,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-11	Maumee Terrace		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace flooring		40,000	2006



Appliance replacement	12,800	2006
Replace DHW	6,400	2008
Landscaping	15,000	2008
HVAC replacement	80,000	2009
Total estimated cost over next 5 years	154,200	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-12	Scattered Sites		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace stoops/walks		250,000	2006
Landscaping		100,000	2006

Total estimated cost over next 5 years	350,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
IN003-15	River Cove		
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Replace flooring		12,500	2006
Parking lot repair		50,000	2006
Landscaping		50,000	2009

Total estimated cost over next 5 years	112,500	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
HA - Wide			
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Vehicle replacement		100,000	2006, 2007, 2008,
Security		526,561	2009
Administrative training		60,000	2006, 2007, 2008,
Maintenance training		40,000	2009
Resident Initiative Program		100,000	2006, 2007, 2008,

Computer software	80,000	2009
Computer hardware	80,000	2006, 2007, 2008, 2009
A/E services	200,000	2006, 2007, 2008, 2009
		2006, 2007, 2008, 2009
		2006, 2007, 2008, 2009
Total estimated cost over next 5 years	1,186,561	

## 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? FWHA will pursue a HOPE VI application if adequate and appropriate resources and partner support can be assembled including the City of Fort Wayne.

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:

Acquisition Rehab and new construction redevelopment of the Anthony Apartments using Tax Credit, CDBG, HOME and AHP funds.

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:

Miami Village Site to be used to build the Brooklyn Manor Apartments beginning Q1 2005

## **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: FWHA Administration Building and the Fire House Building
--

1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input checked="" type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: (08/15/04)
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development: Fire House – Tall Oaks; Admin Bldg – Mc McCormick ACCs <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: Q1 - 2005 b. Projected end date of activity: Q1 - 2006

**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: Explore
1b. Development (project) number:
2. Designation type:

Occupancy by only the elderly <input type="checkbox"/> Occupancy by families with disabilities <input type="checkbox"/> Occupancy by only elderly families and families with disabilities <input type="checkbox"/>
3. Application status (select one) Approved; included in the PHA's Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission:
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 0 7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

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

[24 CFR Part 903.7 9 (j)]

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

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

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

2. Activity Description

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

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

<input type="checkbox"/> Other (explain below)
3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)
4. Status of Conversion Plan (select the statement that best describes the current status) <input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one) <input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: ) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)

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

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

**11. Homeownership Programs Administered by the PHA**

[24 CFR Part 903.79 (k)]

**A. Public Housing**

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

1.  Yes  No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to



component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

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

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

**B. Section 8 Tenant Based Assistance**

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

2. Program Description:

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

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

If yes, list criteria below:

## **12. PHA Community Service and Self-sufficiency Programs**

[24 CFR Part 903.7 9 (l)]

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

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

1. Cooperative agreements:

Yes  No: Has the PHA 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? 04/30/2001

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): The TANF agency has donated office space to assist FWHA clients who are also TANF recipients to receive self-sufficiency services at the TANF Agency offices.

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

**(1) General**

a. Self-Sufficiency Policies

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

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

b. Economic and Social self-sufficiency programs

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

<b>Services and Programs</b>				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
Boys and Girls Club at McCormick Apts	60	Open to all	<i>McCormick Club</i>	<i>Public Housing</i>
Boys and Girls Club at Brookmill Apts	60	Open to all	Brookmill Club	<i>Public Housing</i>
G.A.T.E. (Growth in Agriculture Through Education) – This program designed to broaden	20	Open to all	Market at McCormick Apartments	Public Housing

participant's awareness concerning careers in Agriculture. Participants plant, harvest and sell their own produce at their outdoor market. They also explore scholarship possibilities.				
	12-15 Residents attend weekly	Open to all	Community Room at each development	Public Housing Residents and Section 8 Participants
P.L.E.A.S.E. (Pre-employment Life Skills Education and Self-Esteem) This program develops time management, interviewing, resume writing, job retention and self-esteem skills.				
	20	Open to all	Brookmill Pre-school	Public Housing
Lifeline (Brookmill, Childcare)				
Youth Guidance (Brookmill) 12 month drug avoidance program for teens	30-40	Open to all	Primetime/Bethlehem Lutheran Center	Public Housing
<b>Pending Adequate Budget Auth.</b>				

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

a. Participation Description

<b>Family Self Sufficiency (FSS) Participation</b>		
Program	Required Number of Participants (start of FY 2005 Estimate)	Actual Number of Participants (As of: 07/01/2004)
Public Housing	25	25
Section 8	346	346

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

**C. Welfare Benefit Reductions**

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

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

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

Section 432 of FY2002 VA-HUD Appropriations Act suspended implementation of community service during federal FY 2002, except for developments assisted under the HOPE VI program. The suspension has expired requiring FWHA to reinstitute the QHWRA mandated Community Service requirements.

**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)

Need to maintain security to keep FWHA crime statistics at levels that will allow our properties to compete in the Southeast Quadrant of Fort Wayne.

b. Need to continue screening the criminal history on housing applicants.

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

- Safety and security survey of residents

- Analysis of crime statistics over time for crimes committed “in and around” public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other (describe below)
  - a. Internal Incident Reporting System – Reviewed, tracked, maintained by Technical Services Director; shared with management, police and security.
  - b. Refined criteria for eviction process.
  - c. NO TRESPASS ORDER database – Reported by security, police, and managers; maintained by Technical Services Department; distributed to police security, staff and residents.
  - d. Proactive attempts and reports to prevent/arrest criminal activity, especially drug abuse in targeted units.

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

- a. McCormick
- b. Brookmill

**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)
  - a. Crime Mapping
  - b. Narcotics Anonymous meetings on site weekly at McCormick.
  - c. Quarterly meetings with service providers to improve drug prevention programs
  - d. Quarterly meetings with residents to address safety/crime/drug concerns.
  - e. Quarterly meetings with security guards to improve security measures.
  - f. Family site Pot Luck dinners to build a sense of community, trust and commitment toward crime and drug prevention.
  - g. Monthly on-site assessment of service providers’ drug prevention programs
  - h. Service providers’ Activity Report database of drug prevention activities entered/maintained/analyzed by Technical Services Coordinator.
  - i. Summer Sports Program as a team building, drug prevention activity.
  - j. Safety surveys distributed to residents to monitor and improve program

effectiveness.

k. Domestic Violence Packets given to residents experiencing battery or other domestic violence.

l. Drug prevention resources purchased/maintained/shared with service providers.

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

- a. McCormick
- b. Brookmill

### 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)

- a. Off-Duty Police Officers provide additional protection and prompt response to criminal activity on Public Housing Sites
- b. Availability of police reports and criminal activity involvement of applicants, residents and visitors to public housing sites.
- c. Advise police of suspicious activity and unwanted persons, especially those with warrants.
- d. Send NO TRESPASS lists and vacancy lists regularly to police and security patrol.

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

- a. McCormick
- b. Brookmill

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

PHAs eligible for FY 2005 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 2005 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)]

SEE ACOP

#### **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)

Maintain and update FWHA Information Technology systems to meet HUD technology and efficient property and program management requirements.

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 (Attachment F)
  - 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: Changes incorporated in Agency Plan
  - Other: (list below)

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

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

The following needs are identified in Part 6, Housing Needs of the Consolidated Plan:

- a. Housing Affordability: The public and private sectors must work together to insure that fair, safe and sanitary housing, whether old or new is affordable for all residents
- b. Rental Conversions: The public and private sectors must work together to decrease the number of livable single-family units that are converted to multi family use in Fort Wayne
- c. Condition of Rental Properties: The public and private sectors must work together to insure that existing rental properties are safe, decent

- and affordable to all
- d. Housing Creation: The public and private sectors must work together to create decent and affordable housing, whether old or new, in all areas of Fort Wayne
- e. Resident Integration: The public and private sectors must work together to discourage segregation and to insure equal housing opportunities throughout the city for all populations
- f. Code Enforcement: When necessary, the public and private sector must work together to address unsafe and unsanitary conditions in a fair, timely and efficient manner

1. FWHA is pursuing city and community partnerships to address our jurisdiction’s affordable housing needs. While we cannot ourselves meet the entire need identified here, in accordance with our goals included in this plan, we are trying to address some of the identified needs by using appropriate resources to maintain and preserve our existing stock. When appropriate and feasible, we will apply for additional grants and loans from Federal, state and local sources, including private sources to help add to the affordable housing available in our community. We intend to work with local partner to try to meet these identified needs.

Other: (list below)

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

The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments:

- a. Partnership to revitalize central areas of the City with rehabilitation of existing housing, development of new affordable housing and opportunities for homeownership
- b. Comprehensive Housing Counseling Programs, including pre-purchase counseling, foreclosure prevention and reverse mortgages for the elderly/disabled

**D. Other Information Required by HUD**

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

**Definition of Substantial Deviation and Significant Amendment or Modification: Definition**

A change that constitutes a material change in policy or implementation may constitute a substantial deviation and/or a significant amendment or modification, unless such change is the resulting factor of a HUD regulatory change.

## Attachment A

### FWHA Statement of Progress in Meeting the 5-Year Plan Mission and Goals During 2004

The following table reflects the progress we have made in achieving our goals and objectives:

<b>Goal One: The Fort Wayne Housing Authority shall maintain its status as a high performing housing authority under PHAS and achieve it under SEMAP.</b>	
Objective	Progress
Educate the staff on the requirements of PHAS and SEMAP.	This has been done by a series of sessions at staff meetings and by off-site training.
Adopt operational policies and procedures necessary to achieve the goal.	Our policies and procedures manuals are being developed. TCD Q4-2005
Incorporate PHAS and SEMAP standards into employee performance evaluations.	In progress to the degree allowed.
Provide the media with at least 4 positive stories about PHA a year and have a PHA leader speak to at least 2 public groups each year.	Accomplished.

<b>Goal Two: The Fort Wayne Housing Authority shall improve its collaborations with its community agency partners in order to assist our residents and those in need of housing assistance.</b>	
Objective	Progress
Increase the usage of interagency meetings and roundtables with our partners.	Done.
Streamline the process our partners need to utilize to effectively work with PHA.	Creating the Point of Contact directory for Section 8 program.
Create a PHA agency "point of contact" to provide better service and a more timely response to our partners and the people we service.	In progress, TCD Q1, 2005
With the help of our agency partners, the FWHA will streamline the process it uses to house people.	Hired additional processing people and revised the application process and forms.

<b>Goal Three: Provide 200 additional affordable housing opportunities for the people we serve.</b>	
Objective	Progress
Investigate every possible HUD funding opportunity and apply for funding that is appropriate.	We applied. We are constantly searching for additional opportunities.
Encourage development partners and mixed financing opportunities.	We have assisted other development activities and we have established a joint venture partnership with Keller Development for this purpose.
Work with city government to create more affordable rental housing.	We continue to work very closely with the City especially as it relates to the City Comprehensive Plan and the Housing Strategy.
Goal: Expand the supply of assisted housing	FWHA made progress toward the above stated goal by: <ul style="list-style-type: none"> <li>✓ High Performing Agency with progressively improving scores for the last 5 years.</li> <li>✓ Secured Tax Credits to develop 52 new affordable, senior-housing units.</li> <li>✓ Applied for and received 92 enhanced housing</li> </ul>

	<ul style="list-style-type: none"> <li>✓ vouchers</li> <li>✓ Acquired 212 unit tax credit turn-around property; project based Section 8 assistance to help stabilize property.</li> </ul>
Goal: Improve the quality of assisted housing	<ul style="list-style-type: none"> <li>✓ Used CFP Housing Revenue Bonds accelerated 10 year capital improvement plans</li> <li>✓ Used CFP funds to reduce the incident of crime and crime related activities on all properties to levels below city wide averages.</li> <li>✓ Provided HCV landlords information regarding program usage, HQS and compliance.</li> <li>✓ Analyzed agency business software needs and prepared high quality RFP to replace inefficient, non-interactive existing system</li> <li>✓ Renovated family properties adding curb appeal program. Improve the quality of assisted housing appeal by adding site improvements, such as air conditioning, windows, doors and siding.</li> <li>✓ Provided RIM training to staff to improve rental management integrity.</li> </ul>
Goal: Increase assisted housing choices	<ul style="list-style-type: none"> <li>✓ Conducted study of location of vouchers in the jurisdiction by City quadrants and census tracts to assist in deconcentration efforts.</li> <li>✓ Participated in Senior Housing Fair, Joined City Housing "Cabinet" to expand housing choices under the City Housing Strategy</li> <li>✓ Under homeownership program, placed 8 loans for program participants</li> </ul>
<b>Goal: Improve community quality of life and economic vitality</b>	FWHA made progress toward the above stated goal by: <ul style="list-style-type: none"> <li>✓ Using CFP funded Community Policing and CPTED principles, reduce FWHA property crime levels below community-wide rates.</li> <li>✓ FWHA continues to explore the designated development option in the new 5 year plan</li> </ul>
<b>Goal: Promote self-sufficiency and asset development of families and individuals</b>	FWHA made progress toward the above stated goal by: <ul style="list-style-type: none"> <li>✓ Resident Services Department PLEASE Program</li> <li>✓ Public Housing Self-Sufficiency Program</li> <li>✓ Housing Choice Voucher Family Self-Sufficiency Program</li> <li>✓ Economic Self Sufficiency Program</li> </ul>
<b>Goal: Ensure Equal Opportunity in Housing for all Americans</b>	FWHA made progress toward the above stated goal by: <ul style="list-style-type: none"> <li>✓ Staff trained in Fair Housing principles included all departments</li> <li>✓ Reviewed and updated the use of the Fair Housing logo on print materials</li> <li>✓ Outreach marketing to families less likely to apply to program: Hispanic Community Center.</li> </ul>
<b>Increase Home Ownership by 4 units in 2004</b>	<b>Section 8 Homeownership</b> Our 2005 goal is to increase our homeownership program to a minimum of 5 homes sold per year with an upward target of 10. FWHA has

	established a maximum program size of 100.
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## Attachment B

### Deconcentration and Income Mixing

#### **RESOLUTION 2002-13**

#### **Resolution Exempting the Housing Authority of the City of Fort Wayne from the Deconcentration Provisions Affecting the FWHA Agency Plan**

**WHEREAS**, the Housing Authority of the City of Fort Wayne Indiana operates a Public Housing Authority established in 1938 and funded by the U.S. Department of Housing and Urban Development, and

**WHEREAS**, HUD published a proposed amendment to the definition of "Established Income Range" in the Final Rule at (24 CFR 903) in the Federal Register on August 15, 2001; and

**WHEREAS**, that amendment eliminates the need for PHAs to move lower income families into developments with average income that is already at or below 30% of area median income; and

**WHEREAS**, the Housing Authority of the City of Fort Wayne, Indiana has conducted an analysis of the average incomes of all of its general occupancy (family) public housing developments with 100 or more units and determined that the average income is at or below 30% of area median income; and

**WHEREAS**, income mixing would not promote deconcentration of poverty in any Fort Wayne Housing Authority covered development; and

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Fort Wayne Housing Authority hereby approves the Exemption to the Deconcentration Rule affecting the Fort Wayne Housing Authority Agency Plan.



## Attachment C

### Fort Wayne Housing Authority Implementation of Community Service Requirements

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) adult public housing residents (18 – 62) contribute 8 hours per month of community service (volunteer work) or participate in 8 hours per month of economic self sufficiency activity, defined to include education, training, counseling, classes or some other activities that help an individual toward self-sufficiency and economic independence. A combination of community service and self-sufficiency program participation totaling 8 hours per month is allowed.[ 24 CFR 960.601]. This requirement will also be a part of the residential lease signed with all public housing residents of the Fort Wayne Housing Authority (“FWHA”).

The FWHA requires public housing residents to verify compliance annually with their development manager, at least thirty (30) days before the expiration of the lease term. Self-certification by residents is not acceptable; third party verification must be provided by the entity with which the resident is performing the community service or training.

All current residents were given notice as to their status and the steps necessary to meet the Community Service Requirements. At move in, new tenants go over the Community Service program with the Leasing Specialist. We developed a written Community Service policy and have a standing Cooperative Agreement with the local TANF office.

**Options for Community Service** - volunteer service that includes, but is not limited to:

- Unpaid service at a local community institution such as a school, church (other than religious activities), hospital, clinic, recreation center, senior center, service organization, homeless shelter, hospice, meals program, public nursing home, disability advocacy organization, adult day care center, or child care center;
- Unpaid service with youth or senior organizations, including Boy and Girl Scouts, Boys and Girls Clubs, Lifeline Youth and Family Services, The Fair Group Counseling Services, Meals on Wheels, etc;
- Unpaid service at FWHA to help improve physical conditions including building clean-ups, neighborhood clean-ups, gardening, and non-paid time spent on caretaker duties; \*
- Unpaid service at FWHA with children's programs or youth sporting events \*
- Service at FWHA to help with senior programs; \*
- Helping neighborhood groups with special projects;
- Working with the Resident Councils, The Resident Advisory Board, Housing Residential Presidents, Inc.;
- Assisting in a literacy, self esteem program, or before or after school youth program;
- Assisting in alcohol and drug prevention programs;
- Other volunteer service with non-profits, for example, 501(c) 3 organizations



- providing community service programs; and
- Any other “community service,” which includes 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.” **24 C.F.R. §960.601(b).**

Noncompliance with the community service and self-sufficiency requirement is a lease violation and is grounds for non-renewal of the lease at the end of a 12-month lease term, but not for termination of tenancy during the course of the 12-month term. The non-renewal of the lease will result in the issuance of a 30-day notice to vacate. Upon the issuance of the notice, the FWHA will move to evict the non-compliant household.

A. A grievable offense as defined by the FWHA Grievance Procedures is any determination that:

- (1) Adversely affects a Resident’s rights, duties, welfare or status and
- (2) Results from FWHA action or failure to act in accordance with the Lease, or FWHA policies and procedures.

B. In the case of a proposed adverse action other than a proposed Lease termination, the FWHA shall not take the proposed action until the time for the Resident to request a grievance hearing has expired, and if a hearing was timely requested by the Resident, the grievance process has been completed.

C. Residents shall file their grievance either orally or in writing with the Management Office.

If a tenant is not in compliance after the first year, they have a one year cure period. During the cure period they must complete any Community Service hours from the first year and

The FWHA must include information and compliance with the community service/ economic self-sufficiency program with the submission of the Agency Plan to HUD (24 CFR 903.7). In addition, the reporting on each public housing resident's status is included in the submission of HUD form 50058. The status is completed during the annual recertification process.

## **Attachment D**

### **Description of Pet Policy**

The purpose of this policy is to establish the PHA's policy and procedures for ownership of pets in elderly and disabled units and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

#### **ANIMALS THAT ASSIST PERSONS WITH DISABILITIES**

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist persons with disabilities.

Pet rules will not be applied to animals that assist persons with disabilities.

To be excluded from the pet policy, the resident/pet owner must certify:

- That there is a person with disabilities in the household;
- That the animal has been trained to assist with the specified disability

#### **MANAGEMENT APPROVAL OF PETS**

All pets must be approved in advance by the PHA management.

The pet owner must submit and enter into a Pet Agreement with the PHA.

#### **Registration of Pets**

Pets must be registered with the PHA before they are brought onto the premises.

Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, and that the pet has no communicable disease(s) and is pest-free.

Registration must be renewed and will be coordinated with the annual recertification date and proof of license and inoculation will be submitted at least 30 days prior to annual reexamination.

Dogs and cats must be spayed or neutered.

Execution of a Pet Agreement with the PHA stating that the tenant acknowledges complete responsibility for the care and cleaning of the pet will be required.

Registration must be renewed and will be coordinated with the annual recertification date. Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

### Refusal To Register Pets

The PHA may not refuse to register a pet based on the determination that the pet owner is financially unable to care for the pet. If the PHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

The PHA will refuse to register a pet if:

- The pet is not a *common household pet* as defined in this policy;
- Keeping the pet would violate any House Pet Rules;
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually; or,
- The PHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

The notice of refusal may be combined with a notice of a pet violation.

A resident who cares for another resident's pet must notify the PHA and agree to abide by all of the pet rules in writing.

### STANDARDS FOR PETS

If an approved pet gives birth to a litter, the resident must remove all pets from the premises except one.

Pet rules will not be applied to animals that assist persons with disabilities.

### Persons With Disabilities

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist persons with disabilities.

To be excluded from the pet policy, the resident/pet owner must certify:

- \* That there is a person with disabilities in the household;
- \* That the animal has been trained to assist with the specified disability; and
- \* That the animal actually assists the person with the disability.

## Attachment E

### Announcement of the Membership of the Resident Advisory Board

#### **FWHA Resident Advisory Board Members 2004/2005**

Mary Huffman	Tall Oaks
Desira Kearnes	Tall Oaks
Constance Causey	Scattered Sites
Shelia Bure	Scattered Sites
Lottie Williams	McCormick
Elizabeth Clark	Maumee Terrace
Ruth McCombs	North Highlands
Joan Phillips	River Cove
Tania Martin	River Cove
Sharon Gamble	Section 8

## Attachment F

### Resident Advisory Board Recommendations

**Resident Advisory Board Meeting**  
Fort Wayne Housing Authority  
October 19, 2004

<b>Attending:</b>	<b>Mary Huffman</b>	<b>Jack Howell</b>
	<b>Ruth E. McCombs</b>	<b>Carolyn Klima</b>
	<b>Joani Phillips</b>	<b>Sharon Gamble</b>
	<b>Tania Martin</b>	<b>Kolleen Scott</b>
	<b>Charlotte Johnson</b>	<b>Paula Garretson</b>
	<b>Betty Anderson</b>	<b>Constance Causey</b>
	<b>Shelia Bure</b>	

Ms. Johnson opened the meeting. Introductions were made. The minutes from the July Resident Advisory Board Meeting were reviewed.

Updates on items that were covered in the last RAB meeting were given. Computer RFP – will be going out by the first of November. Hopefully this will result in new computer software by the middle of next year. Upfront verification – is a system developed to help catch fraudulent reporting. It will also make our process more streamline for meeting our obligations to verify information.

Miami Village Site Redevelopment- this previous public housing site was demolished and the land traded to the Brooklyn Medical Associates in exchange for land the Brooklyn Medical Associates are currently on. The Housing Authority is developing a new low-income senior site on that property. In the spring ground breaking should take place for the Brooklyn Manor Apartments. We also have a small parcel of land on this site which may be developed at some later date.

The waiting list for Public Housing, Housing Choice Voucher Program and Project Based Waiting list are now closed. There are approximately 5900 unique individuals on a waiting list. The Housing Authority will be undertaking a purging of the waiting list. This purging process will hopefully be completed by the end of January 2005.

The funding for the Public Housing Family Self Sufficiency programs has been cut. The Housing Authority has applied for grants to fund this position. However, since the funding for this position ran out in June, we have had to lay off the PH self-sufficiency coordinator and wait for word on the two grants for which we have applied. Funding is being changed and going to more of a brick and mortar basis and eliminating service positions.

Community Service is required by HUD for those residents of Public Housing who are not disabled, elderly, students, etc. Those residents who are not given an exemption must

complete eight hours of community service a month. If community services requirements are not met, residents can be evicted. The concept that the head of household who is working or otherwise exempt from the community service could be evicted if an adult member of the household who is not exempt and does not complete their community service was raised. The Housing Authority will look closer at this type of circumstance and possibly address it in the ACOP Plan.

Pre and Post occupancy screening is going to be looked at. Many times, individuals who rise to the top of the waiting list are truly not ready to be leased up. They may indicate that the items necessary to lease up have been completed but, when lease signing time comes they are truly not ready to sign the lease. The concept of pre occupancy screening is that an individual will work with those on the waiting list to prepare a ready pool so as they reach the top of the waiting list they are fully prepared to sign a lease for Public Housing. The point was raised that every applicant should be treated with dignity and respect. Those who ask questions and do not understand everything should not be looked down upon.

The Fort Wayne Housing Authority has been recognized by HUD for Outstanding Performance in the provision of First-Time Homeownership opportunities for low income families and Individuals in the City of Fort Wayne, Indiana.

Project Based Public Housing will become a way of managing our public housing sites. This is a new HUD requirement.

The Fort Wayne Housing Authority held our annual retreat planning session at the end of September. This year we have to develop a new 5 year plan as well as an annual plan. As part of that process we need input on the new plan from the Resident Advisory Board. In the last meeting we covered through page 30 of the 5 year plan.

#### 5 year Plan

Page 31, Section 9, Question 1 – No At this time we are not designating any of our Public Housing sites as elderly only

Page 37, Section 12, Item B Service and Programs- updates – G.A.T.E. needs to come out, Lifeline after school program at Brookmill needs to come out, P.L.E.A.S.E. needs to come out. We may be able to add Girl Scouts at Rivercove.

Page 38 Family Self Sufficiency programs – we need to look at b. Currently we do not have anyone in Public Housing Self Sufficiency.

Page 40 PHA Safety and Crime Prevention measures. Section B letter L – remove domestic violence packets. G- Is blank and letter I needs removed.

Feedback, comments, and input on the 5 year and annual plan should be brought to the attention of the Fort Wayne Housing Authority. Comments can be sent through Mary Huffman or by mail to the attention of Paula Garretson. Ms. Johnson encouraged the Resident Advisory Board to review and bring forth information to the Housing Authority.

The date for the next Resident Advisory Board Meeting was set for January 18, 2005.

**Resident Advisory Board Meeting  
Fort Wayne Housing Authority  
December 21, 2004**

**Attending:**    **Charlotte Johnson**  
                  **Mary Huffman**  
                  **Kolleen Scott**  
                  **Carolyn Klima**  
                  **Jack Howell**

**Desira Kearnes**  
                  **Paula Garretson**  
                  **Maynard Scales**  
                  **Bing Bowley**

The Resident Advisory Board Meeting was convened at 10:10 a.m.

Mr. Scales updated the Resident Advisory Board on current financial constraints and concerns that will affect Public Housing and Section 8. With the cuts that have occurred and are continuing, the Housing Authorities will have to look at other avenues to supplement our revenue base. One of those is entrepreneurial efforts. The Fort Wayne Housing Authority has already begun to expand in that area.

Our first expansion was to take over the management of the Cottages at McMillen Park. Secondly, we have developed and will manage the Brooklyn Manor Apartments project. The management fee will be a new source of revenue in the future.

Public Housing funding cuts will not affect our services. Someone will still be here to answer the phone and respond to maintenance issues when they occur. Although the Housing Family Self Sufficiency coordinator was not funded, FWHA has applied for grants to fund this position but no response to those grants has been received to date.

Cuts in the Section 8 program will affect the program dramatically. Funding has been changed to a set dollar amount, as opposed to being based on the number of vouchers utilized. This means either fewer clients served or reducing the level of subsidy per participant.

The Board passed Resolution 2004-33 approving a non-substantial amendment to the Housing Choice Voucher Transfer Policy. Because of the financial hardship that is being placed on the Housing Authority by the recent cuts, this change will allow us to save some funding. When a client transfers from Fort Wayne to a higher cost of housing area, we have to pay the increased HAP. Currently we do not have adequate funding to allow "ports" in these cases and they are being suspended indefinitely. The resolution suspends all transfers until the amount of contribution we are receiving from HUD matches our expenses for the HAP contracts. This does not preclude emergency transfers for substandard Housing Quality Standards requirements.

The Board also passed Resolution 2004-34 approving a non-substantial amendment to the Housing Choice Voucher Program Interim Re-certification Policy. The volume of the interim changes has caused a tremendous load on our staff. This has contributed to our falling behind in our annual re-certifications. However, interims will be allowed for loss of income. If the income level increases FWHA will accept the information and make



change at the next annual. If the individual is close to their annual review time, we will proceed with doing their annual review. This change will allow our staff to concentrate their efforts on catching up with the re-certification and other job priorities.

There are other changes out for Public Comment. These are substantial changes to the Section 8 Program. The purpose of these changes is to respond to funding cuts. One substantial change would be to implement a minimum rent for Section 8 tenants of \$50. There will be a hardship exemption available. Another change would be to raise the percentage of income that a client pays in rent from 30% to 40% of adjusted monthly income. The landlords will be effected also, eliminating the ability to receive 110% of fair market rent value for their property and lower that to 100%.

Previously FWHA allowed the 110% of fair market rent to help in the de-concentration efforts. Since HUD has reduced the funding, our ability to pay the additional funds required for this has been eliminated.

There were no comments by the Resident Advisory Board on the 5-Year and Annual Plan.

**Resident Advisory Board Meeting  
Fort Wayne Housing Authority  
April 20, 2004**

**Attending:**    **Mary Huffman, H.R.P.I.**    **Lucy Rice, Tall Oaks**  
                  **Desira Kernes, Tall Oaks**    **Constance Causey, Scattered Sites**  
                  **Jack Howell, FWHA**            **Shelia Bure, Scattered Sites**  
                  **Bing Bowley, FWHA**            **Maynard Scales, FWHA**  
                  **Paula Garretson, FWHA**

Maynard Scales, Executive Director, opened the meeting by providing the RAB members a copy of the Agency plan. Mr. Scales reviewed how each year the commissioners, resident representatives and executive staff get together to revise and update each year's annual plan for the next year. Each year, the Fort Wayne Housing Authority is seeks the input of our residents for the annual and 5-year agency plans.

Mr. Bowley, Facilities Management Director, updated the Resident Advisory Board on current Capital Fund Program items. The Agency was able to borrow ahead for some of its capital fund needs using CFP Revenue Bonds. Examples of projects in the CFP work plan are the replacement of furnaces and addition of air conditioners at Brookmill Court and McCormick Place Apartments. Mr. Bowley proudly announced that the work at Brookmill was complete and that by the June 1 the work at McCormick should also be complete.

Other projects include the possible renovation of the fire station as an office building and learning center including the HTVN Center. The building is standing vacant and could become the target for vandals. Architectural conceptual drawings are ready for review for all stakeholders. Some offices are expected to be located in this building. The HTVN center will also be relocated to this facility. Assuming appropriate approvals and construction details can be completed, work should commence before the end of the year. Mr. Vince Meyer, manager of Anthony Apartments, and Resident Services staff will likely move to this location. The current office at Anthony Apartments will be converted back to an apartment to generate additional income for that complex. There will be room for a total of six staff at this facility. The final decision on occupancy has not been finalized.

Renovations of bathrooms and kitchens at Tall Oaks and North Highlands are another CFP work plan item. North Highland residents met to discuss the renovations with a favorable response. However, there was a wide difference on some details such as types of sinks, faucets, etc. Mr. Bowley said they would take a poll on what the residents preferred and use the majority vote as the means to decide these types of choices.

Construction on the bathrooms and kitchens is expected to start in later in 2004. Residents were assured that every attempt to make these renovations with the least amount of interruption possible to the occupants. The idea is to do the entire renovation of each apartment in one day. Bathroom renovations will depend on each site. Replacement of vanity, sink, towel bar, light bar, toilet, etc. is planned for the bathrooms. In the kitchens, cabinets, counters, sinks, and faucets will also be replaced. The type of

sinks will be another issue that will be discussed with the tenants. The bids for these items, as well as, the scattered sites will be done at the same time to, hopefully, generate significant cost savings.

There was some discussion regarding handicap tubs verses walk in showers. The walk in showers would not be feasible because the entire bathroom would have to be reconfigured. The type of handicap tubs that would be installed would be evaluated on a case-by-case basis.

The Fort Wayne Housing Authority is looking at trying to acquire land to enlarge the parking lot at Tall Oaks. Resident parking is inadequate within our current property limits. Negotiations with the neighboring property owner will be pursued. The FWHA will be polling the tenants to identify the vehicles on the property that are owned by tenants. Those that are not owned by tenants will be ticketed and towed if not taken care of.

Next, the City of Fort Wayne Consolidated Plan and Housing Strategy were reviewed to make sure the FWHA plans were in compliance. It was particularly noted that in order for our community's housing needs to be adequately addressed the business community, the housing development community and local government must work together.

A primary strategy of the City's plan is to "Support and encourage community development agencies and implement the Housing Strategy which will increase housing opportunities for very low income individuals. Mr. Scales pointed out that very low income is 30% of the areas median income.

The Fort Wayne Housing Authority will use its non-profit development arm, Housing Opportunities Program, (HOP) to develop a senior, tax credit rental complex at the corner of Bluffton Road and Brooklyn Avenue.

Ms. Bure (PH resident) raised concerns that some of individuals these programs are designed to help are disenfranchised. She states that the policy makers are not taking into consideration the population and many are denied assistance from us because of their backgrounds. They try finding work and jumping through all kinds of hoops including taking classes, going through programs, etc. Yet, they are still denied for the programs because of poor credit, past drug charges, domestic battery, etc.

Housing strategy states "Support and develop agencies and programming which will increase housing opportunities for all low income residents regardless of family size and age." The Fort Wayne Housing Authority should adopt the major tenets in the City Housing Strategy to be used in our five-year plan. It is a federal requirement that our plan be consistent with the city plan.

Mr. Scales then led the Resident Advisory Board through a review of the notes made at the annual retreat in 2003. A copy of these retreat notes is attached. This was for informational, updating and educational purposes. Retreat comment number nine,

develop an agency wide newsletter, we hope to have accomplished this year. On number twelve, implement a work out plan for McMillen Park Apartments, is in place and coming along. The FWHA did take over management of the property on January 2003 with 88 units occupied. We now have 143 units rented.

Number fifteen; the Duemling Clinic is going to go by the way side. Sixteen, providing pre and post occupancy training, may address some of the issues that Ms. Bure had raised earlier. If we can find some grants or other resources to finance this project we could move it forward.

Mr. Scales passed out "Annual Plan Highlights for FY 2004/2005." This included three main items: Things that affect current FWHA residents, Things that affect future FWHA residents, and Activities to create more housing and community facilities. Each of these items was reviewed. A copy is attached.

There was some discussion regarding the waiting list process for Section 8. Why does the Fort Wayne Housing Authority not release the individual's position on the waiting list? The consensus was that the waiting list is a moving target. Because of the preference point system, someone who applies today could move to the top of the list and be ahead of others who may have been on the list for years. Giving out the number they are on the waiting list also does not mean anything because it is subject to constant change. There is no time frame associated with the number someone is on the waiting list. Mr. Scales will talk to Ms. Anderson to see if there is an appropriate response we can give the prospective tenants when they are inquiring about their location on the list.

The special vouchers for Family Reunification and Mainstream were discussed. We currently have no additional vouchers available for either program. The Family Reunification program reunites families that are separated only because they have no place to live. By issuing a special voucher to the family they can find shelter and reunite the children with the parents. The Mainstream program enables disabled individuals to receive vouchers ahead of the normal waiting list and find a Section 8 residence to supply their housing needs.

For the next RAB meeting, Mr. Scales introduced the current FWHA Annual Plan. He asked the Resident Advisory Board to review the materials that were presented and discussed. Mr. Scales asked that the group mark up their copies with comments and present them back to him. Mr. Scales asked that the comments and reviews be back within two or three weeks. The next RAB meeting will be on July 20<sup>th</sup> at the FWHA briefing room. There will also be a meeting on October 19, 2004.

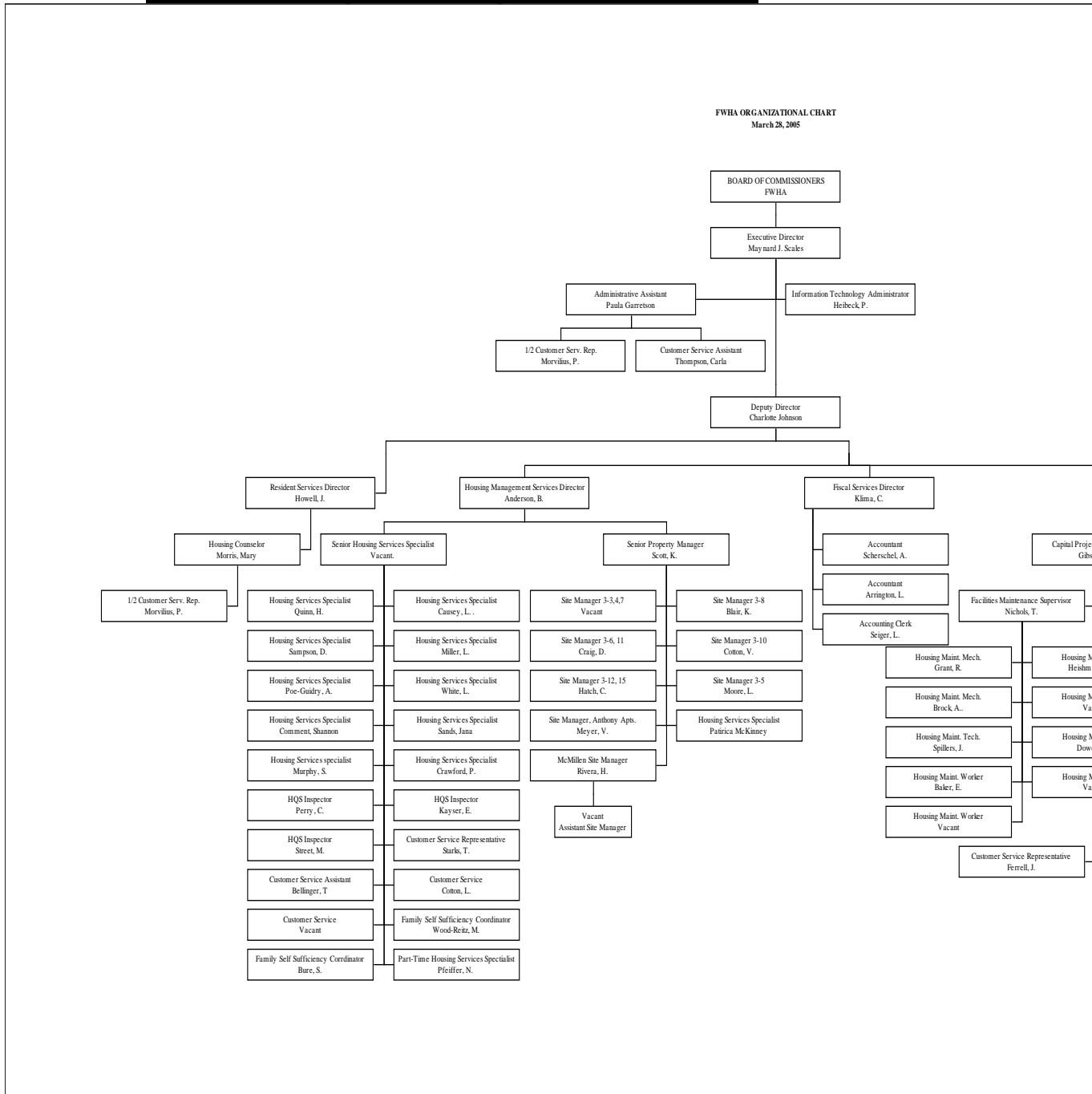
## Attachment G

### Resident Membership of the PHA Governing Board

Name: Constance Causey  
Method of Selection: Appointed by Mayor to a four year term with  
carry-over at expiration of term until such time  
as a replacement is named (per by-laws)  
Term: March 2000 to February 2004 (still serving as no  
replacement has been named)

# Attachment H

## **FWHA Management Organizational Chart**





**SECTION 8 HOMEOWNERSHIP PROGRAM  
ADMINISTRATIVE PLAN  
(REVISED December 2004)**

The intent of the Plan is to develop specific local homeownership policies within program regulations designed to allow Section 8 program participants to become homeowners, while including adequate safeguards to protect program integrity, the Fort Wayne Housing Authority and program participants.

Prior to providing details of the Administrative Plan, the FWHA feels it is important to note that it has been operating an on going Homeownership Program since 2000. The Program is open to primarily to Section 8 program participants, but other FWHA clients are eligible. In terms of program requirements, the FWHA's Homeownership Program is very similar to the Homeownership Option for Section 8 program participants currently in effect. The Administrative Plan has been developed in compliance with all known HUD regulations and with knowledge gained from past experiences derived from the FWHA's on going Homeownership Program.

**1. HUD REQUIREMENTS**

Program participants will be selected from the current base of Section 8 participants. Initially the Program size will be limited to not more than 50 families. The Authority will choose candidates for the Program based on the length of time of participation in the Section 8 Rental Assistance Program. **Additionally, a preference for current participants of the Family Self Sufficiency Program will be granted.** All participants must meet the following minimum requirements as mandated by HUD.

2. Must be a first time homeowner as defined by HUD. Specifically, applicants cannot have owned a home within the past three years.
3. Both the family and the adult members who will own the home must be able to document a minimum annual income (excluding welfare) of \$10,300.
4. One or more adult family members must be able to document that he or she has been continually employed (at least 30 hours per week) during the prior year. An interruption of 4 weeks or less is not considered a break in continuity. Considerations will be given for longer breaks in employment **IF** the adult family members were working an average of 20 hours per week and attending school or job training for 10 hours a week or more. Exemptions shall be granted to elderly and disabled participants.
5. Must complete a **HUD certified** homeownership counseling program provided free through the FWHA.
6. Must not have defaulted previously on Section 8 Homeownership Assistance and otherwise be in good standing with FWHA program requirements and standards.
7. Program participant(s) must determine and document whether or not the unit is located in an airport runway clear zone or an airfield clear zone.



8. Program participants must determine and document whether or not the unit is located in a flood hazard area. Units in flood hazard areas must retain flood insurance.

## 2. FWHA BRIEFINGS and HOMEOWNERSHIP COUNSELING

While the FWHA realizes that not all Section 8 tenants are ready, willing and able to purchase a home, it plans to notify all current Section 8 program participants in writing, of the newly enacted Homeownership Option and provide a brief description of the program and its possible benefits.

If a tenant responds to the initial letter, the tenant will be mailed an application for entry into the Homeownership Option Program. Once the application has been completed and returned, the FWHA will order and pay for a credit report in the name(s) of the applicant(s), perform an employment verification for all applicant(s), conduct other pre-screening check such as criminal background checks and determine the applicant's ability to qualify for financing and the amount of said financing. At this point, an individual briefing session will be scheduled.

At the FWHA briefing session, the applicant(s) and at least **one** FWHA staff person currently involved with the Authority's ongoing Homeownership Program will be in attendance. The FWHA will provide the program participant(s) with information regarding geographic choice, portability and benefits of purchasing in low poverty areas. Additionally the participant's application, including their verified employment history and their current credit report, will be discussed and a determination of participant readiness to purchase will be made.

Having an active ongoing Homeownership Program, FWHA staff has worked closely with local banks and are familiar with qualifying ratios and bank formulas used for evaluating home loan applications. Using income information supplied and verified by the applicant(s) employer and credit information taken from the applicant(s) credit report, FWHA staff will determine if the applicant(s) income, credit history and current monthly installment debt are such that said applicant(s) is likely to qualify for a home loan and, if so, the approximate amount of the loan.

Assuming the applicant(s) is likely to qualify for a home loan in an amount sufficient to purchase a suitable home, the FWHA will proceed to enroll the applicant in FWHA Housing Counseling Program **or any other HUD certified and** approved homebuyer counseling program. Administered by FWHA, Pre-purchase homeownership counseling consists of three, two-hour counseling sessions. Qualified professionals in the field of housing and related issues teach instructional classes.

Homebuyer counseling will include the following elements:

1. Home maintenance
2. Budgeting and money management

3. Credit Counseling
4. Negotiate purchase price
5. Financing
6. Home search
7. Advantages of purchasing in areas that do not have high concentrations of low income families
8. Information regarding fair housing
9. Information relative to settlement procedures, truth in lending laws and loan terms

The FWHA will strongly consider local circumstances and the needs of individual families when providing briefing and counseling. The FWHA plans to require that program participants enroll in and complete post purchase counseling for a period of at least one year determined by the housing counselor. The one-year local requirement may be extended at the discretion of the FWHA.

## **1. SEARCH TIME / OPTIONS FOR HOUSEHOLDS UNABLE TO BUY**

The FWHA has chosen not to establish a minimum/maximum search time for program participants to select and purchase a home. However, the FWHA will require program participants to provide periodic reports regarding the home search process.

## **2. UNIT ELIGIBILITY / INSPECTION REQUIREMENTS**

In terms of unit eligibility, the FWHA is required to enforce specific unit eligibility standards. One such standard is the type of unit a program participant may purchase. Under program guidelines, participants are restricted to purchasing existing or new single-family homes, condominiums and cooperatives units. The purchase of multi unit structures, including two family dwellings, is **prohibited**.

In terms of unit inspections, the Homeownership Option requires two pre-purchase inspections. One will be performed by a qualified FWHA employee, while the second inspection is to be performed by a privately employed qualified professional Home Inspector. There will be no fee associated with the FWHA inspection. However, the program participant must pay for the cost of the inspection done by a professional Home Inspector. The FWHA will review the inspection performed by the professional Home Inspector and determine if the dwelling is suitable for purchase and eligible for sale to a program participant. The FWHA may disapprove a unit based on information provided in either Inspection Report.

The Fort Wayne Housing Authority plans to utilize the same procedure for unit inspection as it now uses for Section 8 rental units. Currently, the FWHA has qualified staff persons designated to perform unit inspections prior to occupancy. The inspection conducted by the Authority will be used to determine compliance with Housing Quality Standards as revised by the FWHA from time to time.

When a Section 8 unit is ready for inspection, the FWHA inspector will gain access to the unit by coordinating with the property owner. The FWHA inspector then conducts a thorough room-by-room inspection of the premises, including the basement and any and all mechanical systems, all common areas and the exterior. The inspection results are written on the FWHA standard unit inspection form and maintained on file. The unit must meet the inspection criteria of local Housing Quality Standards (revised) in order to qualify for the Homeownership Program.

If the unit fails the inspection, the owner of the property will be required to make needed repairs in order to bring the unit into compliance with local FWHA Housing Quality Standards.

As part of its existing homebuyer program, the FWHA requires a home inspection by a qualified home inspector. In an effort to provide the potential Section 8 buyers with a choice of qualified home inspectors, the FWHA has developed a list of qualified home inspectors in the Greater-Fort Wayne area. Each applicant will be given a copy of the list and the potential homebuyer(s) may select whomever they want. It should also be mentioned that prior to placing a home inspector's name on the list, the FWHA requires said home inspector provide the FWHA with their qualifications.

If the applicant wishes to utilize a home inspector who is not on the list the FWHA will permit the applicant to do so. However, the FWHA will require that the selected home inspector provide the FWHA and the applicant with qualifications that are acceptable to the FWHA.

### **3. CONTRACT OF SALE / BUYER PROTECTION**

In terms of the contract for sale, the FWHA plans to utilize the same contract for sale as approved by the Indiana Law and the local Board of Realtors.

The contract for sale will contain an additional list of provisions including the following:

1. The price and other terms of sale.
2. The purchaser will arrange for a pre-purchase inspection to be performed by an independent inspector selected and paid for by the purchaser.
3. The purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser and the FWHA.
4. The purchaser is not obligated to pay for any repairs.
5. The seller certifies that he or she has not been debarred, suspended, or subject to a limited denial of participation under part 24 of this title.

### **1. FINANCING**

The FWHA plans to utilize a variety of financing products, including the same financing program as is currently in effect as part of the Authority's on going Homeownership

A Sample financing package is as follows:

- 1. First mortgage – 75% of purchase price**
- 2. Second mortgage - 20% of purchase price**
- 3. Third mortgage – (only if public subsidy is involved)**
- 4. Subordinate mortgage - 2% of purchase price**
- 5. Buyer cash - 3% of purchase price**

The FWHA plans to utilize the “Soft Second” Mortgage financing program funded through local CRA banking interests, the City of Fort Wayne Housing HOME and CDBG funds. Basically, the “Soft Second” Program utilizes the services of local participating banks or the City of Fort Wayne. In Fort Wayne, participating lenders will be required to be approved by the Fort Wayne Housing Authority and offer borrowers the two point rate of interest without charging points. Section 8 Homeownership Program participants will apply for both first and second mortgages from the same participating lender. If there is a public subsidy involved, a third mortgage will be required by the participating lender. The City of Fort Wayne will provide subordinate mortgage financing to secure its down payment assistance and closing costs loans.

The aforementioned financing package has several positive aspects, which work to the advantage of the purchaser including the following:

1. Minimum buyer cash down (3%)
2. Second mortgage requires interest only payments for first ten years
3. Purchaser not required to pay private mortgage insurance

The program participant will be required to have adequate funds (buyer cash) to meet the 3% down payment amount. Through its Downpayment Assistance Program, the City of Fort Wayne will provide financing for all or a portion of the closing costs. Assessments of costs involved will be completed on a case-by-case basis.

#### A. OTHER ALTERNATIVE

This approach to financing is basically the same as the Sample Financing with one exception. That being the “Soft Second” provider will be another qualified lender approved by FWHA. The financing breakdown is as follows:

First Mortgage:	80% of purchase price
Second Mortgage:	15% of purchase price
Third Mortgage:	2% of purchase price
Buyer Cash:	3% of purchase price

In addition to the financing package previously described, the FWHA plans to implement the following requirements:

1. Prohibit balloon payments
2. FWHA to reserve the right to approve or reject financing terms and conditions
3. Allow seller financing on a case by case basis
4. Purchasers must not exceed qualifying ratio and must meet all other financing requirements established by the first mortgage lender.

## 6. AMOUNT OF ASSISTANCE

The amount of the Homeownership Assistance Payment shall be a sum equal to the lower of:

1. The payment standard minus the total tenant payment
2. The family's monthly homeownership expenses minus the total tenant payment

The payment standard for a family is the lower of:

1. The payment standard for the family unit size
2. The payment standard for the size of the home

If the home is located in an exception payment standard area, the FWHA will use the approximate payment standard for the exception payment standard area. The FWHA will use the same payment schedule, payment standard amounts and subsidy standards for the Homeownership Option as for the Rental Voucher Program. The FWHA will conduct an annual reexamination of program participants in order to update income, family size and other relevant data and adjust the payment standard accordingly.

The FWHA has adopted the following homeownership expenses in accordance with HUD requirements:

1. Principal and interest on initial mortgage(s) debt including refinancing if any
2. Real estate taxes
3. Sewer and water fees
4. Trash pick up and disposal fees
5. Homeowners insurance costs
6. Allowance for maintenance expenses\*
7. Allowance for costs of major repairs and replacements\*\*
8. Utility allowance
9. Principal and interest on debt incurred to finance major repairs or HCP accessible

\* Monthly allowance for maintenance \$75-Existing \$125

\*\* Monthly allowance for major repairs and replacements \$75-Existing \$125

**If the home is a cooperative or condominium unit, homeownership expenses will include maintenance fees assessed by the condominium or cooperative homeowner association. Additionally, the FWHA will make payment directly to the first mortgage lender or to the Section 8 Homeownership Program participant as determined by the**

**FWHA Housing Counselor. If the assistance payment exceeds the amount due the lender, the FWHA will pay the balance directly to the homeowner.**

The term of homeowner assistance shall be fifteen (15) years if the term of the first mortgage is twenty (20) years or longer, except in the case of elderly and disabled program participants where the maximum term of fifteen (15) years does not apply. In all other cases, the term shall be ten (10) years.

## **7. POST PURCHASE REQUIREMENTS FOR FAMILIES**

The family must sign a statement of homeowner obligations before the start of homeownership assistance agreeing to comply with all obligations under the program. In keeping with HUD regulations, the FWHA has imposed the following post purchase requirements:

1. The family must reside in the home. If the family moves out of the home, the FWHA will not continue homeownership assistance payments after the month when the family moves out.
2. The FWHA will require each family receiving homeownership assistance to attend and participate in post purchase counseling. **The counseling sessions will be administered by either FWHA staff or a certified post purchase counseling agent** and will focus on home maintenance issues, family finances and budgeting and maintaining good credit by ensuring that the family is paying off its credit card and other monthly debt in a timely fashion.
3. The family must comply with the terms of all mortgage(s) securing debt incurred to purchase the home and any refinancing debt, if applicable.
4. The family must not convey or transfer ownership of the home while receiving homeownership assistance.
5. The family may grant a mortgage on the home for debt incurred to finance the purchase of the home or any refinancing of such debt.
6. After the death of a family member who holds title to the home, homeownership assistance will continue pending settlement of the estate provided that the family continues to occupy the home.
7. The family must comply with all requirements of the Section 8 Program or be subject to termination of assistance.
8. The family must allow the FWHA access to the home for the purpose of performing an inspection, if it is so required.

The family must supply the FWHA with the following information upon request:

1. Information relative to any mortgage(s) secured by the property.
2. Any sale or transfer of any interest in the home.
3. The family must provide the FWHA with its homeownership expenses.
4. The family must notify the FWHA before moving out of the home.

5. The family must notify the FWHA if it defaults on any mortgage securing debt incurred to purchase the home. If the family defaults on the mortgage, the FWHA may choose to issue a Voucher to the family to facilitate a move to a rental unit and continue rental assistance. However, the determination will be at the FWHA's discretion, based on the good faith efforts of the family to meet its obligations and prevent default.
6. Proof that no family member has an ownership interest in other real estate while receiving homeownership assistance.

## **8. PORTABILITY**

**The FWHA will not be accepting any new vouchers holders as part of the Homeownership Option. If a family currently participating in the FWHA 's Section 8 Rental Voucher Program wants to purchase a home outside of the FWHA 's jurisdiction under the Homeownership Option it may do so provided that the receiving PHA is accepting new homeownership families, will provide voucher to the FWHA voucher holder and provided that the family meets all the requirements of the receiving PHA.**

## **9. RECAPTURE OF HOMEOWNERSHIP ASSISTANCE**

Program recipients participating in the Homeownership Option are subject to recapture provisions if they sell their unit within ten (10) years of initially purchasing the unit.

At the time of sale, the FWHA will place a lien on the property in accordance with HUD regulations. The lien will be drawn up in such a way that it is consistent with State and local law. The amount of homeownership assistance subject to recapture will be the lesser of the following two recapture alternatives:

1. The amount of homeownership assistance subject to recapture will automatically be reduced over a ten-year period, beginning one year from the purchase date, in annual increments of ten percent. At the end of the ten-year period, the amount of homeownership assistance subject to recapture will be zero.
2. The difference between the sales price and the purchase price of the home minus the costs of any capital expenditures, the costs incurred by the family in the sale of the home, the amount of the difference between the sales price and purchase price that is being used, upon sale, towards the purchase of a new home under the Section 8 Homeownership Option and any amounts that have been previously recaptured.

In the case of a refinancing of the home, the recapture will be an amount equaling the lesser of:

1. The amount of homeownership assistance subject to recapture will automatically be reduced over a ten-year period, beginning one year from the purchase date, in annual increments of ten percent. At the end of the ten-year period, the amount of homeownership assistance subject to recapture will be zero.
2. The difference between the current mortgage debt and the new mortgage debt minus the costs of any capital expenditures, the costs incurred by the family in the refinancing of the home and any amounts that have been previously recaptured.

In the case of identity-of-interest transactions, the FWHA will establish a sales price based on fair market value.

## **10. OTHER PROVISIONS**

Section 8 families that currently receive Section 8 rental assistance can enter a lease-purchase agreement. Prior to closing the sale, they will receive conventional rental assistance and the Section 8 payment cannot be used to cover the “homeownership premium” (the portion of the payment used to accumulate a down payment or reduce the purchase price). Instead, the family must use its own funds for the premium. The FWHA must and will exclude the homeownership premium in determining rent reasonableness.

A family receiving homeownership assistance can move to a new unit with homeownership assistance, as long as it is in compliance with program requirements, no family member has any ownership interest in the prior unit, and the FWHA has sufficient funds. To move with continued homeowner assistance, families must again meet all eligibility requirements. A family may not move more than one time per year.



**Admissions  
and  
Continued Occupancy  
Policy**

**Public Housing**

**The Housing Authority of the City of Fort Wayne, Indiana  
Effective: July 11,2000**

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# ADMISSIONS AND CONTINUED OCCUPANCY POLICY

*This Admissions and Continued Occupancy Policy defines the Housing Authority of the City of Fort Wayne, Indiana hereinafter referred to as FWHA ,policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.*

*On March 29, 2000, in the Federal Register, HUD published the final rule implementing changes to the admission and occupancy requirements for the public housing program made by the Quality Housing and Work Responsibility Act of 1998. These changes concern choice of rent, community service and self-sufficiency, admission preferences and determination of income and rent in the public housing and Section 8 housing assistance programs. This final rule follows a proposed rule published on April 30, 1999, and takes into consideration the public comments received on the proposed rule. The effective date of the mandated changes are April 28, 2000.*

## 1.0 FAIR HOUSING

It is the policy of the FWHA to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. It is the policy of FWHA to administer public housing in accordance with applicable civil rights laws and regulations and to affirmatively further fair housing and to submit applicable equal housing opportunity certifications.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the FWHA's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the FWHA will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the FWHA office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

FWHA will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. FWHA will also assist them in

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completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

## **2.0 REASONABLE ACCOMMODATION**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of FWHA housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines FWHA will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, FWHA will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

### **2.1 COMMUNICATION**

Anyone requesting an application will also receive a Request for Reasonable Accommodation form.

Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

### **2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION**

- A. Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, FWHA will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, FWHA will obtain documentation that the requested accommodation is needed due to the disability. FWHA will not inquire as to the nature of the disability.
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the

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accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? FWHA's business is housing. If the request would alter the fundamental business that FWHA conducts, that would not be reasonable. For instance, FWHA would deny a request to have FWHA do grocery shopping for a person with disabilities.
  2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, FWHA may request a meeting with the individual to investigate and consider equally effective alternatives.
- D. Generally the individual knows best what it is they need; however, FWHA retains the right to be shown how the requested accommodation enables the individual to access or use FWHA's programs or services.

If more than one accommodation is equally effective in providing access to FWHA's programs and services, FWHA retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by FWHA if there is no one else willing to pay for the modifications. If another party pays for the modification, FWHA will seek to have the same entity pay for any restoration costs.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, FWHA will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

### **3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS**

FWHA will endeavor to have access to people who speak languages other than English in order to assist non-English speaking families.

### **4.0 FAMILY OUTREACH**

FWHA will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people who cannot or do not read the newspapers, FWHA will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. FWHA will also try to utilize public service announcements.

FWHA will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

## 5.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

## 6.0 REQUIRED POSTINGS

In each of its offices, FWHA will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy or a notice of where the policy is available.
  - Notice of the status of the waiting list (opened or closed)
  - Tenant Selection Policies (960.204)
  - A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
  - Income Limits for Admission
  - Current Schedule of Maintenance Charges
  - Utility Allowance Schedule
  - Dwelling Lease
  - Grievance Procedure
  - Fair Housing Poster



- Equal Opportunity in Employment Poster
- L. Any current FWHA Notices

## 7.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at: 2013 South Anthony Blvd., Fort Wayne, Indiana

Applications are taken to compile a waiting list. Due to the demand for housing in FWHA jurisdiction, FWHA may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and FWHA will verify the information.

Applications may be made in person at the 2013 South Anthony Boulevard, Fort Wayne, Indiana. Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to FWHA.

Persons with disabilities who require a reasonable accommodation in completing an application may call FWHA to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the family's pre-application, FWHA will make a preliminary determination of eligibility. FWHA will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If FWHA determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. FWHA will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. FWHA will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

## 8.0 ELIGIBILITY FOR ADMISSION (24 CFR 960.201)

### 8.1 INTRODUCTION

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

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet FWHA screening criteria in order to be admitted to public housing.

### 8.2 ELIGIBILITY CRITERIA

#### A. Family status.

1. **A family with or without children.** Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.
  - a. Children temporarily absent from the home due to placement in foster care are considered family members.
  - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.
  
2. **An elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
  - b. Two or more persons who are at least 62 years of age living together; or
  - c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **near-elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
  - b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
  - c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

4. A **disabled family**, which is:
  - a. A family whose head, spouse, or sole member is a person with disabilities;
  - b. Two or more persons with disabilities living together; or
  - c. One or more persons with disabilities living with one or more live-in aides.

**A person with disabilities:**

**1. Means a person who:**

- i) Has a disability, as defined in 42 U. S. C. 423
- ii) Is determined, under 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 the ability to live independently, and
  - (c) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- iii) Has a developmental disability as defined in 42 U.S.C. 6001
2. Does not exclude persons who have AIDS or conditions arising from AIDS
3. Does not include a person whose disability is based solely on any drug or alcohol dependence (for low income housing eligibility purposes)
4. Means "individual with handicaps", as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities

5. A **displaced family**, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
6. A **remaining member of a tenant family**.
7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

**A. Family status.**

B. Income eligibility

The Quality Housing and Work Responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) once the HA has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income).

C. Citizenship/Eligibility Status

To be eligible each member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

1. Family eligibility for assistance.
  - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
  - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the non citizen rule)
  - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD or FWHA to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and

- b. A provision authorizing HUD or FWHA to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
- c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
- d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

**8.3 SUITABILITY**

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. FWHA will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, FWHA employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.
- B. FWHA will consider objective and reasonable aspects of the family's background, including the following:
  - 1. History of meeting financial obligations, especially rent;
  - 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
  - 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
  - 4. History of disturbing neighbors or destruction of property;
  - 5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
  - 5. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

- C. FWHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. FWHA will verify the information provided. Such verification may include but may not be limited to the following:
- D. A credit check of the head, spouse and co-head;
  - 2. A rental history check of all adult family members;
  - 3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, FWHA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
  - 4. A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
  - 5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

#### **8.4 GROUNDS FOR DENIAL**

FWHA is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;

- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Were evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. FWHA may waive this requirement if:
  - 1. The person demonstrates to FWHA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
  - 3. Has otherwise been rehabilitated successfully; or
  - 4. Is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened abusive or violent behavior towards any FWHA staff or residents;
- N. Have a household member who has ever been evicted from public housing;
- O. Have a family household member who has been terminated under the certificate or voucher program;
- P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- Q. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

**8.5 INFORMAL REVIEW**

- A. If FWHA determines that an applicant does not meet the criteria for receiving public housing assistance, FWHA will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial. FWHA will describe how to obtain the informal review.

The informal review may be conducted by any person designated by FWHA, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to FWHA's decision. FWHA must notify the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.

- B. The participant family may request that FWHA provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

## **9.0 MANAGING THE WAITING LIST**

### **9.1 OPENING AND CLOSING THE WAITING LIST**

Opening of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media.

### **9.2 ORGANIZATION OF THE WAITING LIST**

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

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- A. The application will be maintained as part of the leasing file;
- B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
- C. Any contacts between FWHA and the applicant will be documented in the applicant file.

**9.3 FAMILIES NEARING THE TOP OF THE WAITING LIST**

When a family appears to be within three (3) months of being offered a unit, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. FWHA must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference has been verified, the family will complete a full application, present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

**9.4 PURGING THE WAITING LIST**

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

**9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST**

FWHA will not remove an applicant's name from the waiting list unless:

- A. The applicant requests in writing that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program; or
- C. The applicant does not meet either the eligibility or suitability criteria for the program.

**9.6 MISSED APPOINTMENTS**

All applicants who fail to keep a scheduled appointment with FWHA will be sent a notice of termination of the process for eligibility.

FWHA will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, FWHA will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

**9.7 NOTIFICATION OF NEGATIVE ACTIONS**

Any applicant whose name is being removed from the waiting list will be notified by FWHA, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. FWHA system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, FWHA will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

## 10.0 TENANT SELECTION AND ASSIGNMENT PLAN

### 10.1 PREFERENCES

FWHA will select families based on the following preferences within each bedroom size category:

- A. **Residency preference** for families who live or work in the jurisdiction of the Housing Authority of the City of Fort Wayne, Indiana. The Residency Preference will be implemented in accordance with applicable discrimination and equal opportunity requirements listed at Sec. 5.105(a). Use of the residency preference may not have the "purpose or effect" of delaying or otherwise denying admission to a project or unit based on the race, color, ethnic origin, gender, religion, disability or age of any member of an applicant family.
- A. **Mixed income preference**: for families with incomes needed to achieve deconcentration of poverty and income-mixing goals.
- A. **Veteran preference**: within the state law definition and veterans or surviving spouses of veterans.
- A. **Working preference (24 CFR 5.415)**: for families with at least one adult who is employed and has been employed for 12 consecutive months. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work. This includes families who are graduates of or participants in educational and training programs designed to prepare the individual for the job market. The working family preference is not based on the amount of earned income.
- A. **Graduates of transitional housing programs**: for homeless/ substance abusers/ victims of domestic abuse

A. **Singles Preference**

Applicants who are elderly, disabled, or displaced households of no more than two persons will be given a selection priority over all "Other Single" applicants regardless of preference status.

Other Singles denotes a one-person household in which the individual member is neither elderly, disabled, or displaced by government action. Such applicants will be placed on the waiting list in accordance with their preferences, but can not be selected for assistance before any *one or two person* elderly, disabled or displaced family regardless of local preferences.

A. **Involuntary Displacement Preference**

Displaced person(s): Individuals or families displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws.

A. **Applicants with an adult family member enrolled in an employment training program**, currently working a minimum of twenty-five hours per week or attending school on a full-time basis. This preference is also extended equally to all elderly families and all families whose head or spouse is receiving income based on their inability to work.

Based on the above preferences, all families will receive one point for each preference. The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences . The total number of points for each family will determine the placement of the family on the public housing waiting list. .

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

**Buildings Designated as Elderly Only Housing:** The Tall Oaks Apartments, Beacon Heights, North Highlands, Miami Homes have been designated for elderly only. In filling vacancies in this development, first priority will be given to elderly families. If there are no elderly families on the list, next priority will be given to the near-elderly. If there are no near-elderly, units will be offered to families who qualify for the appropriate bedroom size. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

**Accessible Units:** Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the

units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

**10.2 ASSIGNMENT OF BEDROOM SIZES**

The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of	Number of	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families. Two adults will share a bedroom unless related by blood.

In determining bedroom size, FWHA will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care.

In addition, the following considerations may be taken in determining bedroom size:

- A. Children of the opposite sex, both under the age of **three** will share a bedroom.
- C. Adults and children will not be required to share a bedroom with the exception of a child under the age of one with a single parent.
- D. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. FWHA will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for three years or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. FWHA will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

**10.3 SELECTION FROM THE WAITING LIST**

FWHA shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To insure this requirement is met we shall quarterly monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

**10.4 DECONCENTRATION POLICY**

It is FWHA's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discriminating manner.

FWHA will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments, the income levels of census tracts in which our developments are located, and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement. The

worksheet including the areas of focus for the analysis can be found in **Appendix 1**.

**10.5 DECONCENTRATION INCENTIVES**

FWHA may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.

**10.6 OFFER OF A UNIT**

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

FWHA will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact FWHA regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, FWHA will send the family a letter documenting the offer and the rejection.

**10.7 REJECTION OF UNIT**

If in making the offer to the family FWHA skipped over other families on the waiting list in order to meet their deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If FWHA did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

**10.8 ACCEPTANCE OF UNIT**

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

Prior to signing the lease all families (head of household) and other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process.

The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Housing Authority personnel. The certification will be filed in the tenant's file.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and FWHA will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to The Total Tenant Payment or \$100.00 whichever is greater or

In exceptional situations, FWHA reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment, and one third with their third rent payment. This shall be at the sole discretion of the Housing Authority.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

## **11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME**

To determine annual income, FWHA counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, FWHA subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

### **11.1 INCOME**

Annual income means all amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or

- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance.
  - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:



- a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
  3. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
  - H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

## **11.2 ANNUAL INCOME**

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;

G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

H. The amounts received from the following programs:

1. Amounts received under training programs funded by HUD;
2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:

- a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
    - i. Is authorized by a Federal, State or local law;
    - ii. Is funded by the Federal, State or local government;
    - iii. Is operated or administered by a public agency; and
    - iv. Has as its objective to assist participants in acquiring employment skills.
  - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
  - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
  - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
  - c. Families who are or were, within 6 months, assisted under a State TANF program.
- (While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases.)
- 12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
  - 13. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
  - 14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
  - a. The value of the allotment of food stamps
  - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
  - c. Payments received under the Alaska Native Claims Settlement Act
  - d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
  - e. Payments made under HHS's Low-Income Energy Assistance Program
  - f. Payments received under the Job Training Partnership Act
  - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
  - h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
  - i. Amount of scholarships awarded under Title IV including Work Study
  - j. Payments received under the Older Americans Act of 1965
  - k. Payments from Agent Orange Settlement
  - l. Payments received under the Maine Indian Claims Act
  - m. The value of child care under the Child Care and Development Block Grant Act of 1990
  - n. Earned income tax credit refund payments
  - o. Payments for living expenses under the Americorps Program
  - p. Additional income exclusions provided by and funded by FWHA  
FWHA will not provide exclusions from income in addition to those already provided for by HUD.
  - q. Amount received as a stipend by a resident who serves on the PHA governing board.
  - r. Income received by residents who are census takers.

### **11.3 DEDUCTIONS FROM ANNUAL INCOME**

The following deductions will be made from annual income:

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- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:
  - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
  - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
  - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- E. Child care expenses.

**11.4 FAMILY DISCLOSURE OF HUD NOTICE CONCERNING FAMILY INCOME**

Family must promptly furnish to the FWHA any letter from HUD concerning the amount or verification of family income. This applies to a family that resides in a dwelling unit with assistance in the public housing program, the Section 8 tenant-based programs, and the project-based Section 8, Section 202, and Section 811 programs

FWHA must:

- verify the information received from the family
- make appropriate adjustments in the amount of income, TTP and tenant rent or Section 8 HAP
- terminate, reduce, or suspend assistance, if appropriate
  - program termination procedures must be followed
  - family must have opportunity for hearing prior to termination effective date

With respect to families no longer in occupancy, the PHA should pursue abuses regarding excess rental assistance, such as:

- reporting the deficiency of payments to credit bureaus, if it is practical to do so, and
- recovery of such amounts, if they have the resources to do so.

# 12.0 VERIFICATION

FWHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

## 12.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from FWHA or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

When third party verification cannot be obtained, FWHA will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if FWHA has been unable to obtain third party verification in a 4-week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, FWHA will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

## 12.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, FWHA will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
<b>Value of and Income from Assets</b>		
Savings, checking accounts	Letter from institution	Passbook, most current statements

CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
<b>Income</b>		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments



Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> <li>- whether enrolled or completed</li> <li>- whether training is HUD-funded</li> <li>- whether Federal, State, local govt., or local program</li> <li>- whether it is employment training</li> <li>- whether it has clearly defined goals and objectives</li> <li>- whether program has supportive services</li> <li>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> <li>- date of first job after program completion</li> </ul>	N/A          Evidence of job start
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**12.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS**

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. FWHA will make a copy of the individual's INS documentation and place the copy in the file. FWHA will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, FWHA will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of noneligible members and the list must be signed by the head of the household.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If FWHA determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

#### **12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS**

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, FWHA will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. FWHA will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

#### **12.5 TIMING OF VERIFICATION**

Verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance. (Or, the Housing

Authority will only verify and update those elements reported to have changed.)

## **12.6 FREQUENCY OF OBTAINING VERIFICATION**

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified.

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

## **13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT**

### **13.1 FAMILY CHOICE**

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

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

### **13.2 THE FORMULA METHOD**

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;

- B. 30% of adjusted monthly income; or
- C. The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of \$ (zero), but never more than the ceiling rent.

In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

### **13.3 MINIMUM RENT**

FWHA has set the minimum rent at **\$Zero**. However if the family requests a hardship exemption, FWHA will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
  - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
  - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
  - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
  - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
  - 5. When a death has occurred in the family.
- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will be not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the

family for nonpayment of the amount of tenant rent owed for the suspension period.

- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### **13.4 THE FLAT RENT**

FWHA has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. FWHA determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 15.3).

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

#### **13.5 CEILING RENT**

FWHA has set a ceiling rent for each public housing unit. The amount of the ceiling rent will be reevaluated annually and the adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

FWHA will post the ceiling rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

#### **13.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE**

A mixed family will receive full continuation of assistance if all of the following conditions are met:

- A. The family was receiving assistance on June 19, 1995;
- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of

assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. FWHA will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, FWHA will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

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

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

### **13.7 UTILITY ALLOWANCE**

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

The utility allowance will be subtracted from the family's formula or flat rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to FWHA. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

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

next annual reexamination.

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

Requests for relief from surcharges for excess consumption of FWHA purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by FWHA on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief at admission to public housing and at time of utility allowance changes.

### **13.8 PAYING RENT**

Rent and other charges are due and payable on the first day of the month. Rents may be paid at the administrative office, 2013 South Anthony Blvd., Fort Wayne, Indiana or mailed to designated P.O. Box. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment

If the rent is not paid by the fifth of the month, a Notice to Vacate will be issued to the tenant. In addition, a \$10 late charge or \$1 a day, whichever is greater, will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$10 for processing costs.

## **14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE**

### **14.1 GENERAL**

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement

### **14.2 EXEMPTIONS**

The following adult family members of tenant families are exempt from this requirement. The Fort Wayne Housing Authority will claim all claims for exemptions from this requirement. Exemption status will be reviewed at least annually, or upon the request of the resident.

- A. Family members who are 62 or older
- B. Family members who are blind or disabled

- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity
- E. Family members who are exempt from work activity under Part A, Title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- F. Family members receiving assistance under a State program funded under Part A, Title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

**14.3 NOTIFICATION OF THE REQUIREMENT**

FWHA shall identify all adult family members who are apparently not exempt from the community service requirement.

FWHA shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. FWHA shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

**14.4 VOLUNTEER OPPORTUNITIES**

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

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

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

Together with the resident advisory councils, FWHA may create volunteer positions such as hall monitoring, litter patrols, and supervising and record keeping for volunteers.



#### 14.5 THE PROCESS

At the first annual reexamination on or after October 1, 1999, and each annual reexamination thereafter, FWHA will do the following:

- A. Provide a list of volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- D. Assign family members to a volunteer coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance.
- E. Thirty (30) days before the family's next lease anniversary date, the volunteer coordinator will advise FWHA whether each applicable adult family member is in compliance with the community service requirement.

#### 14.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

FWHA will provide written notice of non-compliance to the family. ~~notify a~~ Any family found to be in noncompliance will be informed of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. Reason that the family member(s) is/are believed to be in non-compliance.
- ~~B~~ C. That the determination is subject to the grievance procedure; and
- ~~C~~ D. That, unless the family member(s) enter into ~~an~~ a written agreement to comply, the lease will not be renewed or will be terminated; or
- E. The non-compliant member no longer resides in the unit.

#### 14.7 OPPORTUNITY FOR CURE

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

commitment is made.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, FWHA shall take action to terminate the lease.

## **15.0 RECERTIFICATIONS**

At least annually, FWHA will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

### **15.1 GENERAL**

FWHA will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the formula method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

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

### **15.2 MISSED APPOINTMENTS**

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in FWHA taking eviction actions against the family.

### **15.3 FLAT RENTS**

The annual letter to flat rent payers regarding the reexamination process will state the following:

- A. Each year at the time of the annual reexamination, the family has the option of selecting

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a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.

- B. The amount of the flat rent
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
  - 1. The family's income has decreased.
  - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The dates upon which FWHA expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, FWHA will send a reexamination letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, FWHA may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with FWHA representative, they may make the selection on the form and return the form to FWHA. In such case, FWHA will cancel the appointment.

#### **15.4 THE FORMULA METHOD**

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

Upon receipt of verification, FWHA will determine the family's annual income and will

calculate their rent as follows.

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent.

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

#### **15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS**

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

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

#### **15.6 INTERIM REEXAMINATIONS**

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

Families will not be required to report any increase in income or decreases in allowable expenses between annual reexaminations.

Families are required to report the following changes to FWHA between regular reexaminations. If the family's rent is being determined under the formula method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must

provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. FWHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 15.8.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, FWHA will take timely action to process the interim reexamination and recalculate the tenant's rent.

### **15.7 SPECIAL REEXAMINATIONS**

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, FWHA may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

### **15.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS**

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

## **16.0 UNIT TRANSFERS**

### **16.1 OBJECTIVES OF THE TRANSFER POLICY**

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.

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- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting FWHA's deconcentration goal.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

**16.2 CATEGORIES OF TRANSFERS**

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain FWHA occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by FWHA when a transfer is the only or best way of solving a serious problem.

**16.3 DOCUMENTATION**

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

**16.4 INCENTIVE TRANSFERS**

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not predominate.

Families living in multifamily developments have the opportunity to transfer to scattered-site housing. Families approved for such transfers will meet the following eligibility criteria:

- A. Have been a tenant for three years;

- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year which ever is less;
- D. The family is current in the payment of all charges owed FWHA and has not paid late rent for at least one year;
- E. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- F. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.
- G. Participates in a series of classes conducted by FWHA on basic home and yard care.

### **16.5 PROCESSING TRANSFERS**

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in category A and B will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category A will be housed ahead of transfers in category B.

Transfers in category C will be housed along with applicants for admission at a ratio of one transfer for every seven admissions.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If the transfer is being made at the request of FWHA and the family rejects two offers without good cause, FWHA will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet FWHA's optimum

occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.

- C. If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

#### **16.6 COST OF THE FAMILY'S MOVE**

The cost of the transfer generally will be borne by the family in the following circumstances:

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by FWHA in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by FWHA has caused the unit to be unsafe or inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case by case basis.

#### **16.7 TENANTS IN GOOD STANDING**

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with FWHA. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

#### **16.8 TRANSFER REQUESTS**

A tenant may request a transfer at any time by completing a transfer request form. In



considering the request, FWHA may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. FWHA will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

FWHA will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

#### **16.9 RIGHT OF FWHA IN TRANSFER POLICY**

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

### **17.0 INSPECTIONS**

An authorized representative of FWHA and an adult family member will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in FWHA file and a copy given to the family member. An authorized FWHA representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any FWHA damages to the unit.

#### **17.1 MOVE-IN INSPECTIONS**

FWHA and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

#### **17.2 ANNUAL INSPECTIONS**

FWHA will inspect each public housing unit annually to ensure that each unit meets FWHA's housing standards. Work orders will be submitted and completed to correct any deficiencies.

#### **17.3 PREVENTATIVE MAINTENANCE INSPECTIONS**

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor

servicing that extends the life of the unit and its equipment.

**17.4 SPECIAL INSPECTIONS**

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by FWHA.

**17.5 HOUSEKEEPING INSPECTIONS**

Generally, at the time of annual reexamination, or at other times as necessary, FWHA will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

**17.6 NOTICE OF INSPECTION**

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections FWHA will give the tenant at least two (2) days written notice.

**17.7 EMERGENCY INSPECTIONS**

If any employee and/or agent of FWHA has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

**17.8 PRE-MOVE-OUT INSPECTIONS**

When a tenant gives notice that they intend to move, FWHA will offer to schedule a pre-move-out inspection with the family. The inspection allows FWHA to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling FWHA to ready units more quickly for the future occupants. If the family is transferring to another PHA subsidy program (ie. Section 8 Existing Program) , the family must pay **all charges** noted on the pre-move out inspection form before FWHA issues a Certificate/Voucher or other form of assistance. If the family disputes the validity of the pre-move out charges. If the transfer to the other program is denied as a result of outstanding charges (see 16.8), the denial letter will advise the family of their right to use the grievance procedure.

**17.9 MOVE-OUT INSPECTIONS**

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

# 18.0 PET POLICY

## 18.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

## 18.2 PETS IN SENIOR BUILDINGS

FWHA will allow for pet ownership in projects or buildings designated for use by elderly and/or disabled families and in any project or building for which elderly and/or disabled families are given preference. Except at the developments and buildings listed below, pet ownership is prohibited in all public housing properties.

## 18.3 APPROVAL

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Authority will approve the request.

## 18.4 TYPES AND NUMBER OF PETS

FWHA will allow only domesticated dogs, cats, birds, and fish in aquariums in units. All dogs and cats must be neutered.

Only one (1) pet per unit allowed with the exclusion of small fish appropriate to the size aquarium and domestic small birds engaged .

Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed thirty (30) pounds in weight.

## 18.5 INOCULATIONS

In order to be registered, pets must be appropriately inoculated against rabies and other conditions prescribed by local ordinances.

## 18.6 PET DEPOSIT

A pet deposit of **\$200** is required at the time of registering a pet. The deposit is refundable when the pet or the family vacate the unit, less any amounts owed due to damage beyond normal wear and tear.

### **18.7 FINANCIAL OBLIGATION OF RESIDENTS**

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's unit will be the financial responsibility of the pet owner and FWHA reserves the right to exterminate and charge the resident.

### **18.8 NUISANCE OR THREAT TO HEALTH OR SAFETY**

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas.

Repeated substantiated complaints by neighbors or FWHA personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the owner having to remove the pet or move him/herself.

### **18.9 DESIGNATION OF PET AREAS**

Pets must be kept in the owner's apartment or on a leash at all times when outside (no outdoor cages may be constructed). Pets will be allowed only in designated areas on the grounds of the projects. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

### **18.10 VISITING PETS**

Pets that meet the size and type criteria outlined above may visit the projects/buildings where pets are allowed for up to two weeks without FWHA approval. Tenants who have visiting pets must abide by the conditions of this policy regarding health, sanitation, nuisances, and peaceful enjoyment of others. If visiting pets violate this policy or cause the tenant to violate the lease, the tenant will be required to remove the visiting pet.

### **18.11 REMOVAL OF PETS**

FWHA, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

## **19.0 REPAYMENT AGREEMENTS**

When a resident owes FWHA back charges and is unable to pay the balance by the due date, the resident may request that FWHA allow them to enter into a Repayment Agreement. FWHA has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction

procedures.

The maximum amount for which the HA will enter into a payment agreement with a family is \$2,500.00

The maximum length of time the HA will enter into a payment agreement with a family is 12 months.

The minimum monthly amount of monthly payment for any payment agreement is 1/12 of the maximum amount owed.

The HA will use a sliding scale system to determine the monthly payment.

**If the housing authority has a minimum rent greater than \$0, they must allow for repayment agreements for those tenants whose rental amount is the minimum rent and who have had their rent abated for a temporary period.**

**Program fraud and abuse is a single act or pattern of actions that:**

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in an inaccurate payment of public housing program funds.

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

If a family owes an amount which equals or exceeds \$10,000.00 as a result of program fraud, the case will be referred to the HUD' legal forces who will determine whether it is forwarded to the Inspector General. Where appropriate, the HA will refer the case for criminal prosecution.

The procedures for administering the repayment agreements will be consistent with the applicable provisions of the Section 8 Administrative Plan.

## **20.0 TERMINATION**

### **20.1 TERMINATION BY TENANT**

The tenant may terminate the lease at any time upon submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

### **20.2 TERMINATION BY THE HOUSING AUTHORITY**

FWHA after 10/1/2000 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

FWHA will terminate the lease for serious or repeated violations of material lease terms. Such

violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of FWHA;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and
- M. Other good cause.

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

### **20.3 ABANDONMENT**

FWHA will consider a unit to be abandoned when a resident has both fallen behind in rent AND has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, an FWHA representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold. If FWHA does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office.

FWHA will mail a notice of the sale or disposition to the resident and then wait fifteen days as required by State Law. Family pictures, keepsakes, and personal papers cannot be sold or disposed of until **fifteen days as required by State Law**. days after FWHA mails the notice of abandonment.

Any money raised by the sale of the property goes to cover money owed by the family to FWHA such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known FWHA will mail it to the family. If the family's address is not known, FWHA will keep it for the resident for one year. If it is not claimed within that time, it belongs to FWHA.

Within 30 days (in accordance with State law) days of learning of an abandonment, FWHA will either return the deposit or provide a statement of why the deposit is being kept.

#### **20.4 RETURN OF SECURITY DEPOSIT**

After a family moves out, FWHA will return the security deposit within 30 days in accordance with State law or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

FWHA will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 days as required by State law) days.

## 21.0 PUBLIC HOUSING ECONOMIC SELF-SUFFICIENCY PROGRAM

### 21.1 *Definition of economic self-sufficiency program*

An "economic self-sufficiency program" is:

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

As defined in this rule, "economic self-sufficiency program" includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). See the definition of work activities at Sec. 5.603(c).

The new definition of the term "economic self-sufficiency program" is used in the following regulatory provisions, pursuant to the Public Housing Reform Act:

- Family income includes welfare benefits reduced because of family failure to comply with welfare agency requirements to participate in an economic self-sufficiency program.
- The requirement for public housing residents to participate in an economic self-sufficiency program or other eligible activities.

### 21.2 *FWHA Economic Self Sufficiency Program Plan*

The program requirements and procedures are detailed in a separate FWHA Economic Self-Sufficiency Action Plan. Currently FWHA has a voluntary Economic Self-Sufficiency Program of 25 program slots.



## GLOSSARY

**50058 Form:** The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

**1937 Housing Act:** The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

**Adjusted Annual Income:** The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

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

**Allowances:** Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

**Annual Contributions Contract (ACC):** The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

**Annual Income:** All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

**Applicant (applicant family):** A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

**As-Paid States:** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

**Assets:** The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

**Asset Income:** Income received from assets held by family members. If assets total more than \$5,000,

income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

**Ceiling Rent:** Maximum rent allowed for some units in public housing projects.

**Certification:** The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

**Child:** For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

**Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

**Citizen:** A citizen or national of the United States. (24 CFR 5.504(b))

**Consent Form:** Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

**Decent, Safe, and Sanitary:** Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

**Department:** The Department of Housing and Urban Development. (24 CFR 5.100)

**Dependent:** A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

**Dependent Allowance:** An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

**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. (24 CFR 5.603(d))~~ Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant

care or auxiliary apparatus (24 CFR 5.611 (a)(3)(ii).

**Disability Assistance Expense Allowance:** In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

**Disabled Family:** A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

**Disabled Person:** See "person with disabilities."

**Displaced Family:** A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

**Displaced Person:** A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

**Drug-Related Criminal Activity:** Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Economic Self-Sufficiency Program: Any program designed to encourage, assist, train or facilitate the economic independence of assisted families or to provide work for such families.

**Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

**Elderly Family Allowance:** For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

**Elderly Person:** A person who is at least 62 years of age. (1937 Housing Act)

**Extremely low-income families:** Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

**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. (24 CFR 5.403)

**Family Members:** All members of the household other than 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 lease.

**Family Self-Sufficiency Program (FSS Program):** The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**Formula Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**Full-Time Student:** A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

**Head of Household:** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

**Household Members:** All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

**Housing Assistance Plan:** A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**Imputed Income:** For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

**In-Kind Payments:** Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

**Interim (examination):** A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

**Live-In Aide:** A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

- A. Is determined to be essential to the care and well-being of the persons;
- B. Is not obligated for the support of the persons; and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

**Low-Income Families:** Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937Act)

**Medical Expenses:** Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

**Mixed Family:** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

**Monthly Adjusted Income:** One twelfth of adjusted income. (24 CFR 5.603(d))

**Monthly Income:** One twelfth of annual income. (24 CFR 5.603(d))

**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. (24 CFR 5.504(b))

**Near-Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

**Net Family Assets:**

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of

real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. 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. (24 CFR 5.603(d))

**Non-Citizen:** A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

**Occupancy Standards:** The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Person with Disabilities:** A person who:

- A. Has a disability as defined in 42 U.S. 423

~~Section 223 of the Social Security Act, 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 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 issued by the Secretary, 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

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3. Is of such a nature that such ability could be improved by more suitable housing conditions, or
- C. Has a developmental disability as defined in 42 U.S.C. 6001 ~~Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:~~

~~\_\_\_\_\_ "Severe chronic disability that:~~

- ~~1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;~~
- ~~2. Is manifested before the person attains age 22;~~
- ~~3. Is likely to continue indefinitely;~~
- ~~4. 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, (e) self direction, (6) capacity for independent living, and (7) economic self-sufficiency; and~~
- ~~5. 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."~~

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.

**Proration of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR5.520)

**Public Housing Agency (FWHA):** Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

**Recertification:** The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

**Remaining Member of a Tenant Family:** A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

**Self-Declaration:** A type of verification statement by the tenant as to the amount and source of income,

expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

**State Wage Information Collection Agency (SWICA):** The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

**Temporary Assistance to Needy Families (TANF):** The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

**Tenant:** The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

**Tenant Rent:** The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

**Third-Party (verification):** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Total Tenant Payment (TTP):**

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
  - 1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
    - a. 30% of the family's monthly adjusted income;
    - b. 10% of the family's monthly income; or
    - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.



If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
  - B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996, will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

**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 by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

**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. (24 CFR 5.603)

**Very Low-Income Families:** Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

**Welfare Rent:** In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

## ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS (U.S.)	Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWR	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment

Appendix I

Income Limits and Deconcentration Worksheet

Development Name  
Number of Units Under ACC  
Number of Occupied Units  
Number of Units Occupied by Very Poor Families  
% Occupied by Very Poor Families  
%Very Poor in Census Tract  
Target Number  
Number Needed of below 30% of median area income  
Number Needed above 30% of median area income  
Waiting list number of families Appendix 2

# Chapter 1

## STATEMENT OF POLICIES AND OBJECTIVES

### INTRODUCTION

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

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

## Jurisdiction

The jurisdiction of the Fort Wayne Housing Authority is the City of Fort Wayne, Indiana and a five mile radius surrounding the City of Fort Wayne, Indiana, as long as there is not an incorporated entity within said radius.

## A. HOUSING AUTHORITY MISSION STATEMENT

The mission of the Fort Wayne Housing Authority is to provide good quality, affordable housing and superior services to eligible members of the Fort Wayne Community, and to maintain an atmosphere which encourages self-sufficiency.

## B. LOCAL OBJECTIVES [24 CFR 982.1]

### 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 per NOFA:
  - Maintain public housing vacancies below 3%:
  - Leverage private or other public funds to create additional housing opportunities:
  - Acquire or build LIHTC units or developments
  - Other:
    1. Acquire and rehabilitate minimum of 1-2 for sale housing obtained via tax sale and HUD owned properties annually.
    2. Promote Homeownership opportunities including the Self-Sufficiency and Section 8 Program.
  
- PHA Goal: Improve the quality of assisted housing  
Objectives:
  - Maintain public housing management to High Performer Status: (2003 PHAS score) 93
  - Maintain voucher management: (2002 Score Waiver granted due to flood damage to Agency records.

- Increase customer satisfaction. Continue to provide high-level customer service and measure customer satisfaction of primary and secondary customer, implement improvement plans as required.
- 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. Develop Replacement Housing Plan:
- Provide replacement vouchers, apply per NOFA:
- Other: Train staff in all aspects of property and program management.  
Maintain commitment to a high level usage of HTVN, Apartment Association, utilization of professional trainers, seminars, conferences and in-House seminars, etc. for staff training

- PHA Goal: Increase assisted housing choices

Objectives:

- Provide voucher mobility plan and options:
- Conduct outreach efforts to potential voucher landlords, increase landlord participation by 10% each year.
  
- Increase voucher payment standards as required, current standard at 110%. FWHA will explore getting HUD approval to go to 120% if necessary to increase voucher utilization.
- Increase the number of participants in voucher homeownership program to match demand and consistent with program resources:
- Implement public housing or other homeownership programs:
- Implement public housing site-based waiting lists:
- Convert public housing to vouchers:
- Other:
  1. Explore implementation of public housing site-based waiting lists.
  2. Following market analysis, explore converting public housing stock to vouchers.
  3. Actively seek new landlord participation in the Section 8 Voucher Program.
  4. Establish Project-based Section 8 Program

### **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:
  1. Perform necessary modifications to units and public housing sites to successfully compete with comparable market housing. Complete and implement a curb appeal improvement plan.
  2. Apply sound asset management principles on an individual site basis to maintain and build the value of the property.
  3. Explore the possibilities of designating developments or buildings for particular resident groups (elderly, persons with disabilities)

**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)
    1. Pre/Post Occupancy Orientation and Training

**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:
    1. Provide training opportunities for staff and community on an annual basis to promote equal opportunity in housing.

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

The goals of FWHA as stated in the 5-Year Plan for Fiscal Years 2002 – 2006 are consistent with HUD strategic goals and the Consolidated Plan of the City of Fort Wayne to increase the availability of decent, safe, and affordable housing. FWHA 5-Year Plan is available for review at the City of Fort Wayne, Division of Community and Economic Development as well as the FWHA main office.

INSERT AGENCY PLAN GOALS HERE

**C. PURPOSE OF THE PLAN** [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives contained in the Agency Plan. The Plan covers both admission and continued participation in the Section 8 Housing Choice Voucher Program.

The Fort Wayne Housing Authority is responsible for complying with all changes in HUD regulations pertaining to the Section 8 Housing Choice Voucher Program. If such changes conflict with this Plan, HUD regulations will have precedence. The Fort Wayne Housing Authority will revise this Administrative Plan as needed to comply with changes in HUD regulations, and in accordance with HUD regulations. The original Administrative Plan and any changes must be approved by the Board of Commissioners. A copy of the Administrative Plan is given to HUD office in Indianapolis, Indiana.

This Administrative Plan is a supporting document to the Agency Plan, and is available for public review as required by 24 CFR 903.

Applicable regulations include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

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

All expenditures from the administrative fee reserve will be approved by the Board of Commissioners or their approved designee and made in accordance with the approved budget.



## **E. RULES AND REGULATIONS** [24 CFR 982.52]

This Administrative Plan is set forth to define the local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD approved applications for program funding.

## **F. TERMINOLOGY**

The Housing Authority of the City of Fort Wayne, Indiana is referred to as "HA" or "Housing Authority" throughout this document.

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

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

"Landlord" and "owner" are used interchangeably.

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

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

The Section 8 program is also known as the "Housing Choice Voucher Program" and/or "Voucher Program."

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

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

See Glossary for other terminology.

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

It is the policy of the FWHA to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the FWHA's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the FWHA will provide Federal/State/local information to applicants/participants of the Section 8 Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing and Discrimination Complaint forms will be made available at the FWHA office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

FWHA will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. FWHA will also assist them in completing the forms if requested, and will provide them the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

#### **H. REASONABLE ACCOMMODATIONS POLICY** [24 CFR 100.202]

It is the policy of the Fort Wayne Housing Authority to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the Fort Wayne Housing Authority will treat a person differently than anyone else. These policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on Fort Wayne Housing Authority forms. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the Fort Wayne Housing Authority, when we initiate contact with a family including when a family applies, and when we schedule or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first verify that they are a person with a disability under the following ADA definition:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

Being regarded as having such an impairment

*Note: This is not the same as the HUD definition used for purposes of determining allowances.*

### **Verification of a Request for Accommodation**

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

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

A list of known accessible units will be provided.

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

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a professional third party competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the requested accommodation creates an undue administrative or financial burden, the Fort Wayne Housing Authority will deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the Fort Wayne Housing Authority (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the Fort Wayne Housing Authority.

The Fort Wayne Housing Authority will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the decision.

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

### **Verification of Disability**

The Fort Wayne Housing Authority will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

### **I. TRANSLATION OF DOCUMENTS**

The Fort Wayne Housing Authority has bilingual staff to assist Spanish speaking families. Families who speak other languages must request accommodation in order for documents to be translated or a translator to be present at a briefing or meeting.

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

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

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

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

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

### **J. MANAGEMENT ASSESSMENT OBJECTIVES**

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

1. Selection from the Waiting List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections

6. HQS Enforcement
7. Expanding Housing Opportunities
8. FMR/exception rent & Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family self-sufficiency Enrollment and Escrow Account Balances
15. Bonus Indicator (Deconcentration)

## **K. RECORDS FOR MONITORING HA PERFORMANCE**

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

Records and reports will be maintained for the purpose of:

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

Determining that at least 98% of randomly selected tenant files indicate that the HA approved reasonable rents to owner at the time of initial lease-up and before any increase in rent.

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

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

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

Determining that a review of selected files indicate that for at least 98% of failed inspections, the HA ensures timely correction of HQS deficiencies or abates HAPs or takes vigorous action to enforce family obligations.

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

Demonstrating that at least 90% of units newly leased have an initial gross rent which does not exceed the FMR, and Voucher payment standards are not less than 80% of the current FMR/exception rent limit unless otherwise approved by HUD.

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

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

Demonstrating that 100% of newly leased units passed HQS inspections before HAP contract date.

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

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

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

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

#### **L. PRIVACY RIGHTS** [24 CFR 982.551]

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

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

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential". The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the Section 8 Director.

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

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

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

The Fort Wayne Housing Authority will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the waiting list is open, the Fort Wayne Housing Authority will publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, minority media, and by other suitable means.

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

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

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

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

The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low income households. The books are available for review at the Fort Wayne Housing Authority main Administrative offices during regular business hours.

Fort Wayne Housing Authority staff initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

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

The Fort Wayne Housing Authority actively participates in community based organization(s) comprised of private property and apartment owners and managers.

The Housing Authority will actively recruit suburban property owners.

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

The Fort Wayne Housing Authority conducts periodic meetings with participating owners to improve owner relations and to recruit new owners.



**Reserved**

## **Chapter 2**

### **ELIGIBILITY FOR ADMISSION**

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

#### **INTRODUCTION**

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

## **Eligibility Factors**

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

The HUD eligibility criteria are:

An applicant must be a "family"

An applicant must be within the appropriate Income Limits

An applicant must furnish Social Security Numbers for all family members age six and older

An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification where required

At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the FWHA may provide any financial assistance.

For the Fort Wayne Housing Authority's additional criteria for eligibility, see Section E, "Other Criteria for Admission."

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

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

## **A. FAMILY COMPOSITION** [24 CFR 5.403, 982.201]

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

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

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

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

A family may also include:

- A family with or without children;
- The remaining member of a tenant family;
- A displaced family;
- A disabled family;
- Any single person that is:
  - An elderly person
  - A displaced Person
  - A person with a disability
  - Any "other single" person

### **Head of Household**

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

### **Spouse of Head o f Household**

Spouse means the husband or wife of the head of household.

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

## **Co-Head of Household**

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

## **Live-in Attendants**

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

Is determined by the Housing Authority to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

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

**Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.**

Live-in aides are not subject to Non-Citizen Rule requirements.

Live-in aides may not be considered as a remaining member of the tenant family.

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

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

Verification must include the hours the care will be provided.

At any time, the Housing Authority will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the Fort Wayne Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

### **Split Households Prior to Certificate/Voucher Issuance**

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the Fort Wayne Housing Authority will provide assistance to the person listed as head of household at the time the preliminary application was submitted. The remaining members will be permitted to submit another preliminary application. That application will be placed on the waiting list based upon the date and time it is received. All other eligibility rules, regulations and policies will apply.

In cases where domestic violence played a role, the abuser will be denied placement on the waiting list and the standard used for verification will be the same as that required for the "displaced due to domestic violence" preference. If the abuser was listed as head of household, another adult in the household may request that they be named head of household as the remaining family member.

### **Multiple Families in the Same Household**

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

### **Joint Custody of Children**

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

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

## **B. INCOME LIMITATIONS** [24 CFR 982.201, 982.353]

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

Have an annual income at the time of admission that does not exceed the very low-income limits for occupancy established by HUD.

The Quality Housing and Work responsibility Act of 1998 authorizes the Fort Wayne Housing Authority to admit families whose income does not exceed the low-income limit (80% of median area income) provide that the Fort Wayne Housing Authority has included this part of the admissions policy in the PHA Annual Plan.

Or be either:

A low-income family in any of the following categories:

A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of certificate/voucher issuance. Programs include public housing, all Section 8 programs, and all Section 23 programs.

A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.

A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.

A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

A low-income family residing in a HUD-owned multifamily rental housing project when the project is sold, foreclosed or demolished by HUD. (Certificate program only.)

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

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

The applicable income limit to be use at initial issuance of a certificate or voucher in effect at the time this administrative plan is approved is:

Family Size	One	Two	Three	Four	Five	Six	Seven	Eight
50% of Median Income	\$20,950	\$23,900	\$26,900	\$29,900	\$32,300	\$34,700	\$37,100	\$39,450

As a “Single Jurisdiction” Housing Authority, this is the only applicable income limit used at initial issuance of a certificate or voucher.

Portability: For initial lease-up, families who exercise portability must be within the very low income limit for the jurisdiction of the receiving HA in which they want to live. The low income limit is defined as 80% of median income. ~~At the time this administrative plan is approved/amended, the low income limit is:~~

Family Size	One	Two	Three	Four	Five	Six	Seven	Eight
80% of Median Income	\$33,500	\$38,250	\$43,050	\$47,850	\$51,650	\$55,550	\$59,300	\$63,150

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

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

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

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

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.



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

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

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

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

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

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

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

#### **Verification of Status before Admission**

The Fort Wayne Housing Authority will not provide assistance to any household prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

#### **E. OTHER CRITERIA FOR ADMISSIONS** [24 CFR 982.552(b)]

The Fort Wayne Housing Authority will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program.

The family must not have had assistance denied or terminated for violation of any family obligation during a previous participation in the Section 8 Program, Public Housing Program and/or any other housing assistance program defined in the 1937 Housing Act (as amended) for 5 years prior to placement on the Section 8 waiting list.

No family member may have been evicted from public or assisted housing for any reason during the last 5 years prior to placement on the Section 8 waiting list.

The Fort Wayne Housing Authority will make an exception, if the family member who violated the family obligation is not a current member of the household on the application and the head of household certifies that the member will not be added to the household.

The family must pay any outstanding debt owed the Fort Wayne Housing Authority or another Housing Agency/Authority as a result of prior participation in any federal housing program prior to placement on the waiting list.

The Fort Wayne Housing Authority will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in Chapter 15, Section B. At no time will an applicant be admitted to the Fort Wayne Housing Authority Section 8 Housing Choice Voucher Program if the applicant or any member of the applicant household has ever engaged in the sale, manufacture and/or distribution of any controlled illegal substances.

The Fort Wayne Housing Authority also submits a computer matching check to the State of Indiana Department of Work Force Development. The check provides a detailed summary of the applicants work/benefit history. This check is conducted prior to determining final eligibility and at least once each year at annual reexamination.

#### **F. SUITABILITY OF FAMILY** [24 CFR 982.202(b)(1)]

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

The Fort Wayne Housing Authority will advise families how to file a complaint if they feel that they have been discriminated against by an owner. The Housing Authority will advise the family to make a Fair Housing complaint. FWHA, at its own discretion could also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Metropolitan Human Relations Commission..

## **G. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT**

Changes that occur during the period between issuance of a certificate or voucher and lease up may affect the family's eligibility or Total Tenant Payment. For example, if a family goes over the income limit prior to lease up, the applicant will no longer be eligible for the program. They will be notified in writing of their ineligible status and their right to an informal review.

## **H. INELIGIBLE FAMILIES**

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

## **I. PROHIBITED ADMISSION CRITERIA** [982.202(b)]

Admission to the program may not be based on where the family lives before admission to the program.

Admission to the program may not be based on:

Where a family lives prior to admission to the program.

Where the family will live with assistance under the program.

Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.

Discrimination because a family includes children.

Whether a family decides to participate in a family self-sufficiency program.

**Reserved**

**Chapter 3**  
**APPLYING FOR ADMISSION**  
[24 CFR 982.204]

**INTRODUCTION**

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

## **A. OVERVIEW OF THE APPLICATION TAKING PROCESS**

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

Families who wish to apply for any one of the Housing Authority's programs must complete a written application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability. If a language other than English is required, accommodation will be made.

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

Applications will be mailed to interested families upon request.

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

The preliminary application will be dated, time stamped and referred to the Intake Section where it will be maintained until such time as it is needed for processing.

The second phase is the "final determination of eligibility" (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the Housing Authority ensures that verification of all HUD and FWHA eligibility factors are current (within 60 days) in order to determine the family's eligibility for the issuance of a certificate or voucher.

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

When the Fort Wayne Housing Authority closes its entire waiting list, or any part of its waiting list, public notice concerning the closing of the entire list, or any part of the list will be placed in the daily newspaper. Notice will be posted in the rental offices of the Fort Wayne Housing Authority public housing sites as well as the main offices.

When the Fort Wayne Housing Authority opens or reopens its entire waiting list, or any part of its waiting list, public notice that families may apply for assistance will be placed in the daily newspaper. The public notice will state where and when to apply.

### **Limits on Who May Apply**

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

When the application is received by the Fort Wayne Housing Authority, it establishes the family's date and time of application for placement order on the waiting list.

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

The Fort Wayne Housing Authority will utilize a preliminary application form (pre-application). The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format, including foreign languages, when the translation can be readily acquired (so as not to cause a delay in the submission of the preliminary application).

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

- Names of adult members and age of all members
- Sex and relationship of all members
- Street Address and phone numbers
- Mailing Address (If PO Box or no other permanent address)
- Amount(s) and source(s) of income received by household members
- Information regarding disabilities to determine qualifications for allowances and deductions
- Information related to qualification for preferences
- Social Security Numbers
- Race/ethnicity
- Citizenship/eligible immigration status
- Arrests for Drug Related or Violent Criminal Activity
- Request for Specific Accommodation needed to fully utilize program and services
- Previous address
- Current and previous landlords names and addresses
- Emergency contact person and address
- Program integrity questions regarding previous participation in HUD programs

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

Ineligible families will not be placed on the waiting list.

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

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

Applicants are required to inform the Fort Wayne Housing Authority in writing of changes in address. Applicants are also required to respond to requests from the Housing Authority to update information on their application and to determine their interest in assistance.

If after a review of the preapplication the family is determined to be preliminarily eligible, they will be notified in writing or in an accessible format upon request, as a reasonable accommodation.

The notice will contain the approximate date that assistance may be offered, and will further explain that the estimated date is subject to factors such as turnover and available funding.

This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the preapplication, the Housing Authority will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. See Chapter 19, "Complaints and Appeals."



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

When funding is available, families will be selected from the waiting list in their preference-determined sequence, regardless of family size.

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

Based on the turnover rate and the availability of funding, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based upon completion of verification process, regardless of waiting list position. All eligible applicants in the "pool" will be offered assistance.

### **F. COMPLETION OF A FULL APPLICATION**

All preferences claimed on the preapplication or while the family is on the waiting list will be verified after the family is selected from the waiting list, and during the full application process.

The qualification for preference must exist at the time the preference is claimed and at the time of verification, because claim of a preference determines placement on the waiting list.

After the preference is claimed, and when the Housing Authority is ready to select applicants, applicants will be required to:

Complete a Personal Declaration Form prior to the full application interview.

Complete a full application in their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. Applicant will then be interviewed by Housing Authority staff to review the information on the full application form during the application interview. The Housing Authority interviewer will certify that the application accurately reflects the answers supplied by the applicant. Additionally, the applicant will sign and certify that all information is complete and accurate.

## **Requirement to Attend Interview**

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

All adult family members are required to attend the interview and sign the housing application. Exceptions may be made for students attending school and who are not permanent residents of the assisted household. Students will be required to sign the housing application. The head of household is responsible for obtaining and returning all required signatures.

If any adult is unable to attend the interview, the head of household or designee may take the required documents to the family member(s) unable to attend. All documents must be completed and returned to the Fort Wayne Housing Authority within ten (10) working days.

It is the applicant's responsibility to reschedule the interview if s/he prior to the scheduled appointment. If the applicant does not reschedule prior to the scheduled time or misses one scheduled meetings, the preliminary application will be removed from the waiting list in accordance with all applicable HUD regulations and this Administrative Plan. If requested in a timely manner, the applicant will be given the opportunity for an Informal Review (see Chapter 18, "Complaints and Appeals").

**If an applicant fails to appear for their interview without prior approval of the HA, their application will be denied unless they can provide acceptable documentation to the HA that an emergency prevented them from calling.**

Reasonable accommodation will be made for persons with a disability who requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability. ALL FWHA INTERVIEWS ARE CONDUCTED IN OFFICES/LOCATIONS THAT ARE ACCESSIBLE.

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

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

If the Fort Wayne Housing Authority determines at or after the interview that additional information or document(s) are needed, the Housing Authority will request the document(s) or information. The family will be given ten (10) working days to supply the information.

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

#### **G. VERIFICATION** [24 CFR 982.201(e)]

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

#### **H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY** [24 CFR 982.201]

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

**Reserved**

## Chapter 4

### **ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST**

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

#### **INTRODUCTION**

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

This chapter explains the local preferences which the HA has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the HA's system of applying them.

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

## **A. WAITING LIST** [24 CFR 982.204]

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

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

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

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

1. The application will be a permanent file.
2. All applicants in the pool will be maintained in the order of preference. Applications equal in preference will be maintained by date and time sequence. In the rare instance that applications are received with identical preferences and the same date and time, applicants will be placed on the waiting list in alphabetical order by last name of the head of household.
3. All applicants must meet "Very Low Income" eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in Chapter 2, "Eligibility for Admission," must have been approved previously by the HUD Field Office.

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

Applicants who are admitted under Special Admissions, rather than from the waiting list, are maintained on separate waiting lists. These applicants may be on more than one waiting list for any assistance offered by the Fort Wayne Housing Authority.

## **B. WAITING LIST PREFERENCES** [24 CFR 982.207]

### **Local Preferences – Tenant Based Voucher Program**

The Fort Wayne Housing Authority Board of Commissioners adopted the following local preferences in resolution 2001-02:

Veteran's preference according to State law definition, including veterans and surviving spouses of veterans **(50 points)**.

Families who are graduates of or participants in Fort Wayne Housing Authority approved educational and training programs designed to prepare the individual for the job market **(10 points)**.

Involuntarily Displaced. To qualify for this preference, the applicant has been involuntarily displaced and is not living in standard replacement housing or will be voluntarily displaced within no more than six (6) months from the date of preference certification by the Fort Wayne Housing Authority. Applicants are considered involuntarily displaced if they have vacated or must vacate their unit as a result of disaster, governmental action, owner action not caused by tenant, domestic violence and/or unit inaccessibility **(50 points)**.

Rent Burden. Families paying more than 50% of their income for rent and utilities for at least 90 days commencing before they were selected from the waiting list and continuing through the verification of preference. To qualify for the rent burden preference, the tenant must pay rent directly to the landlord or agent **(50 points)**.

The applicant is currently living in transitional/non-permanent housing, is participating in or recently completed a self-sufficiency program and has met the goals that have been established by the service provider. This preference is limited to applicants who are participating in programs that have been pre-approved by the Fort Wayne Housing Authority **(50 points)**.

The applicant is not currently receiving project or tenant based assistance through any program authorized by the 1937 Housing Act (as amended) **(50 points)**.

Participants or graduates of home-ownership programs with the Fort Wayne Housing Authority or other entities where a formal memorandum of agreement exists to provide the necessary counseling and supportive services required to achieve the goal of home-ownership **(50 points)**.

## **Local Preferences – Project Based Voucher Program**

Veteran's preference according to State law definition, including veterans and surviving spouses of veterans **(50 points)**.

Families who are graduates of or participants in Fort Wayne Housing Authority approved educational and training programs designed to prepare the individual for the job market **(10 points)**.

Involuntarily Displaced. To qualify for this preference, the applicant has been involuntarily displaced and is not living in standard replacement housing or will be voluntarily displaced within no more than six (6) months from the date of preference certification by the Fort Wayne Housing Authority. Applicants are considered involuntarily displaced if they have vacated or must vacate their unit as a result of disaster, governmental action, owner action not caused by tenant, domestic violence and/or unit inaccessibility **(50 points)**.

Rent Burden. Families paying more than 50% of their income for rent and utilities for at least 90 days commencing before they were selected from the waiting list and continuing through the verification of preference. To qualify for the rent burden preference, the tenant must pay rent directly to the landlord or agent **(50 points)**.

The applicant is currently living in transitional/non-permanent housing, is participating in or recently completed a self-sufficiency program and has met the goals that have been established by the service provider. This preference is limited to applicants who are participating in programs that have been pre-approved by the Fort Wayne Housing Authority **(50 points)**.

The applicant is not currently receiving project or tenant based assistance through any program authorized by the 1937 Housing Act (as amended) **(50 points)**.

Participants or graduates of home-ownership programs with the Fort Wayne Housing Authority or other entities where a formal memorandum of agreement exists to provide the necessary counseling and supportive services required to achieve the goal of home-ownership **(50 points)**.

The applicant is living in a unit, within the Fort Wayne Housing Authority jurisdiction, and will be affected by an owner action beyond the control of the applicant, in conjunction with the implementation of the Section 8 Project Based Voucher Assistance Program **(100 points)**.



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

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

"Other Singles" denotes a one-person household in which the individual member is not elderly, disabled, or displaced by government action. Such applicants will be placed on the waiting list in proper order for selection.

## **C. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION**

[24 CFR 5.415]

At the time of application, an applicant's certification that they qualify for a preference will be accepted without verification. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the Local Preference and given an opportunity for an informal review.

If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

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

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

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

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

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;

4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

#### **E. TARGETED FUNDING** [24 CFR 982.203]

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

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

The Fort Wayne Housing Authority currently administers the Family Unification Program as it's only "Targeted" Program. Application has been made for Mainstream for Persons with Disabilities and the Welfare to Work Program. If awarded, these or any other "Targeted" Programs will be administered in accordance with the HUD requirements and the policies defined in this administrative plan.

#### **F. PREFERENCE ELIGIBILITY** [24 CFR 5.410]

##### **Change in Circumstances**

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

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

## **G. ORDER OF SELECTION** [24 CFR 5.415, 982.207(e)]

In accordance with the Quality Housing and Work Responsibility Act of 1998, the HA will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. In addition to HUD required income targeting, the HA will select eligible applicants based upon the system for weighing preferences and the date and time of application.

### **Among Applicants with Equal Preference Status**

Among applicants with equal preference status, the waiting list will be organized by date and time. In the rare instances that applicants have the same number of preference points and the same date and time, applicants are selected based upon the last name of the head of household.

## **H. FINAL VERIFICATION OF PREFERENCES** [24 CFR 5.415]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the HA will obtain necessary verifications of preference at the interview and by third party verification. The head of household also signs a certification of preference eligibility form.

## **I. PREFERENCE DENIAL** [24 CFR 5.415]

If the HA denies a preference, the HA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review with the Section 8 Director. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

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

## **J. REMOVAL FROM WAITING LIST AND PURGING** [24 CFR 982.204(c)]

The Waiting List will be purged approximately once every 18 months by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

Any mailings to the applicant which require a response will state that failure to respond within ten (10) working days will result in the applicant's name being dropped from the waiting list.

An extension of ten (10) days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If an applicant fails to respond to a mailing from the HA, the applicant will be sent written notification and given no less than ten (10) days to contact the FWHA in writing to request an informal review. If they fail to respond within the designated time they will be removed from the waiting list.

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

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

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Section 8 Director determines there were circumstances beyond the person's control. The following exceptions, if determined to exist, will be acceptable to warrant reinstatement:

- HA error when entering address or other information into the computerized waiting list.
- Hospitalization, with documentation from a medical professional stating that the applicant was unable to respond.
- Other reasonable explanations that can be documented. Incarceration is not considered a valid reason for non-compliance.

**Reserved**

**Chapter 5**  
**SUBSIDY STANDARDS**  
[24 CFR 982.54(d)(9)]

**INTRODUCTION**

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

## **A. DETERMINING FAMILY UNIT SIZE**

[24 CFR 982.402]

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

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

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

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

Generally, the Fort Wayne Housing Authority assigns one bedroom to two people within the following guidelines:

Persons of different generations (defined as ten (10) or more years difference based upon the year of birth).

Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship).

Foster children will be included in determining unit size only if they will be in the unit for more than twelve (12) months.

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

Space may be provided for a child who is away at school but who lives with the family during school recesses. To qualify for the additional bedroom, the student MUST be listed as a family member.

Space will not be provided for a family member, who will be absent most of the time, such as a member who is away in the military.

Single person families shall be allocated one bedroom. Single pregnant households shall be allocated two bedrooms.

## GUIDELINES FOR DETERMINING VOUCHER SIZE

<u>Voucher Size</u>	<u>Persons in Household (Minimum #)</u>	<u>Persons in Household (Maximum #)</u>
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10
6 Bedrooms	8	12

### **B. EXCEPTIONS TO SUBSIDY STANDARDS** ((24 CFR 982.403(a) & (b))

The Fort Wayne Housing Authority shall grant exceptions from the subsidy standards if the family requests and the Housing Authority determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The Fort Wayne Housing Authority will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

- Verified medical or health reason; or
- Elderly persons or persons with disabilities who may require a live-in attendant.

### **Request for Exceptions to Subsidy Standards**

The family may request a larger sized voucher than indicated by the subsidy standards. Such request must be made in writing within ten 10 working days of the Fort Wayne Housing Authority's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

The Fort Wayne Housing Authority will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

Requests based on health related reasons must be verified by a medical professional.

### **HA Error**

If the Fort Wayne Housing Authority errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size so that the family is not penalized.



## Changes for Applicants

The voucher size is determined prior to the briefing by comparing the family composition to the subsidy standards. If an applicant requires a change in the voucher size, the above references guidelines will apply.

## Changes for Participants

The members of the family residing in the unit must be approved by the Fort Wayne Housing Authority. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the Fort Wayne Housing Authority within ten (10) working days. The above referenced guidelines will apply.

## Underhoused and Overhoused Families

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the Fort Wayne Housing Authority will issue a new Voucher and assist the family in locating a suitable unit.

## C. UNIT SIZE SELECTED

The family may select a different size dwelling than that listed on the Voucher. There are three criteria to consider:

1. Subsidy Limitation: The Housing Authority will apply the Payment Standard for the smaller of (1) the bedroom size shown on the Voucher or (2) the size of the actual unit selected by the family.
2. Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.
3. Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

***HQS GUIDELINES FOR UNIT SIZE SELECTED***

	<u>Maximum # in Household</u>
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

**Reserved**

## **Chapter 6**

### **FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION**

[24 CFR Part 5, Subparts E and F; 982.153, 982.317, 982.551]

#### **INTRODUCTION**

The Fort Wayne Housing Authority will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations

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

## **A. INCOME AND ALLOWANCES** [24 CFR 5.609]

Income: Includes all monetary amounts which are received on behalf of the family. For purposes of calculating the Total Tenant Payment HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

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

Adjusted Income is defined as the Annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from Annual Income:

1. **Dependent Allowance**: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. **Elderly/Disabled Allowance**: \$400 per family for families whose head or spouse is 62 or over or disabled.
3. **Allowable Medical Expenses**: Deducted for all family members of an eligible elderly/disabled family.
4. **Child Care Expenses**: Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.
5. **Allowable Disability Assistance Expenses**: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

### **"Minimum Rent" and Minimum Family Contribution**

"Minimum rent" in the Section 8 Housing Choice Voucher Program is ~~\$0.00~~ **\$50.00**. Minimum rent includes the combined amount (TTP) a family pays towards rent and/or utilities.

## **B. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS FOR PERSONS WITH DISABILITIES [24 CFR 5.617; 982.201(b)(3)]**

The annual income for qualified disabled families may not be increased as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the disabled family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A disabled family qualified for the earned income exclusion is a disabled family that is receiving tenant-based rental assistance under the Housing Choice Voucher Program; and

Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least \$500.

The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

The HUD definition of economic self-sufficiency program is: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Amounts to be excluded are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

### **Initial Twelve-Month Exclusion**

During the cumulative 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.

### **Second Twelve-Month Exclusion and Phase-in**

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the PHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member who is a person with disabilities as a result of employment over income of that family member prior to the beginning of such employment.

### **Maximum Four Year Disallowance**

The earned income disallowance is limited to a lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

## **Applicability to Child Care and Disability Assistance Expense Deductions**

The amount deducted for child care and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for disabled families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care and disability assistance expense deductions.

## **Tracking the Earned Income Exclusion**

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation will include:

Date the increase in earned income was reported by the family

Name of the family member whose earned income increased

Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income

Amount of the increase in earned income (amount to be excluded)

Date the increase in income is first excluded from annual income

Date(s) earned income ended and resumed during the initial cumulative 12-month period of exclusion (if any)

Date the family member has received a total of 12 months of the initial exclusion

Date the 12-month phase-in period began

Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)

Date the family member has received a total of 12 months of the phase-in exclusion

Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance)

The PHA will maintain a tracking system to ensure correct application of the earned income disallowance.



## **Inapplicability to Admission**

The earned income disallowance is only applied to determine the annual income of disabled families who are participants in the Housing Choice Voucher Program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

### **C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT**

[24 CFR 982.54(d)(10), 982.317, 982.551]

The Fort Wayne Housing Authority must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease, must be counted.

Temporarily absent is defined as away from the unit for not more than 180 days

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report all changes in family composition.

### **Absence of Any Member**

Any member of the household will be considered permanently absent if s/he is away from the unit for 6 consecutive months or 180 days in a 12 month period except as otherwise provided in this Chapter.

### **Absence due to Medical Reasons**

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the Fort Wayne Housing Authority will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the "Absence of Entire Family" policy, defined on page 6 - 10 of this chapter.

### **Absence Due to Full-time Student Status**

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Housing Choice Voucher size.

### **Absence due to Incarceration**

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 6 consecutive months or 180 days in a twelve month period.

If the incarceration is determined to be for drug-related or violent criminal activity, the Family Obligations will be enforced in accordance with the HUD regulations and this approved Administrative Plan.

### **Absence of Children due to Placement in Foster Care**

If the family includes a child or children temporarily absent from the home due to placement in foster care, the Fort Wayne Housing Authority will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than six (6) months from the date of removal of the child/ren, the Housing Choice Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the subsidy standards.

### **Absence of Entire Family**

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the Fort Wayne Housing Authority will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the Housing Authority before they move out of a unit and to give information about any family absence from the unit.

Families must notify the Fort Wayne Housing Authority in writing if they are going to be absent from the unit for more than ten (10) consecutive days.

If the entire family is absent from the assisted unit for more than 180 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

If it is determined that the family is “permanently” absent from the unit, the assistance payments will not continue.

HUD regulations require the HA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the Fort Wayne Housing Authority may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Conduct an on-site visual inspection
- Check with the post office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and it can verify that the person was unable to notify the Fort Wayne Housing Authority in accordance with the family's responsibilities, and if funding is available, the family may be reinstated as an accommodation if requested by the family.

### **Caretaker for Children**

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the Fort Wayne Housing Authority will treat that adult as a visitor for the first 30 calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Housing Choice Voucher assistance will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the Fort Wayne Housing Authority will review the status at 90 day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the Fort Wayne Housing Authority will secure verification from social services staff or the attorney as to the status.

If custody is awarded for a limited time in excess of stated period, the Fort Wayne Housing Authority will state in writing that the transfer of the Housing Choice Voucher is for that limited time or as long as they have custody of the children. The Fort Wayne Housing Authority will use discretion as deemed appropriate in determining any further assignment of the Certificate or Voucher on behalf of the children.

When the Fort Wayne Housing Authority approves a person to reside in the unit as caretaker for the child/ren, the income should be counted pending a final disposition. The Fort Wayne Housing Authority will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than six (6) months, the person will be considered permanently absent.

### **Visitors**

Any adult not included on the form HUD-50058 who has been in the unit more than ten (10) consecutive days without HA approval, or a total of 30 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the HA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 180 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 182 days per year, the minor will be considered to be an eligible visitor and not a family member.

### **Reporting Additions to Owner and HA**

Reporting changes in household composition to the Housing Authority is both a HUD and a Fort Wayne Housing Authority requirement.

The family obligations require the family to request Fort Wayne Housing Authority approval to add any other family member as an occupant of the unit and to inform the HA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the Fort Wayne Housing Authority, any person the family has permitted to move in will be considered an unauthorized household member.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the Fort Wayne Housing Authority in writing within ten (10) working days of the maximum allowable time.

Families are required to report any additions to the household in writing to the Fort Wayne Housing Authority within ten (10) working days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

### **Reporting Absences to the HA**

Reporting changes in household composition is both a HUD and a Fort Wayne Housing Authority requirement.

If a family member leaves the household, the family must report this change to the Fort Wayne Housing Authority, in writing, within ten (10) working days of the change and certify as to whether the member is temporarily absent or permanently absent.

The Fort Wayne Housing Authority will conduct an interim evaluation for changes which affect the Total Tenant Payment in accordance with the interim policy.

#### **D. AVERAGING INCOME**

The Fort Wayne Housing Authority contracts with the Indiana State Department of Work Force Development (the State Wage and Information Collection Agency (SWICA)). The Department of Workforce Development provides wage and claim information from all reported sources on a quarterly basis. This amount includes bonuses and/or overtime.

By averaging, an estimate of the projected income can be made for all participating families and limit the number of interim adjustments necessary throughout the year.

When annual income can not be anticipated using the SWICA information, verifications will be mailed to all know sources of income for the coming year.

#### **E. MINIMUM INCOME**

There is no minimum income requirement. However, households who report zero income are required to complete a written certification every 90 days. These households must provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc. If the household expenses exceed the known income, the Fort Wayne Housing Authority will inquire as to the nature or availability of the household resources.

#### **F. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME**

[24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the Fort Wayne Housing Authority will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family the Fort Wayne Housing Authority will exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

#### **G. REGULAR CONTRIBUTIONS AND GIFTS** [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every month or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$50.00 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter 7, "Verification Procedures," for further definition.)

If the family's expenses exceed its known income, the Fort Wayne Housing Authority will question the family about contributions and gifts.

## **H. ALIMONY AND CHILD SUPPORT** [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the Fort Wayne Housing Authority will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The Fort Wayne Housing Authority will accept as verification that the family is receiving an amount less than the award if:

The Fort Wayne Housing Authority receives verification from the agency responsible for enforcement or collection.

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

## **I. LUMP-SUM RECEIPTS** [24 CFR 5.609]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

The Fort Wayne Housing Authority uses a calculation method which calculates retroactively or prospectively depending on the circumstances.

The Fort Wayne Housing Authority will calculate prospectively if the family reported the payment within ten (10 working days and retroactively to date of receipt if the receipt was not reported within that time frame.

### **Prospective Calculation Methodology**

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

1. The entire lump-sum payment will be added to the annual income at the time of the interim.
2. The Fort Wayne Housing Authority will determine the percent of the year remaining until the next annual recertification as of the date of the interim
3. At the next annual recertification, the Fort Wayne Housing Authority will apply the percentage balance to the lump sum and add it to the rest of the annual income.
4. The lump sum will be added in the same way for any interims which occur prior to the next annual recertification.



## **Retroactive Calculation Methodology**

1. The Fort Wayne Housing Authority will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
2. The Fort Wayne Housing Authority will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the Fort Wayne Housing Authority.

The family has the choice of paying this "retroactive" amount to the Fort Wayne Housing Authority in a lump sum, or may enter into a Repayment Agreement.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

## **Attorney Fees**

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

## **J. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS** [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

## **K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE**

[24 CFR 5.603(d)(3)]

The Fort Wayne Housing Authority must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The Fort Wayne Housing Authority will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The Fort Wayne Housing Authority's minimum threshold for counting assets disposed of for less than Fair Market value is \$5000.00. If the total value of assets disposed of within a one-year period is less than \$5000.00, they will not be considered an asset.

## **L. CHILD CARE EXPENSES** [24 CFR 5.603]

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Examples of those adult members who would be considered *unable* to care for the child include:

The abuser in a documented child abuse situation, or

A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Allowability of deductions for child care expenses is based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

## **M. MEDICAL EXPENSES** [24 CFR 5.609(a)(2), 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Nonprescription, doctor recommended medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

The patient portion of any payment for acupuncture, acupressure and related herbal medicines, and chiropractic services will be considered allowable medical expenses if covered by the family's Medicare, Medicaid, or private health insurance coverage.

## **N. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES** [24 CFR 5.520]

### **Applicability**

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter 12, "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

### **Prorated Assistance Calculation**

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

## **O. REDUCTION IN BENEFITS**

If the family's benefits, such as social security, SSI or TANF, are reduced through no fault of the family, the HA will use the net amount of the benefit.

If the family's benefits were reduced due to family error, omission, or misrepresentations, the HA Fort Wayne Housing Authority will use the gross amount of the benefit.

## **P. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS**

The PHA will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of:

- fraud by a family member in connection with the welfare program; or
- failure to participate in an economic self-sufficiency program; or
- noncompliance with a work activities requirement

However, the PHA will reduce the rental contribution if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has not complied with other welfare agency requirements; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment, such as the family member has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution.

Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

### **Verification Before Denying a Request to Reduce Rent**

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance with economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction.

The welfare agency, at the request of the PHA, will inform the PHA of:

amount and term of specified welfare benefit reduction for the family;

reason for the reduction; and

subsequent changes in term or amount of reduction.

### **Cooperation Agreements**

The Fort Wayne Housing Authority has a written cooperation agreement in place with the local welfare agency. Among other things, the cooperation agreement outlines the information to be shared between agencies, including information regarding welfare sanctions.

The Fort Wayne Housing Authority has taken a proactive approach to develop an effective working relationship between the agencies for the purpose of targeting economic self-sufficiency programs throughout the community that are available to Section 8 and public housing residents.

## **Q. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS**

[24 CFR 982.153, 982.517]

The Fort Wayne Housing Authority will maintain an up-to-date utility allowance schedule.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

An allowance for tenant-paid air conditioning will be provided in those cases where housing units in the market have central air conditioning

The HA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their Housing Choice Voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the Fort Wayne Housing Authority will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 10 year period.

Where the Utility Allowance exceeds the family's Total Tenant Payment, the Fort Wayne Housing Authority will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant. At its option, the Fort Wayne Housing Authority may at any time, after notice to the affected tenants, make the Utility Reimbursement Payment directly to one or more utility companies.

Reserved

## **Chapter 7**

### **VERIFICATION PROCEDURES**

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

#### **INTRODUCTION**

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the Housing Authority. Fort Wayne Housing Authority staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible. Applicants and program participants must provide true and complete information to the Housing Authority whenever information is requested. The verification requirements are designed to maintain program integrity. This Chapter explains the procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The Fort Wayne Housing Authority will obtain proper authorization from the family before requesting information from independent sources.



## **A. METHODS OF VERIFICATION AND TIME ALLOWED** [24 CFR 982.516]

The HA will verify information through the ~~four~~ **the following** methods of verification acceptable to HUD in the following order:

1. **UIV**
2. **TASS**
3. **Work Number**
4. **SWIKA**
5. Third-Party Written
6. Third-Party Oral
7. Review of Documents
8. Certification/Self-Declaration

The Fort Wayne Housing Authority will allow at least two (2) weeks for return of third-party verifications and two (2) weeks to obtain other types of verifications before going to the next method. When third party verification can not be obtained, the file will be documented with the reason(s).

For applicants, verifications may not be more than 60 days old at the time of Certificate/Voucher issuance.

### **Third-Party Written Verification**

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

Third party verification forms will not be hand carried by the family under any circumstances.

The Fort Wayne Housing Authority will accept verifications in the form of computerized printouts delivered by the family from the following agencies:

Social Security Administration  
Veterans Administration  
Welfare Assistance  
Unemployment Compensation Board  
City or County Courts

The Housing Authority may send requests for third party written verifications to the source at all times regardless of whether the family provides a computerized printout.

### **Third-Party Oral Verification**

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete the approved FWHA verification form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the Fort Wayne Housing Authority will compare the information to any documents provided by the Family. If provided by telephone, the Fort Wayne Housing Authority must originate the call.

### **Review of Documents**

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within two (2) weeks, the Fort Wayne Housing Authority will note the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed.

The Fort Wayne Housing Authority will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer print-outs from the employer
- Signed letters (provided that the information is confirmed by phone)
- Other documents noted in this Chapter as acceptable verification

The Fort Wayne Housing Authority will accept faxed documents.

The Fort Wayne Housing Authority will accept photo copies.

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

The Fort Wayne Housing Authority will not delay the processing of an application beyond 4 weeks because a third party information provider does not return the verification in a timely manner.

### **Self-Certification/Self-Declaration**

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement or other signed certification.

## **B. RELEASE OF INFORMATION [24 CFR 5.230]**

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the HA or HUD.

## **C. COMPUTER MATCHING**

The Fort Wayne Housing Authority has a signed agreement with the Indiana State Department of Workforce Development to provide State wage and claim information. Information received directly from the Department of Workforce Development will always supersede any other third party verification, documents viewed or other form of verification.

The Fort Wayne Housing Authority also utilizes the Tenant Eligibility Verification System (TEVS) in the Internet format. TEVS is used to obtain Social Security benefits, Supplemental Security Income, benefit history and tenant income discrepancy reports from the Social Security Administration.

### **Income Discrepancies**

HUD conducts a computer matching initiative to independently verify resident income. HUD can access income information and compare it to information submitted by PHA's on the 50058 form. HUD can disclose Social Security information to Housing Authorities, but is precluded by law from disclosing Federal tax return data. If HUD receives information from Federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family of the discrepancy. The family is required to disclose this information to the Fort Wayne Housing Authority (24 CFR 5.240). HUD's letter to the family will also notify the family that HUD has notified the Fort Wayne Housing Authority in writing of the discrepancy.

When the Fort Wayne Housing Authority receives notification from HUD that a family has been sent an "income discrepancy" letter, the following actions will occur:

**Wait 40 days after the date of notification before contacting tenant.**

After 40 days following the date of notification, the PHA will contact the tenant by mail asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

The Fort Wayne Housing Authority will document the contact in the tenant's file, including a copy of the letter to the family.

When the family provides the required information, the PHA will verify the accuracy of the income information received from the family, review the PHA's interim recertification policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, and based on the information.

If the amount of unreported income exceeds \$2,500, the Fort Wayne Housing Authority will seek to terminate assistance.

If tenant fails to respond:

The Fort Wayne Housing Authority will ask HUD to send a second letter.

After an additional 40 days, the Fort Wayne Housing Authority will ask HUD to send a third letter.

After an additional 40 days, the Fort Wayne Housing Authority will send a letter to the head of household, warning of the consequences if the family fails to make contact within two weeks.

If the tenant claims a letter from HUD was not received:

The Fort Wayne Housing Authority will ask HUD to send a second letter with a verified address for the tenant.

After 40 days, the Fort Wayne Housing Authority will contact the tenant family.

If the tenant family still claims they have not received a letter, the Fort Wayne Housing Authority will ask HUD to send a third letter.

After an additional 40 days, the Fort Wayne Housing Authority will set up a meeting with the family to complete IRS forms 4506 and 8821.

If the tenant family fails to meet with the Fort Wayne Housing Authority or will not sign the IRS forms, a warning letter will be sent to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the Fort Wayne Housing Authority and/or sign forms.

If tenant does receive a discrepancy letter from HUD:

The Fort Wayne Housing Authority will set up a meeting with the family.

If the family fails to attend the meeting, the Fort Wayne Housing Authority will reschedule the meeting.

If the family fails to attend the second meeting, the Fort Wayne Housing Authority will send a termination warning.

The family must bring the original HUD discrepancy letter to the Fort Wayne Housing Authority.

If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter:

The Fort Wayne Housing Authority will ask the tenant to provide documented proof that the tax data is incorrect.

If the tenant does not provide documented proof, the Fort Wayne Housing Authority will obtain proof to verify the Federal tax data using third party verification.

**D. ITEMS TO BE VERIFIED** [24 CFR 982.516]

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Child care expense where it allows an adult family member to be employed or to further his/her education.

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.

Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members over 6 years of age or older who have been issued a social security number.

"Preference" status

Marital status when needed for head or spouse definition.

#### **E. VERIFICATION OF INCOME** [24 CFR 982.516]

This section defines the methods the Fort Wayne Housing Authority will use to verify various types of income.

#### **Employment Income**

Verification forms request the employer to specify the:

Dates of employment

Amount and frequency of pay

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Year to date earnings

Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. Indiana Department of Workforce Development computer matching verification.
2. Employment verification form completed by the employer.
3. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.
4. W-2 forms plus income tax return forms.
5. Income tax returns and/or W-2 forms signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the Housing Authority will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

### **Social Security, Pensions, Supplementary Security Income (SSI), Disability Income**

Acceptable methods of verification include, in this order:

1. TEVS Report.
2. Benefit verification form completed by agency providing the benefits.
3. Award or benefit notification letters prepared and signed by the providing agency.
4. Computer report/award letter from the source and provided by the family.

### **Unemployment Compensation**

Acceptable methods of verification include, in this order:

1. Indiana Department of Workforce Development computer matching report.
2. Verification form completed by the unemployment compensation agency.
3. Computer printouts from unemployment office stating payment dates and amounts.
4. Check stubs from the benefit payment.

### **Welfare Payments or General Assistance**

Acceptable methods of verification include, in this order:

1. Fort Wayne Housing Authority verification form completed by payment provider.
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action.

## **Alimony or Child Support Payments**

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. A letter from the person paying the support.
3. Copy of latest check and/or payment stubs from Court Trustee. Fort Wayne Housing Authority must record the date, amount, and number of the check.
4. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
5. If payments are irregular, the family must provide:

A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.

A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.

A notarized affidavit from the family indicating the amount(s) received.

A welfare notice of action showing amounts received by the welfare agency for child support.

A written statement from an attorney certifying that a collection or enforcement action has been filed.

## **Net Income from a Business**

In order to verify the net income from a business, the Fort Wayne Housing Authority will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
  - Schedule C (Small Business)
  - Schedule E (Rental Property Income)
  - Schedule F (Farm Income)



**If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.**

2. Audited or un-audited financial statement(s) of the business.
3. Credit report or loan application.
4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
5. Family's self-certification as to net income realized from the business during previous years.

### **Child Care Business**

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the Fort Wayne Housing Authority will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

The HA will conduct interim reevaluations every 90 days and require the participant to provide a log with the information about customers and income when the income is sporadic and can not otherwise be verified.

If child care services were terminated, a third-party verification will be sent to the parent whose child was cared for.

### **Recurring Gifts**

The family must furnish a self-certification which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

## **Zero Income Status**

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. Forms are required to be submitted on the first day of the month, once every quarter. The assigned Housing Specialist will mail the required forms on the 15<sup>th</sup> day of the month prior to the due date. When the 15<sup>th</sup> day is a weekend or holiday, the verification will be mailed on the last working day prior to the 15<sup>th</sup>.

The Fort Wayne Housing Authority will request information from the Indiana State Department of Workforce Development once each quarter when households report zero income.

The Housing Authority will run a credit report and conduct a computer match with the Indiana State Department of Workforce Development if information is received that indicates the family has an unreported income source.

## **Full-time Student Status**

Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is not counted towards family income.

Verification of full time student status includes:

1. Written verification from the registrar's office or other school official.
2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

## **F. INCOME FROM ASSETS [24 CFR 982.516]**

Acceptable methods of verification include, in this order:

### **Savings Account Interest Income and Dividends**

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or Fort Wayne Housing Authority verification forms completed by the financial institution.

2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the Fort Wayne Housing Authority must adjust the information to project earnings expected for the next 12 months.

### **Interest Income from Mortgages or Similar Arrangements**

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

### **Net Rental Income from Property Owned by Family**

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

## **G. VERIFICATION OF ASSETS**

### **Family Assets**

The Fort Wayne Housing Authority will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

3. Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if the approximate current market value can be deduced from assessment.
5. Financial statements for business assets.
6. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
7. Appraisals of personal property held as an investment.
8. Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

**Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification**

1. For all Certifications and Reexaminations, the HA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.
2. If the family certifies that they have disposed of assets for less than fair market value, verification or certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

**H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME**

[24 CFR 982.516]

**Child Care Expenses**

1. Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.
2. Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

## **Medical Expenses**

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
  - a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
  - b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. Fort Wayne Housing Authority may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
8. The Fort Wayne Housing Authority will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

**Assistance to Persons with Disabilities** [24 CFR 5.611(c)]

1. In All Cases:

- (a) Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
- (b) Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

2. Attendant Care:

- (a) Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
- (b) Certification of family and attendant and/or copies of canceled checks family used to make payments.

3. Auxiliary Apparatus:

- (a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
- (b) In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

**I. VERIFYING NON-FINANCIAL FACTORS** [24 CFR 982.153(b)(15)]

**Verification of Legal Identity**

In order to prevent program abuse, the Fort Wayne Housing Authority will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

Certificate of Birth, naturalization papers

Social Security Card  
Church issued baptismal certificate  
Current, valid Driver's license  
U.S. military discharge (DD 214)  
U.S. passport  
Voter's registration  
Company/agency Identification Card  
Department of Motor Vehicles Identification Card  
Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

Certificate of Birth  
Social Security Card  
Adoption papers  
Custody agreement  
Health and Human Services ID  
School records

### **Verification of Marital Status**

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer. Verification of a separation may be a copy of court-ordered maintenance or other records. Verification of marriage status is a marriage certificate.

### **Familial Relationships**

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will always be required if applicable:

Verification of relationship:

Official identification showing names  
Birth Certificates  
Baptismal certificates

Verification of guardianship is:

Court-ordered assignment; or  
Affidavit of parent; and  
Verification from social services agency; and/or  
School records and/or  
Insurance records; and/or  
Hospital or medical records; and/or  
Other identification/documentation designating relationship

### **Verification of Permanent Absence of Family Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Fort Wayne Housing Authority will consider any of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.
7. If no other proof can be provided, the Fort Wayne Housing Authority will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member. When income is present for the absent member, the income will not be removed from the household income until the sooner of the absent members physical whereabouts can be verified (as listed in items 1 – 6 above) or 90 days.

### **Verification of Change in Family Composition**

The Fort Wayne Housing Authority may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

### **Verification of Disability**

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.



## **Verification of Citizenship/Eligible Immigrant Status**

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the Fort Wayne Housing Authority hearing is pending.

- (a) Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. The HA will require citizens to provide documentation of citizenship.
- (b) Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.
- (c) Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HA must request within ten days that the INS conduct a manual search.
- (d) Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
- (e) Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

## Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial HA does not supply the documents, the Fort Wayne Housing Authority must conduct the determination.

## Extensions of Time to Provide Documents

The HA will grant an extension of no more than 30 days for families to submit evidence of eligible immigrant status.

## Acceptable Documents of Eligible Immigration

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

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The Fort Wayne Housing Authority will verify the eligibility of a family member at any time such eligibility is in question.

If the Fort Wayne Housing Authority determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for five (5) years, unless the ineligible individual has already been considered in prorating the family's assistance.

## **Verification of Social Security Numbers** [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

A driver's license

Identification card issued by a Federal, State or local agency

Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)

An identification card issued by an employer or trade union

An identification card issued by a medical insurance company

Earnings statements or payroll stubs

Bank Statements

IRS Form 1099

Benefit award letters from government agencies

Retirement benefit letter

Life insurance policies

Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records

Verification of benefits or Social Security Number from Social Security Administration

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the Fort Wayne Housing Authority.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the Fort Wayne Housing Authority. The applicant/participant or family member will have an additional 30 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the Fort Wayne Housing Authority may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

### **Medical Need for Larger Unit**

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

Reserved

## **Chapter 8**

### **HOUSING CHOICE VOUCHER ISSUANCE AND BRIEFINGS**

[24 CFR 982.301, 982.302]

#### **INTRODUCTION**

The Fort Wayne Housing Authority's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the FWHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, FWHA procedures, and how to lease a unit. The family will also receive a briefing packet which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

## **A. ISSUANCE OF HOUSING CHOICE VOUCHERS** [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the Fort Wayne Housing Authority will issue a Housing Choice Voucher to applicants whose eligibility has been determined. The issuance of a Housing Choice Voucher must be within the dollar limitations set by the ACC budget.

The number of Housing Choice Vouchers issued must ensure that the Fort Wayne Housing Authority stays as close as possible to 100 percent lease-up. The Fort Wayne Housing Authority performs a monthly calculation electronically to determine whether applications can be processed, the number of Housing Choice Vouchers that can be issued, and to what extent the Fort Wayne Housing Authority can over-issue (issue more Housing Choice Vouchers than the budget allows).

The Fort Wayne Housing Authority may over-issue Housing Choice Vouchers only to the extent necessary to meet leasing goals. All Housing Choice Vouchers which are over-issued must be honored. If the Fort Wayne Housing Authority finds it is over-leased, it must adjust future issuance of Housing Choice Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

## **B. BRIEFING TYPES AND REQUIRED ATTENDANCE** [24 CFR 982.301]

### **Initial Applicant Briefing**

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings may be conducted in groups or individual meetings. All briefings are conducted in English.

The purpose of the briefing is to explain the documents in the Housing Choice Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The Fort Wayne Housing Authority will not issue a Housing Choice Voucher to a family unless the household representative has attended a briefing and signed the Housing Choice Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend one (1) scheduled briefing, without prior notification and approval of the Fort Wayne Housing Authority, may be denied admission based on failure to supply information needed for certification. The Fort Wayne Housing Authority will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

## **Briefing Packet** [24 CFR 982.301(b)]

The documents and information provided in the briefing packets for the Housing Choice Voucher Program will comply with all HUD requirements.

The family is provided with the following information and materials:

1. The term of the Housing Choice Voucher, and the Fort Wayne Housing Authority policy for requesting extensions to the term of the Housing Choice Voucher or suspensions of the Housing Choice Voucher.
2. A description of the method used to calculate the housing assistance payment, information on utility allowances, Fair Market Rents and Payment Standards.
3. How the maximum allowable rent is determined.
4. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition of a unit, whether the rent is reasonable, cost of tenant-paid utilities, and energy efficiency of the unit.
5. The boundaries of the geographical area in which the family may lease a unit including an explanation of portability.
6. The HUD tenancy addendum.
7. The Request for Approved Tenancy form, and a description of the procedure for requesting approval for a unit.
8. The Fort Wayne Housing Authority policy on providing information about families to prospective owners.
9. The Subsidy Standards including when and how exceptions are made and how the Housing Choice Voucher size relates to the unit size selected.
10. The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.
11. The HUD brochure on lead-based paint and information about where blood level testing is available.
12. Information on federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The Fort Wayne Housing Authority will also include the pamphlet "Fair Housing: It's Your Right" and other information about fair housing laws and guidelines, and the phone numbers of the local fair housing agency and the HUD enforcement office.



13. Information about landlords or other parties willing to lease to assisted families or help in the search and/or known units available for the size certificate or voucher issued. The list includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.
14. If the family includes a person with disabilities, notice that the Fort Wayne Housing Authority will provide assistance in locating accessible units and a list of known available accessible units.
15. The Family Obligations under the program.
16. The grounds on which the Fort Wayne Housing Authority may terminate assistance for a participant family because of family action or failure to act.
17. Fort Wayne Housing Authority informal hearing procedures including when a hearing is required, and how to request the hearing.
18. Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability.
19. A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.
20. Information regarding the Fort Wayne Housing Authority's outreach program which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations.
21. A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration.
22. A sample contract.
- 23. Procedures for notifying the Fort Wayne Housing Authority and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.**
24. The family's rights as a tenant and a program participant.
25. Requirements for reporting changes between certifications.
26. Information on security deposits and legal referral services.

## **Other Information to be Provided at the Briefing** [24 CFR 982.301(a)]

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the ~~HA~~ Fort Wayne Housing Authority, and the Fort Wayne Housing Authority and the owner.

The briefing presentation emphasizes:

Family and owner responsibilities

Where a family may lease a unit inside and outside its jurisdiction

How portability works for families eligible to exercise portability

Advantages to moving to area with low concentration of poor families if family is living in a high poverty census tract in the Fort Wayne Housing Authority jurisdiction

Exercising choice in residency

Choosing a unit carefully and only after due consideration.

The Family Self Sufficiency program and its advantages.

If the family includes a person with disabilities, the Fort Wayne Housing Authority will ensure compliance with CFR 8.6 to ensure effective communication.

### **"Smart Move" Meeting**

A "Smart Move" meeting is held for participants who wish to move. The meeting will be held before they give notice to the landlord and are reissued a Housing Choice Voucher.

The meeting is conducted to inform families of the move process and to minimize claims (for contracts effective prior to October 2, 1995) or charges against security deposits (for new contracts). All participants who plan to move are strongly encouraged but may not be required to attend.

A "Smart Move" briefing will be held for participants who will be reissued Housing Choice Vouchers to move. This briefing includes incoming and outgoing portable families.

Families failing to attend a scheduled "Smart Move" briefing will be denied a new Housing Choice Voucher based on failure to provide required information. However, the family may request to attend another "Smart Move" briefing.

## **Owner Briefing**

Briefings are held for owners at least once annually. All new and current owners are invited to attend. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the three parties.

Interested owners who request to sit in on scheduled family briefings to obtain information about the Housing Choice Voucher Program will be allowed to do so if the request is made in advance of the scheduled briefing, and there is space available.

## **C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION**

At the briefing, families are encouraged to search for housing in non-impacted areas and the Fort Wayne Housing Authority will provide assistance to families who wish to do so.

The Fort Wayne Housing Authority has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

The Fort Wayne Housing Authority has maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.

The Fort Wayne Housing Authority will investigate and analyze when Housing Choice Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

Providing families with a search record form to gather and record info.

Direct contact with landlords.

Counseling with the family.

**Providing information about services in various non-impacted areas.**

Meeting with neighborhood groups to promote understanding.

Formal or informal discussions with landlord groups

*Formal or informal discussions with social service agencies*

Meeting with rental referral companies or agencies

*Meeting with fair housing groups or agencies*

## **D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION**

The Fort Wayne Housing Authority will give participants a copy of HUD form 903 to file a complaint

## **E. SECURITY DEPOSIT REQUIREMENTS** [24 CFR 982.313]

The owner is not required to but may collect a (one) security deposit from the tenant.

Security deposits charged to families may be any amount the owner wishes to charge.

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.)

Security deposits charged by owners may be any amount the owner wishes to charge (but not more than the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

## **F. TERM OF VOUCHER** [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a Housing Choice Voucher which represents a contractual agreement between the Fort Wayne Housing Authority and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

## **Expirations**

The Housing Choice Voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Approved Tenancy within the time period that has been established.

Families who are current participants and who wish to move with Section 8 Assistance are issued the Housing Choice Voucher for 120 days.

Families who are new to the Section 8 Program will be issued the Housing Choice Voucher for 90 days. New families may request extensions, as provided in the following sections.

If the Housing Choice Voucher has expired, and has not been extended by the Fort Wayne Housing Authority or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing.

If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

### **Suspensions**

When a Request for Approved Tenancy is received, the Fort Wayne Housing Authority will not deduct the number of days required to process the request from the 60 day term of the Housing Choice Voucher.

### **Extensions**

The Fort Wayne Housing Authority will extend the term up to 120 days from the beginning of the initial term if the family needs and requests an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If as a reasonable accommodation, the family needs an extension in excess of 120 days, the Fort Wayne Housing Authority will approve such a request.

A family may request an extension of the Housing Choice Voucher time period. All requests for extensions must be received prior to the expiration date of the Housing Choice Voucher.

Extensions are permissible at the discretion of the Fort Wayne Housing Authority up to a maximum of an additional 60 days primarily for these reasons:

Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.

The Fort Wayne Housing Authority is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the Fort Wayne Housing Authority, throughout the initial sixty-day period. A completed search record is required.

**The family was prevented from finding a unit due to disability accessibility requirements.**

The Fort Wayne Housing Authority extends in one or more increments. The total length of time will never total more than an additional sixty days.

Extensions beyond 120 days are permissible at the discretion of the HA under the Final Merger Rule Technical Amendment (11/22/99), for purposes other than reasonable accommodation. In these rare cases, the Section 8 Director may approve an extension beyond 120 days.

It is the policy of the Fort Wayne Housing Authority to provide an extension of not more than 30 days when additional time is necessary for an applicant to locate housing. The additional 30 days is not an entitlement, and will only be allowed when circumstances beyond the control of the applicant have prevented or restricted the submission of a Request for Approved Tenancy.

### **Assistance to Housing Choice Voucher Holders**

Families who require additional assistance during their search may call the Fort Wayne Housing Authority Office to request assistance. Housing Choice Voucher holders will be notified at their briefing session that the Fort Wayne Housing Authority periodically updates the listing of available units and how the updated list may be obtained.

The Fort Wayne Housing Authority will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

### **G. HOUSING CHOICE VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS**

[24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Fort Wayne Housing Authority shall consider which family member was the head of household when the Housing Choice Voucher was initially issued (listed on the initial application) unless domestic violence was involved in the breakup (in the case of domestic violence the non-abuser will be assigned as the head of household).

Documentation of domestic violence will be the responsibility of the requesting parties.

If documentation is not provided, the Fort Wayne Housing Authority will terminate assistance on the basis of failure to provide information necessary for a recertification.

Where the breakup of the family also results in a reduction of the size of the Housing Choice Voucher, the family will be issued a "New" Housing Choice Voucher and be required to move to a smaller unit. The family may choose to remain in the larger unit if they meet all income requirements including the 40% affordability requirements.

**H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF HOUSING CHOICE VOUCHER** [24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by the Fort Wayne Housing Authority to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The Fort Wayne Housing Authority has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the Housing Choice Voucher size.

**Reserved**



## **Chapter 9**

### **REQUEST FOR APPROVED TENANCY AND CONTRACT EXECUTION**

#### **INTRODUCTION** [24 CFR 982.305(a)]

The Fort Wayne Housing Authority's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The Fort Wayne Housing Authority's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a Housing Choice Voucher, they may search for a unit anywhere within the jurisdiction of the Fort Wayne Housing Authority, or outside of the Fort Wayne Housing Authority's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the Fort Wayne Housing Authority. This Chapter defines the types of eligible housing, the Fort Wayne Housing Authority's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of the Requests For Approved Tenancy.

## **A. REQUEST FOR APPROVED TENANCY** [24 CFR 982.305(b)]

The Request for Approved Tenancy must be submitted by the family during the term of the “New” Housing Choice Voucher.

The Request for Approved Tenancy must be signed by both the owner and Housing Choice Voucher holder.

The Fort Wayne Housing Authority will not permit the family to submit more than one Request for Approved Tenancy at a time.

The Fort Wayne Housing Authority will review the Request for Approved Tenancy to determine whether or not they are approvable. A preliminary calculation will be conducted to determine if the unit, as proposed, appears to be affordable.

The Request will be approved if:

1. The unit is an eligible type of housing
2. The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)
3. The rent is reasonable and approvable (See Section G).
4. The Security Deposit is approvable in accordance with any limitations in this plan.
5. The owner is approvable, and there are no conflicts of interest (See Section I).

### **Disapproval of RFLA**

If the Fort Wayne Housing Authority determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The Fort Wayne Housing Authority will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given five (5) working days to submit an approvable RFLA from the date of disapproval.

When, for any reason, an RFLA is not approved, the Fort Wayne Housing Authority will furnish another RFLA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

## **B. ELIGIBLE TYPES OF HOUSING** [24 CFR 982.353, 982.54(d)(15)]

The Fort Wayne Housing Authority will approve all structure types in the program, including manufactured homes where the tenant leases the mobile home and the pad.

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The Fort Wayne Housing Authority may not permit a Housing Choice Voucher holder to lease a unit which is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

## **C. INITIAL INSPECTIONS** [24 CFR 982.305(a) & (b)]

See Chapter 10, "Housing Quality Standards and Inspections."

## **D. RENT LIMITATIONS** [24 CFR 982.507]

The Fort Wayne Housing Authority will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises. Additionally, the tenant will be limited to spending not more than 40% of the adjusted monthly income for rent and utilities at the time of move-in.

## **E. DISAPPROVAL OF PROPOSED RENT** [24 CFR 982.502]

If the proposed Gross Rent is not reasonable, at the family's request, the Fort Wayne Housing Authority will negotiate with the owner to reduce the rent to a reasonable rent.

If the rent can be approved, the Fort Wayne Housing Authority will continue processing the Request for Approved Tenancy. If the revised rent involves a change in the provision of utilities, a new Request for Approved Tenancy must be submitted by the owner.

If the owner does not agree on the Rent to Owner after the Fort Wayne Housing Authority has tried and failed to negotiate a revised rent, the Fort Wayne Housing Authority will inform the family and owner that the lease is disapproved.

**F. INFORMATION TO OWNERS** [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the Fort Wayne Housing Authority will furnish prospective owners who request the family's address information in writing from the Fort Wayne Housing Authority with the family's current address as shown in the Fort Wayne Housing Authority's records and, if known to the Fort Wayne Housing Authority, the name and address of the landlord at the family's current and prior address.

The Fort Wayne Housing Authority will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The Fort Wayne Housing Authority will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

A statement of the Fort Wayne Housing Authority's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

**G. OWNER DISAPPROVAL** [24 CFR 982.306]

See Chapter 16, "Owner Disapproval and Restriction."

**H. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE**

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP contract at admission, the information will be verified and the TTP will be recalculated. If the family does not report any change, the Fort Wayne Housing Authority need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

## I. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The Fort Wayne Housing Authority prepares the Housing Assistance Payments Contract for execution. The family and the owner will execute the Lease agreement, and the owner and the Fort Wayne Housing Authority will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The Fort Wayne Housing Authority will retain a copy of all signed documents..

The Fort Wayne Housing Authority makes every effort to execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The following representative(s) is/are authorized to execute a contract on behalf of the Fort Wayne Housing Authority:

Thomas J. Hannen, CPM	Executive Director
Maynard J. Scales	Deputy Director
James M. Evans	Section 8 Director

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security

~~Owners must also submit proof of ownership of the property, such as a Grant Deed or Tax Bill, and a copy of the Management Agreement if the property is managed by a management agent.~~

The owner must provide a home telephone number and business number if applicable.

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The Fort Wayne Housing Authority will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

## J. CHANGE IN OWNERSHIP

See Chapter 16, "Owner Disapproval and Restriction."

**Reserved**

**Chapter 10**  
**HOUSING QUALITY STANDARDS AND INSPECTIONS**  
[24 CFR 982.401]

**INTRODUCTION**

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The Fort Wayne Housing Authority will inspect each unit under contract at least annually. The Fort Wayne Housing Authority will also have an inspection supervisor perform quality control inspections on at least 5 percent of all units under contract annually to maintain the HA's required standards and to assure consistency in the Fort Wayne Housing Authority's program. This Chapter describes the Fort Wayne Housing Authority's procedures for performing HQS and other types of inspections, and the Fort Wayne Housing Authority standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and Fort Wayne Housing Authority requirements. (See additions to HQS).

The Fort Wayne Housing Authority conducts all Housing Quality Standards Inspections. This administrative plan reflects the standards that are in effect as of October 1, 1999. Additionally, the policies that are expected to be necessary to be implemented on or before January 1, 2000 are also included.

## **A. GUIDELINES/TYPES OF INSPECTIONS** [24 CFR 982.401(a), 982.405]

The Fort Wayne Housing Authority has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RFLA) to have the utilities turned on. The Inspector will schedule a reinspection. The owner and tenant will both certify that the utilities are on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the Fort Wayne Housing Authority will allow the stove and refrigerator to be placed in the unit after the inspection, if after the unit has passed all other HQS, the family certifies that the appliances are in the unit and working according to the Housing Quality Standards. The Fort Wayne Housing Authority will conduct a reinspection.

There are four types of inspections the Fort Wayne Housing Authority will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Approved Tenancy.
2. Annual: Must be conducted within twelve months of the anniversary date of the last full inspection.
3. Special/Complaint: At request of owner, family or an agency or third-party.
4. Quality Control

## **B. INITIAL HQS INSPECTION** [24 CFR 982.401(a)]

The Initial Inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this Administrative Plan.

Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the family and owner will be advised to notify the Fort Wayne Housing Authority once repairs are completed.



On an initial inspection, the owner will be given up to ten (10) days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to two (2) reinspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

### **C. ANNUAL HQS INSPECTIONS** [24 CFR 982.405(a)]

The Fort Wayne Housing Authority conducts an inspection in accordance with Housing Quality Standards at least annually, between 90 and 120 days prior to the anniversary month of the contract. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

The family must allow the Fort Wayne Housing Authority to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections will be conducted on business days only.

Reasonable hours to conduct an inspection are between 6:30 a.m. and 8:00 p.m.

The Fort Wayne Housing Authority will notify the family in writing or by phone at least ten (10) days prior to the inspection.

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 30 days.

If the family does not contact the Fort Wayne Housing Authority to reschedule the inspection, or if the family misses two (2) inspection appointments, the Fort Wayne Housing Authority will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

**Reinspection:** The family and owner are mailed a notice of the inspection appointment by mail. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The family is also notified that it is a Family Obligation to allow the Fort Wayne Housing Authority to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 15, "Denial or Termination of Assistance," they will be advised of their responsibility to correct.

### **Time Standards for Repairs**

1. Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs, the Section 8 Director may approve an extension beyond 30 days.

### **Rent Increases**

The Fort Wayne Housing Authority will conduct an inspection using the Housing Quality Standards and other standards approved in this Administrative Plan at least annually, prior to the anniversary month of the contract. Rent increase requests in the Housing Choice Voucher Programs will not be approved if the unit is in a failed condition.

### **D. SPECIAL/COMPLAINT INSPECTIONS** [24 CFR 982.405(c)]

If at any time the family or owner notifies the Fort Wayne Housing Authority that the unit does not meet Housing Quality Standards, the Fort Wayne Housing Authority will conduct an inspection.

The Fort Wayne Housing Authority may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The Fort Wayne Housing Authority will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the anniversary date is within 120 days of a special inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

### **E. QUALITY CONTROL INSPECTIONS** [24 CFR 982.405(b)]

Quality Control inspections will be performed on at least 5 percent of the units of each inspector every year. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

## **F. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS** [24 CFR 982.401 (a)]

The Fort Wayne Housing Authority adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet with the additions described below.

### **Local Codes** [24 CFR 982.401(a)(4)]

The Fort Wayne Housing Authority has adopted portions of the Fort Wayne City code that are more stringent than the Housing Quality Standards. The adopted codes are attached to the end of this chapter and are incorporated into this administrative plan.

## **G. EMERGENCY REPAIR ITEMS** [24 CFR 982.401(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No heat when outside temperature is below 0° F. and temperature inside unit is below 68° F
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of functioning toilet

The Fort Wayne Housing Authority may give a short extension (not more than 24 additional hours) whenever the responsible party cannot be notified or it is impossible to affect the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the Fort Wayne Housing Authority.

If the emergency repair item(s) are not corrected in the time period required by the Fort Wayne Housing Authority, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the Fort Wayne Housing Authority, and it is an HQS breach which is a family obligation, the Fort Wayne Housing Authority will terminate the assistance to the family.

## **Smoke Detectors**

Inoperable smoke detectors are a serious health threat and will be treated by the Fort Wayne Housing Authority as an emergency (24 hour) fail item.

If the smoke detector is not operating properly the Fort Wayne Housing Authority will contact the owner by phone and request the owner to repair the smoke detector within 24 hours. The Fort Wayne Housing Authority will reinspect the unit the following business day.

If the Fort Wayne Housing Authority determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and the Fort Wayne Housing Authority will reinspect the unit the following business day.

The Fort Wayne Housing Authority will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. The warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS and the Family Obligations. The notice will further state that violation of the family obligation for HQS fails caused by the family is grounds for termination of assistance.

## **H. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)**

[24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the Fort Wayne Housing Authority, the assistance payment to the owner will be abated.

### **Abatement**

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for not more than 30 days, depending on the nature of the repair(s) needed.

The Fort Wayne Housing Authority will inspect abated units within five (5) days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The Fort Wayne Housing Authority will advise owners of their responsibility to notify the tenant of when the reinspection will take place.

The family will be notified of the reinspection date and requested to inform the owner.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the Fort Wayne Housing Authority's portion of rent that is abated.

### **Termination of Contract**

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the Fort Wayne Housing Authority if the tenant chooses to remain in the unit. Only one (1) Housing Quality Standards inspections will be conducted after the termination notice is issued.

### **I. DETERMINATION OF RESPONSIBILITY** [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

Tenant-paid utilities not in service

Failure to provide or maintain family-supplied appliances

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

"Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The Fort Wayne Housing Authority may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection.

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

**J. CONSEQUENCES IF FAMILY IS RESPONSIBLE** [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the Fort Wayne Housing Authority will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, the Fort Wayne Housing Authority will terminate assistance to the family. Extensions in these cases must be approved by the Section 8 Director. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

Reserved

**Chapter 11**  
**OWNER RENTS, RENT REASONABLENESS, AND PAYMENT**  
**STANDARDS**

[24 CFR 982.501, 982.503, 982.504]

**INTRODUCTION**

It is the HA's responsibility to ensure that the rents charged by owners are reasonable based upon objective comparables in the rental market. The HA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS and that the rent is reasonable. The HA will determine rent reasonableness at initial lease-up, before any increases in rent to owner and at other times as described in this section. The HA will provide the owner with information concerning rent adjustments in the Certificate program until all assistance is based upon the "New" Housing Choice Voucher program.

This Chapter explains the HA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.



## **A. OWNER PAYMENT IN THE VOUCHER PROGRAM** [24 CFR 982.505(b)]

The maximum subsidy for each family is determined by the Payment Standard for the Voucher size issued to the family, less ~~30%~~ 40% of the family's Monthly Adjusted Income. ~~The actual subsidy level could be less if the family is required to pay the Minimum Total Tenant Payment (10% of the family's Monthly Income).~~

The Voucher size issued to the family is based on the HA's Subsidy Standards. The payment standard for the family is based on the lesser of the Payment Standard for the Voucher size issued and the Payment Standard for the unit selected.

The Housing Assistance Payment to the owner is the lesser of the subsidy described above or the rent charged by the owner.

## **B. MAKING PAYMENTS TO OWNERS** [24 CFR 982.451]

Once the HAP Contract is executed, the HA begins processing payments to the landlord. The effective date and the amount of the HA payment is communicated to the Accounting Department via an electronically generated transmittal form. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made electronically to the HAP Register for the following month. Checks are disbursed by the Accounting Department to the owner each month.

Checks may not be picked up by owner at the HA.

Checks are mailed on the first day of each month. Checks that are not received will not be replaced until a written request has been received from the payee, the bank has verified that the check has not been cashed and a stop payment has been put on the check.

## **C. RENT REASONABLENESS DETERMINATIONS** [24 CFR 982.503]

The Fort Wayne Housing Authority will not approve a lease until it has been determined that the initial rent to owner is a reasonable rent. The Fort Wayne Housing Authority must redetermine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The Fort Wayne Housing Authority also will redetermine rent reasonableness when owners an increase in the rent to owner for a Voucher unit.

The Fort Wayne Housing Authority must redetermine rent reasonableness if directed by HUD and based on a need identified by the auditing system. The Fort Wayne Housing Authority may elect to redetermine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined.

The Fort Wayne Housing Authority will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market.

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the HA information on rents charged by the owner for other units in the premises or elsewhere.

The data for other unassisted units will be gathered from newspapers, Realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness neighborhoods within the Fort Wayne Housing Authority jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Size (number of Bedrooms/square footage)
- Location
- Quality
- Amenities (bathrooms, dishwasher, air conditioning, etc.)
- Housing Services
- Age of unit
- Unit Type
- Utilities
- Maintenance

### **Rent Reasonableness Methodology**

**The Fort Wayne Housing Authority utilizes a rent reasonableness system which includes and defines the HUD factors listed above. The system has a total point count which is divided into rating categories.**

Information is gathered on rental units in the Fort Wayne Housing Authority market area, and each unit is rated, using the HA's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Each defined factor of the items listed above on the unit to be assisted will be compared, using a point adjustment system, to those factors of comparable unassisted units in the database. The average will be adjusted up or down based on the dollar value of all HUD required comparable items in comparison with the total database.

The Fort Wayne Housing Authority maintains notebooks which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 18 months old.

The Fort Wayne Housing Authority uses an "appraisal" method and tests the subject unit against selected units in the same area with similar characteristics. Adjustments are made for favorable and unfavorable differences between the subject unit and the comparables. Amenities, services, and facilities are given point values.

#### **D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM**

[24 CFR 982.505(b)(1)]

The Payment Standard is used to calculate the housing assistance payment for a family. The Payment Standard is set by the HA between 80 percent and 110 percent of the FMR/exception rent. The HA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the HA will ensure that the Payment Standard is within the range of 80 percent to 110 percent of the new FMR. The Fort Wayne Housing Authority's Payment Standards are reviewed annually at the time the HUD publishes the annual Fair Market Rents. The Fort Wayne Housing Authority sets the Payment Standard at ~~110%~~ 100% of the FMR for the entire jurisdiction.

#### **E. ADJUSTMENTS TO PAYMENT STANDARDS** [24 CFR 982.505(b)(3)]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families' rents affordable. The HA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the HA raise Standards if the need is solely to make "high end" units available to Voucher holders.

The HA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and if an increase is warranted, the payment standard will be adjusted within 80% of the current Fair Market Rent.

## **F. PAYMENT STANDARDS FOR A FAMILY** [24 CFR 982.505(d)]

### **Regular Reexamination**

If the payment standard decreases during the HAP Contract term, the Payment Standard for the family is the higher of (1) the Payment Standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased, or (2) the Payment Standard at the current or most recent annual exam. If a change in family size or composition occurs affecting the certificate size, the ability to use the initial Payment Standard is lost.

### **Interim Examination**

If after the beginning of the term of the lease the family has a change in income, family size or composition that would require or allow for an interim adjustment based on the HA's interim policy, the HA will not apply any new or change in payment standard until the date of the next regular reexamination.

### **Moves**

If the family moves into a different unit prior to their next recertification and the HA has had a change in the payment standard the new payment standard will be used. The applicable payment standard will be that which is the lower of either the certificate size issued or the unit size selected at the time of the move.

## **G. RENT ADJUSTMENTS** [24 CFR 982.509, 24 CFR 982.505(b)(3)]

Owners may not request rent adjustments in the Voucher Program to be effective prior to the expiration of the first year of the lease. Rent adjustments are effective:

With a sixty-day notice to the family and a copy to the HA, provided language is included in the lease. The HA will advise the owner as to whether the rent is reasonable and shall approve or disapprove the rent increase.

After 60 days notice following the HA's approval of the increase.

**Reserved**

**Chapter 12**  
**RECERTIFICATIONS**  
[24 CFR 982.516]

**INTRODUCTION**

In accordance with HUD requirements, the Fort Wayne Housing Authority will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the Fort Wayne Housing Authority's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

## **A. ANNUAL ACTIVITIES** [24 CFR 982.516, 982.405]

There are two activities the Fort Wayne Housing Authority must conduct on an annual basis. These activities will be coordinated whenever possible:

1. Recertification of Income and Family Composition
2. HQS Inspection

The Fort Wayne Housing Authority produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See Chapter 10, "Housing Quality Standards and Inspections."

Rent Adjustments: See Chapter 11, "Owner Rents, Rent Reasonableness and Payment Standards."

## **B. ANNUAL RECERTIFICATION/REEXAMINATION** [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

Income limits are not used as a test for continued eligibility at recertification unless the family is moving under portability and changing their form of assistance.

### **Reexamination Notice to the Family**

The Fort Wayne Housing Authority will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the Fort Wayne Housing Authority will provide the notice in an accessible format. The Fort Wayne Housing Authority will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

## Procedure

The Fort Wayne Housing Authority's procedure for conducting annual recertifications will be to schedule the date and time of appointments and mail a notification to the family.

## Completion of Annual Recertification

The Fort Wayne Housing Authority will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

## Persons with Disabilities

Persons with disabilities who are unable to come to the Fort Wayne Housing Authority's office will be granted an accommodation by conducting the interview at the person's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.

## Collection of Information

Participants will complete an Annual Recertification Application to collect all required data. As appropriate, utilizing group recertification briefing sessions supported by individual interviews as needed, a FWHA staff person will review the data on a HUD required Interview Guide with the Participants to assist them to provide complete and accurate data. Reasonable efforts will be made to ensure appropriate confidentiality. Based on data provided in the Annual Recertification Application, Participants will provide all information needed for accurate verifications.

~~The Fort Wayne Housing Authority representative will interview the family and enter the information provided by the family on the recertification form, review the information with the family and have them sign the form.~~

~~The Fort Wayne Housing Authority will require the family to complete a Personal Declaration Form prior to all recertification interviews.~~

## Requirements to Attend

The head of household is required to attend the recertification interview. If the head of household is unable to attend the interview, the spouse/co-head may recertify for the family, provided that the recertification documents are returned within ten (10) working days



### **Failure to Respond to Notification to Recertify**

The written notification must state which family members are required to attend the interview. The family may call to request another appointment prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the Fort Wayne Housing Authority, the Housing Authority will reschedule a second appointment. Failure to attend the second scheduled reexamination appointment will result in a notice of termination of assistance, which offers the participating family an informal hearing.

Exceptions to these policies may be made by Section 8 Director if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

### **Documents Required From the Family**

In the notification letter to the family, the Fort Wayne Housing Authority will include instructions for the family to bring the following:

- Documentation of all assets
- Documentation of any deductions/allowances
- Annual Recertification Application** ~~Personal Declaration Form~~ completed by head of household

### **Verification of Information**

The Fort Wayne Housing Authority will follow the verification procedures and guidelines described in this Administrative Plan. Verifications for reexaminations must be less than 120 days old.

### **Tenant Rent Increase**

If the tenant rent increases, a thirty day notice is mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

## **Tenant Rent Decreases**

If the tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the Fort Wayne Housing Authority.

## **C. REPORTING INTERIM CHANGES** [24 CFR 982.516]

Program participants must report all changes in household composition **and income** to the Fort Wayne Housing Authority between annual reexaminations. This includes additions due to birth, adoption, foster care placement and court-awarded custody. The family must obtain Fort Wayne Housing Authority approval prior to all other additions to the household. The head of household is required to report in writing within ten (10) working days any member of the assisted household who moves from the unit.

~~If any new family member is added, family income must include any income of the new family member. The Fort Wayne Housing Authority will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size.~~

~~The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.~~

1. **A new Total Tenant Payment will be calculated if the income increased following zero income; or**
2. **If the Participants had an interim recertification resulting in a lower Tenant Rent.**

## **Interim Reexamination Policy**

~~The Fort Wayne Housing Authority will not conduct interim reexaminations when families have an increase in income unless that increase is a result of a change in source of income (i.e. unemployment to wages).~~

~~Families will be required to report all changes in family income, assets and/or family composition must be reported in writing within ten (10) working days.~~

## Decreases in Income

Participants may report a decrease in income and other changes which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The Fort Wayne Housing Authority must calculate the change if a decrease in income is reported.

## HA Errors

If the Fort Wayne Housing Authority makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

## Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification. **However, if a full Annual Re-examination process is followed during the interim re-examination, the anniversary date may be changed according.**

~~Interim reexaminations are conducted for all households who report a change in the source of income, assets and household composition. Interim changes are made effective on the first day of the month following the date written notice is provided to the Fort Wayne Housing Authority.~~

An interim reexamination will be scheduled for families with zero and/or unstable income every 90 days. Unstable income may include unpredictable tips, commissions and frequent job changes.

~~In the following circumstances, the Fort Wayne Housing Authority may conduct the interim recertification by mail:~~

- ~~—— Changes that will not result in a change in tenant rent or Housing Choice Voucher size.~~
- ~~—— Changes in income that are normal for the family, such as seasonal and/or sporadic employment.~~
- ~~—— Reasonable accommodation when requested.~~

~~Any changes reported by participants other than those listed in this section will be noted in the file by the staff person but will not be processed between regularly scheduled annual recertifications.~~

**Notice of Results of Recertification** HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by the Fort Wayne Housing Authority. If the family disagrees with the rent adjustment, they may request an informal hearing.

**D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS**  
[24 CFR 5.615]

The Fort Wayne Housing Authority will not reduce the family share of rent for families whose welfare assistance is reduced due to a "specified welfare benefit reduction", which is a reduction in benefits by the welfare agency specifically because of:

fraud in connection with the welfare program; or

noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

However, the PHA will reduce the rent if the welfare assistance reduction is a result of:

The expiration of a lifetime time limit on receiving benefits; or

A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, or

A situation where a family member has not complied with other welfare agency requirements.

**Definition of Covered Family**

A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

**Definition of "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 included in the family's income for purposes of determining rent.

**The amount of imputed welfare income is determined by the Fort Wayne Housing Authority, based on written information supplied to the Fort Wayne Housing Authority by the welfare agency, including:**

The amount of the benefit reduction

The term of the benefit reduction

The reason for the reduction

Subsequent changes in the term or amount of the benefit reduction

The family's annual income will include the imputed welfare income, as determined at the family's annual or interim reexamination, during the term of the welfare benefits reduction (as specified by the welfare agency).

The amount of imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted resident when the welfare sanction began, imputed welfare income will not be included in annual income.

If the family claims the amount of imputed welfare income has been calculated incorrectly, the assigned Housing Specialist will review the calculation for accuracy. If the imputed welfare income amount is correct, the Fort Wayne Housing Authority will provide a written notice to the family that includes:

A brief explanation of how the amount of imputed welfare income was determined;

A statement that the family may request an informal hearing if they do not agree with the Fort Wayne Housing Authority determination.

### **Verification Before Denying a Request to Reduce Rent**

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction.

The PHA will rely on the welfare agency's written notice to the PHA regarding welfare sanctions.

### **Cooperation Agreements** [24 CFR 5.613]

The Fort Wayne Housing Authority has executed a Cooperation Agreement with the Allen County Division of Family and Children, under which the welfare agency agrees:

To target public assistance benefits and services to participants in the Fort Wayne Housing Authority's Self-Sufficiency program;

To provide written verification to the Fort Wayne Housing Authority concerning welfare benefits for applicant and participant families, and specified reduction in welfare benefits for a family member, listing: amount of reduction; reason for reduction; term of reduction, and subsequent redetermination.  
To assure timely and accurate verification of public assistance and verification of non-compliance.

The PHA and the local welfare agency have mutually agreed to exchange information regarding any economic self-sufficiency and/or other appropriate programs or services that would benefit Section 8 tenant-based assistance families.

The PHA will rely on the welfare agency's written notice regarding the amount of specified benefit reduction.

The Fort Wayne Housing Authority has taken a proactive approach to develop an effective working relationship between the agencies for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents and Section 8 tenant-based assistance families.

### **Family Dispute of Amount of Imputed Welfare Income**

If the family disputes the amount of imputed income and the Fort Wayne Housing Authority denies the family's request to modify the amount, the Fort Wayne Housing Authority will provide the tenant with a notice of denial, which will include:

An explanation for the PHA's determination of the amount of imputed welfare income

A statement that the tenant may request an informal hearing.

### **E. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)**

[24 CFR 982.516(c)]

#### **Standard for Timely Reporting of Changes**

The Fort Wayne Housing Authority requires that families report interim changes to the Fort Wayne Housing Authority within ten (10) working days of when the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided must be provided within ten (10) working days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

### **Procedures when the Change is Reported in a Timely Manner**

The Fort Wayne Housing Authority will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

The change may be implemented based on documentation provided by the family, when third-party written verification is not possible.

### **Procedures when the Change is Not Reported by the Tenant in a Timely Manner**

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement in accordance with Chapter 18 of this administrative plan

Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

### **Procedures when the Change is Not Processed by the HA in a Timely Manner**

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the Fort Wayne Housing Authority in a timely manner.

In this case, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the Fort Wayne Housing Authority.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

## **F. REPORTING OF CHANGES IN FAMILY COMPOSITION** [24 CFR 982.516(c)]

All changes in family composition must be reported in writing within ten (10) working days of the occurrence.

### **Increases in Family Size**

Increases other than by birth, adoption or court-awarded custody must have the prior approval of the owner and the Fort Wayne Housing Authority. Fort Wayne Housing Authority approval is contingent upon all HUD eligibility criteria and standards defined in this administrative plan.

If the addition would result in overcrowding according to HQS maximum occupancy standards:

The Fort Wayne Housing Authority will issue a larger Housing Choice Voucher (if needed under the Subsidy Standards) for additions to the family in the following cases:

Addition by marriage/or marital-type relation.

Addition of a minor who is a member of the nuclear family who had been living elsewhere.

Addition of an HA-approved live-in attendant.

Addition of any relation of the Head or Spouse.

Addition due to birth, adoption or court-awarded custody.

The larger Housing Choice Voucher will be issued at the next annual reexamination or when a transfer is requested (for households who have been in the unit for at least 12 months).

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in the Housing Choice Voucher shall be made effective immediately



### **G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES** [24 CFR 5.518]

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:

1. The Fort Wayne Housing Authority implemented the Non-Citizen Rule prior to November 29, 1996 AND
2. The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND
3. All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

### **H. MISREPRESENTATION OF FAMILY CIRCUMSTANCES**

If any applicant or participant misrepresents the information on which eligibility or tenant rent is established, the Fort Wayne Housing Authority may terminate assistance and may refer the family file to the proper authorities for appropriate disposition.

**Reserved**

## **Chapter 13**

### **MOVES WITH CONTINUED ASSISTANCE/PORTABILITY**

[24 CFR 982.314]

#### **INTRODUCTION**

HUD regulations permit families to move with continued assistance to another unit within the Fort Wayne Housing Authority's jurisdiction, or to a unit outside of the Fort Wayne Housing Authority's jurisdiction under Portability procedures. The regulations also allow the Fort Wayne Housing Authority the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the Fort Wayne Housing Authority's jurisdiction, and the policies for restriction and limitations on moves.

## **A. ALLOWABLE MOVES**

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the Fort Wayne Housing Authority has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner) for owner breach or otherwise.

## **B. RESTRICTIONS ON MOVES** [24 CFR 982.314, 982.552]

Families will not be permitted to move within the Fort Wayne Housing Authority's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside the Fort Wayne Housing Authority's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

**The Fort Wayne Housing Authority will deny permission to move if there is insufficient funding for continued assistance.**

The Fort Wayne Housing Authority may deny permission to move if:

The family has violated a Family Obligation.

The family owes any Housing Agency/Authority money.

The family has moved or been issued a Housing Choice Voucher within the last twelve (12) months.

The Executive Director, Deputy Director and/or Section 8 Director may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

## **C. PROCEDURE FOR MOVES** [24 CFR 982.314]

### **Issuance of Housing Choice Voucher**

Subject to the restrictions on moves, if the family has not been recertified within the last 120 days, the Fort Wayne Housing Authority will issue the Housing Choice Voucher to move.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

The annual recertification date will be changed to coincide with the new lease-up date.

### **Notice Requirements**

Briefing sessions emphasize the family's responsibility to give the owner proper written notice of any intent to move.

The family must give the owner the required number of days written notice of intent to vacate specified in the lease.

### **Time of Contract Change**

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

#### **D. PORTABILITY** [24 CFR 982.353]

Portability applies to families moving out of or into the Fort Wayne Housing Authority's jurisdiction within the United States and its territories. **Subject to the restrictions on moves**, under portability, families are eligible to receive assistance to lease a unit outside of the initial Fort Wayne Housing Authority's jurisdiction,. The unit may be located in any jurisdiction of any Housing Authority in the United States where a Housing Choice Voucher Program is administered.

#### **E. OUTGOING PORTABILITY** [24 CFR 982.353, 982.355]

When a family requests to move to outside of the Fort Wayne Housing Authority's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one HA in the area in which the family has selected a unit, the Fort Wayne Housing Authority will choose the receiving HA.

#### **Restrictions on Portability**

1. Families will not be permitted to exercise portability during the initial 12 month period after admission to the program, if neither the head or spouse had a domicile (legal residence) in the Fort Wayne Housing Authority's jurisdiction at the date of their initial application for assistance unless the receiving and Fort Wayne Housing Authority agree to allow the move.
2. If the family is in violation of a family obligation.
3. If the family owes money to the Fort Wayne Housing Authority.

#### **Outgoing Portability Procedures**

The Fort Wayne Housing Authority will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, the Fort Wayne Housing Authority will determine if the family is within the very low income limit of the receiving HA.

If the family is a participant and will be changing its form of assistance, the Fort Wayne Housing Authority will determine if the family is within the low income limit of the receiving HA, and advise the family accordingly.

The Fort Wayne Housing Authority will notify the Receiving HA that the family wishes to relocate into its jurisdiction.

The Fort Wayne Housing Authority will advise the family how to contact and request assistance from the receiving HA.

The Fort Wayne Housing Authority will notify the receiving HA that the family will be moving into its jurisdiction.

The Fort Wayne Housing Authority will provide the following documents and information to the Receiving HA:

1. **Information on the HUD portability form, including a copy of the family's Certificate of Housing Choice Voucher with issue and expiration dates and formal recognition of the family's ability to move under portability.**
2. The most recent HUD 50058 form and verifications.

### **Payment to the Receiving HA**

The Fort Wayne Housing Authority will requisition funds from HUD based on the anticipated lease-ups of portable Housing Choice Vouchers in other HA's jurisdictions. Payments for families in other jurisdictions will be made to other HA's when billed or in accordance with other HUD approved procedures for payment.

When billed, the Fort Wayne Housing Authority will reimburse the Receiving HA for 100% of the Housing Assistance Payment, 100% of the Special Claims paid on HAP contracts effective prior to 10/2/95, and 80% of the Administrative Fee (at the initial HA's rate).

### **Claims**

The Fort Wayne Housing Authority will be responsible for collecting amounts owed by the family for claims paid and for monitoring the repayment. The Fort Wayne Housing Authority will notify the Receiving HA if the family is in arrears or if the family has refused to sign a Payment Agreement, and the Receiving HA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving HA's will be required to submit hearing determinations to the Fort Wayne Housing Authority within 14 days.

## **F. INCOMING PORTABILITY** [24 CFR 982.354, 982.355]

### **Absorption or Administration**

The Fort Wayne Housing Authority will accept a family with a valid Housing Choice Voucher from another jurisdiction and administer or absorb the Housing Choice Voucher. If administering, the family will be issued a "Portability" Voucher by the Fort Wayne Housing Authority with the same start date. The Fort Wayne Housing Authority may grant extensions in accordance with this Administrative Plan.

The Fort Wayne Housing Authority will absorb all port-in families provided that there is funding available.

When the Fort Wayne Housing Authority does not absorb the incoming Housing Choice Voucher, it will administer the Initial HA's Voucher and the Fort Wayne Housing Authority's policies will prevail.

For initial lease-up, the family must be within the Fort Wayne Housing Authority 's Very-Low Income limits. For participants, the Fort Wayne Housing Authority may issue Housing Choice Voucher but if the form of assistance changes, the family must be within the Fort Wayne Housing Authority's Low Income limits. If the family is ineligible under the Fort Wayne Housing Authority's low income limit because the form of assistance offered causes the family to change programs, the Fort Wayne Housing Authority must absorb the family without a change in the form of assistance, or administer the family without a change in the form or assistance, or administer the family's current form of assistance.

The Fort Wayne Housing Authority will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition which would change the Housing Choice Voucher size, the HA will change to the proper size based on its own Subsidy Standards.

The Fort Wayne Housing Authority will decide whether to extend the "Portability Voucher" and for what period of time. However, if the Family decides not to lease-up in the Fort Wayne Housing Authority's jurisdiction, the Family must request an extension from the Initial HA.



## **Income and TTP of Incoming Portables**

As receiving HA, the Fort Wayne Housing Authority will conduct a recertification interview but only verify the information provided if there has been a change in the family's circumstances.

If the family's income exceeds the income limit of the Fort Wayne Housing Authority, the family will not be denied assistance unless the family is an applicant and over the Very-Low Income Limit.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the Fort Wayne Housing Authority's jurisdiction, the Fort Wayne Housing Authority will refuse to enter into a contract on behalf of the family at \$0 assistance.

## **Requests for Tenancy Approval**

A briefing will be mandatory for all portability families.

When the Family submits a Request for Lease Approval, it will be processed using the Fort Wayne Housing Authority's policies. If the Family does not submit a Request for Approved Tenancy or does not execute a lease, the Initial HA will be notified within 120 days by the Fort Wayne Housing Authority.

If the Family leases up successfully, the Fort Wayne Housing Authority will notify the Initial HA within 180 days, and the billing process will commence.

If the Fort Wayne Housing Authority denies assistance to the family, the Fort Wayne Housing Authority will notify the Initial HA within 180 days and the family will be offered a review or hearing.

The Fort Wayne Housing Authority will notify the Family of its responsibility to contact the Initial HA if the Family wishes to move outside the Fort Wayne Housing Authority's jurisdiction under continued portability.

## **Terminations**

The Fort Wayne Housing Authority will notify the Initial HA in writing of any termination of assistance within sixty (60) days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the Fort Wayne Housing Authority, using the regular hearing procedures included in this Administrative Plan. A copy of the hearing decision will be furnished to the Initial HA.

The Initial HA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial HA notifies the Fort Wayne Housing Authority that the Family is in arrears or the Family has refused to sign a Payment Agreement, the Fort Wayne Housing Authority will terminate assistance to the family.

## **Required Documents**

As Receiving HA, the Fort Wayne Housing Authority will require the documents listed on the HUD Portability Billing Form from the Initial HA.

## **Billing Procedures**

As Receiving HA, the Fort Wayne Housing Authority will bill the Initial HA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the Initial HA.

The Fort Wayne Housing Authority will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial HA's rate) for each "Portability" Voucher leased as of the first day of the month.

The Fort Wayne Housing Authority will notify the Initial HA of changes in subsidy amounts and will expect the Initial HA to notify the Fort Wayne Housing Authority of changes in the Administrative Fee amount to be billed.

**Reserved**

## **Chapter 14**

# **CONTRACT TERMINATIONS**

### **INTRODUCTION**

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the Fort Wayne Housing Authority which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the Fort Wayne Housing Authority and the owner, and the policies and procedures for such terminations.

## **A. CONTRACT TERMINATION** [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the Fort Wayne Housing Authority may be terminated by the Fort Wayne Housing Authority, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the Fort Wayne Housing Authority to the owner after the month in which the Contract is terminated. The owner must reimburse the Fort Wayne Housing Authority for any subsidies paid by the Fort Wayne Housing Authority for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

## **B. TERMINATION BY THE FAMILY: MOVES** [24 CFR 982.314(c)(2)]

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The notice period to the landlord is determined by the lease, but may not exceed 60 days.

## **C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS**

[24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required to evict, using the notice procedures in the HUD regulations and State/local law. The owner must provide the Fort Wayne Housing Authority with a copy of the eviction notice.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

During the term of the lease the owner may only evict for:

1. Serious or repeated violations of the lease;

2. Violations of federal, state or local law related to occupancy of the unit;
3. Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.
4. Any drug-related criminal activity on or near the premises.
5. Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.
6. Other good cause, after the first year of the lease, includes:
  - Business or economic reason for regaining possession;
  - Owner's desire to repossess unit for personal use; or
  - Tenant's refusal to accept offer of a new lease.
7. If the lease is for successive definite terms, after the initial term, the owner can terminate tenancy at the end of the initial term or any successive term without cause.

The eviction notice must specify the cause for the eviction.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the Fort Wayne Housing Authority must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The Fort Wayne Housing Authority will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide the Fort Wayne Housing Authority with the documentation, including notice of the lock-out date.

The Fort Wayne Housing Authority must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from the Fort Wayne Housing Authority, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the Fort Wayne Housing Authority has no other grounds for termination of assistance, the Fort Wayne Housing Authority may issue a new Housing Choice Voucher so that the family can move with continued assistance.

#### **D. TERMINATION OF THE CONTRACT BY HA**

[24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the Fort Wayne Housing Authority terminates program assistance for the family, and when the owner has breached the HAP contract.

(See Chapter 16/Disapproval of Owner)

The Fort Wayne Housing Authority may also terminate the contract if:

- The Fort Wayne Housing Authority terminates assistance to the family.
- The family is required to move from a unit which is overcrowded.
- Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

#### **Notice of Termination**

The Fort Wayne Housing Authority will provide the owner and family with at least thirty days written notice of termination of the contract.

#### **E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS** [24 CFR 5.514]

Families who were participants on June 19, 1995, but are ineligible for continued assistance due to the ineligible immigration status of all members of the family, or because a "mixed" family chooses not to accept Proration of assistance, are eligible for temporary deferral of termination of assistance if necessary to permit the family additional time for transition to affordable housing.

Deferrals may be granted for intervals not to exceed six months, up to an aggregate maximum of:

- 3 years for deferrals granted prior to 11/29/96, or
- 18 months for deferrals granted after 11/29/96

The family will be notified in writing at least 60 days in advance of the expiration of the deferral period that termination of assistance will not be deferred because:

- a) granting another deferral will result in an aggregate deferral period of longer than the statutory maximum (three years for deferrals granted before 11/29/96; 18 months for deferrals granted after 11/29/96), or
- b) a determination has been made that other affordable housing is available.



**Reserved**

## **Chapter 15**

### **DENIAL OR TERMINATION OF ASSISTANCE**

#### **INTRODUCTION**

The Fort Wayne Housing Authority may deny or terminate assistance for a family because of the family's action or failure to act. The Fort Wayne Housing Authority will provide families with a written description of the Family Obligations under the program, the grounds under which the Fort Wayne Housing Authority can deny or terminate assistance, and the Fort Wayne Housing Authority's informal hearing procedures. This Chapter describes when the Fort Wayne Housing Authority is required to deny or terminate assistance, and the Fort Wayne Housing Authority's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

**A. GROUNDS FOR DENIAL/TERMINATION** [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the Fort Wayne Housing Authority will delay the denial or termination in order to determine if there is an accommodation which would negate the behavior resulting from the disability.

**Form of Denial/Termination**

Denial of assistance for an applicant may include any or all of the following:

Denial for placement on the Fort Wayne Housing Authority waiting list

Denying or withdrawing a Housing Choice Voucher

Refusing to enter into a HAP contract or approve a lease

Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

Refusing to enter into a HAP contract or approve a lease

Terminating housing assistance payments under an outstanding HAP contract

Refusing to process or provide assistance under portability procedures

**Mandatory Denial and Termination** [24 CFR 982.552(b) (10)(d)]

The Fort Wayne Housing Authority must deny assistance to applicants, and terminate assistance for participants:

If any member of the family fails to sign and submit HUD or Fort Wayne Housing Authority required consent forms for obtaining information.

If no member of the family is a U.S. citizen or eligible immigrant. (See Section D)

If the family is under contract and 180 days (or 12 months, depending on the HAP contract used) have elapsed since the Fort Wayne Housing Authority's last housing assistance payment was made. (See Chapter 14, Section D)

**Grounds for Denial or Termination of Assistance** [24 CFR 982.552 (b)]

The Fort Wayne Housing Authority will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

The family violates any family obligation under the program as listed in 24 CFR 982.551.

Any member of the family has ever been evicted from public housing.

If any HA has ever terminated assistance under the Certificate or Voucher program for any member of the family.

If any member of the family commits drug-related criminal activity, or violent criminal activity. (See Section B. "One Strike" Policy)

If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

The family currently owes rent or other amounts to the Fort Wayne Housing Authority or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

The family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family breaches an agreement with any HA to pay amounts owed to any HA, or amounts paid to an owner by any HA.

The family has engaged in or threatened abusive or violent behavior toward Fort Wayne Housing Authority personnel.

"Abusive or violent behavior towards Fort Wayne Housing Authority personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

"Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

Any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other project residents.

Crime by Family Member (See Section B. "One Strike" Policy)

Refer to Chapter 2, Section E, "Other Criteria for Admission" for further information.

## **B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

### **Purpose**

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the Fort Wayne Housing Authority to fully endorse and implement a policy which is designed to:

Help create and maintain a safe and drug-free community

Keep our program participants free from threats to their personal and family safety

Support parental efforts to instill values of personal responsibility and hard work

Help maintain an environment where children can live safely, learn and grow up to be productive citizens

Assist families in their vocational/educational goals in the pursuit of self-sufficiency

### **Administration**

All screening and eviction procedures shall be administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, or other legally protected groups.

To the maximum extent possible, the Fort Wayne Housing Authority will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy will be posted on the Fort Wayne Housing Authority's bulletin board and copies made readily available to applicants and participants upon request.

## **Screening of Applicants**

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by 24 CFR 982, Subpart L and CFR Part 5, Subpart J, the Fort Wayne Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior.

Such screening will apply to any member of the household who is 18 years of age or older.

## **HUD Definitions**

*Covered person*, for purposes of 24 CFR Part 982 and this chapter, means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

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

*Drug-related criminal activity* means 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.

*Guest*, for purposes of this chapter and 24 CFR part 5, subpart A and 24 CFR Part 982, means 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. The requirements of part 982 apply to a guest as so defined.

*Household*, for the purposes of 24 CFR Part 982 and this chapter, means the family and PHA-approved live-in aide.

*Other person under the tenant's control*, for the purposes of the definition of *covered person* and for 24 CFR Parts 5 and 982 and for this chapter, means that the person, although not staying as a guest (as defined in this chapter) 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. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

*Violent criminal activity* includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

## **Standard for Violation**

The Fort Wayne Housing Authority will deny participation in the program to applicants and terminate assistance to participants in cases where the Fort Wayne Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the Fort Wayne Housing Authority determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

At no time will an applicant be admitted to the Fort Wayne Housing Authority Section 8 Housing Choice Voucher Program if the applicant or any member of the applicant household has ever engaged in the sale, manufacture and/or distribution of any controlled illegal substances.

The Fort Wayne Housing Authority will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous six (6) months.

“Engaged in or engaging in” violent criminal activity means any act within the past five (5) years by applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

The activity is being engaged in by any Family member.

The existence of the above-referenced behavior by any household member or guest, regardless of the applicant or participant’s knowledge of the behavior shall be grounds for denial or termination of assistance.

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

## **Drug Related and Violent Criminal Activity**

Under the family obligations listed at 24 CFR 982.551, the members of the household must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. HUD regulations at 24 CFR 982.553(b) require the Fort Wayne Housing Authority to establish standards for termination of assistance when this family obligation is violated.

The Fort Wayne Housing Authority has established the following standards for termination of assistance for the family when a household member has violated the family obligation to refrain from participating in drug-related or violent criminal activity.

Ineligibility if Evicted for Drug-Related Activity: Persons evicted from public housing, Indian Housing, Section 23 or any Section 8 program because of drug-related criminal activity are ineligible for admission to the Section 8 program for a three-year period beginning on the date of such eviction.

Applicants will be denied assistance if they have been:

Arrested, convicted and/or evicted from a unit assisted under the Housing Act of 1937 due to violent criminal activity within the last five (5) years prior to the date of the certification interview.

Participants will be terminated who have been:

Arrested, convicted and/or evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last [five (5)] years prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.

If the family violates the lease for drug-related or violent criminal activity, the Fort Wayne Housing Authority will terminate assistance.

In appropriate cases, the Fort Wayne Housing Authority may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the Fort Wayne Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.

The Fort Wayne Housing Authority will waive the requirement regarding drug-related criminal activity if:

The person demonstrates successful completion of a credible rehabilitation program approved by the Fort Wayne Housing Authority, or

The circumstances leading to the eviction no longer exist.



## **Denial of Assistance for Sex Offenders**

The Fort Wayne Housing Authority will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the Fort Wayne Housing Authority will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement.

## **Termination of Assistance for Participants**

If the family violates the lease for drug-related or violent criminal activity, the HA will terminate assistance.

In appropriate cases, the HA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HA may consider individual circumstances with the advice of Juvenile Court officials.

## **Notice of Termination of Assistance**

In any case where the Fort Wayne Housing Authority decides to terminate assistance to the family, the Fort Wayne Housing Authority must give the family written notice which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the Fort Wayne Housing Authority.

The Fort Wayne Housing Authority will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

### **Terminating Assistance for Alcohol Abuse by Household Members**

Under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if the PHA determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Assistance will be terminated if a household member is arrested, convicted and/ or incarcerated more than one (1) time for any alcohol-related criminal activity on or near the premises within any 12 month period.

In appropriate cases, the Fort Wayne Housing Authority may permit the family to continue receiving assistance provided that household members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the Fort Wayne Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.

The Fort Wayne Housing Authority will waive the requirement regarding alcohol abuse if:

The person demonstrates successful completion of a credible rehabilitation program approved by the Fort Wayne Housing Authority, or

The circumstances leading to the eviction no longer exist

### **Notice of Termination of Assistance**

In any case where the Fort Wayne Housing Authority decides to terminate assistance to the family, the Fort Wayne Housing Authority must give the family written notice which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the Fort Wayne Housing Authority.

If the Fort Wayne Housing Authority proposes to terminate assistance for criminal activity as shown by a criminal record, the Fort Wayne Housing Authority will provide the subject of the record and the tenant with a copy of the criminal record.

The Fort Wayne Housing Authority will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

### **Required Evidence**

*Preponderance of evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

*Credible evidence* may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The Fort Wayne Housing Authority will pursue fact-finding efforts as needed to obtain credible evidence.

### **Confidentiality of Criminal Records**

The Fort Wayne Housing Authority will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated.

All criminal reports are maintained in a locked file cabinet from the time of receipt from the appropriate law enforcement agency until the final determination/redetermination of eligibility. Access is limited to individuals responsible for screening and determining eligibility for initial and continued assistance and to the and the Fort Wayne Housing Authority management team

Misuse of the above information by any employee will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination. When an adverse determination is made based upon the information received in a criminal record, the head of household will be given the opportunity to file a grievance in accordance with Chapter 19 of this administrative plan. Upon completion of the grievance procedures, criminal records will be shredded.

### **C. FAMILY OBLIGATIONS** [24 CFR 982.551]

1. The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR 982.551). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.
4. All information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 982.404(b).
6. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violations of the lease.
8. The family must notify the owner and, at the same time, notify the PHA before the family moves out of the unit or terminates the lease upon notice to the owner.
9. The family must promptly give the PHA a copy of any owner eviction notice.
10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
11. The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.
12. The family must promptly notify the PHA if any family member no longer resides in the unit.
13. If the PHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or PHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.

14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.
18. The family must not own or have any interest in the unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
20. The household members may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
21. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

### **Housing Authority Discretion**

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the FWHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The Fort Wayne Housing Authority will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The FWHA may also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

The Fort Wayne Housing Authority may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The FWHA may permit the other members of a family to continue in the program.

### **Enforcing Family Obligations**

#### Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within ten (10) working days." Denial or termination of assistance is always optional except where this Administrative Plan or the regulations state otherwise.

#### HQS Breach

The HQS Inspector or Inspection Coordinator will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches in accordance with this administrative plan.

#### Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

If the owner initiates termination of tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the Fort Wayne Housing Authority determines that the cause is a serious or repeated violation of the lease based on available evidence.

If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and

If there are police reports, neighborhood complaints or other third party information, that has been verified by the Fort Wayne Housing Authority.

#### Notification of Eviction

If the family requests assistance to move and they did not notify the Fort Wayne Housing Authority of an eviction within ten (10) working days of receiving the Notice of Lease Termination, the move will be denied.

### Proposed Additions to the Family

The Fort Wayne Housing Authority will deny a family's request to add additional family members who are:

Persons who have been evicted from public housing.

Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations.

Persons who have been part of a family whose assistance has been terminated under the Certificate or Voucher program.

Persons who commit drug-related criminal activity or violent criminal activity.

Persons who do not meet the Fort Wayne Housing Authority's definition of family.

Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

Persons who currently owe rent or other amounts to the Fort Wayne Housing Authority or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

Persons who have engaged in or threatened abusive or violent behavior toward Fort Wayne Housing Authority personnel.

### Family Member Moves Out

Families are required to notify the PHA if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

The date the family member moved out.

The new address, if known, of the family member.

A statement as to whether the family member is temporarily or permanently absent.

### Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

If the owner terminates tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the Fort Wayne Housing Authority determines that the cause is a serious or repeated violation of the lease based on available evidence.

Nonpayment of rent is considered a serious violation of the lease.

### Notification of Eviction

If the family requests assistance to move and they did not notify the Fort Wayne Housing Authority of an eviction within ten (10) working days of receiving the Notice of Lease Termination, the move will be denied or withdrawn.

### **Family Member Moves Out**

Families are required to notify the Fort Wayne Housing Authority if any family member leaves the assisted household. When the family notifies the Fort Wayne Housing Authority, they must furnish the following information:

The date the family member moved out.

A statement as to whether the family member is temporarily or permanently absent.

Household members will not be removed

### Limitation on Profit-making Activity in Unit

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If the Fort Wayne Housing Authority determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the Fort Wayne Housing Authority determines the business is not legal, it will be considered a program violation.



### Interest in Unit

The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family.

### Fraud

In each case, the Fort Wayne Housing Authority will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claims: (Refer to Section D.)

## **D. PROCEDURES FOR NON-CITIZENS** [24 CFR 5.514, 5.516, 5.518]

### **Denial or Termination due to Ineligible Immigrant Status**

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The Fort Wayne Housing Authority must offer the family an opportunity for a hearing. (See Chapter 2, Section D.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

### **False or Incomplete Information**

When the Fort Wayne Housing Authority has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the Fort Wayne Housing Authority may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The Fort Wayne Housing Authority will then verify eligible status, deny, terminate, or prorate as applicable.

The Fort Wayne Housing Authority will deny or terminate assistance based on the submission of false information or misrepresentation.

## **Procedure for Denial or Termination**

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the Fort Wayne Housing Authority either after the INS appeal or in lieu of the INS appeal.

After the Fort Wayne Housing Authority has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

### **E. ZERO (\$0) ASSISTANCE TENANTS**

The Fort Wayne Housing Authority has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the Fort Wayne Housing Authority will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

### **F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION**

[24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the Fort Wayne Housing Authority to overpay assistance, the Fort Wayne Housing Authority may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses the Fort Wayne Housing Authority in full.

### **G. MISREPRESENTATION IN COLLUSION WITH OWNER**

[24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the Fort Wayne Housing Authority will deny or terminate assistance.

In making this determination, the Fort Wayne Housing Authority will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

## **H. MISSED APPOINTMENTS AND DEADLINES** [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the Fort Wayne Housing Authority to fulfill its responsibilities. The Fort Wayne Housing Authority schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the Fort Wayne Housing Authority to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the Fort Wayne Housing Authority, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the Fort Wayne Housing Authority to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Certificate/Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Recertifications
- Appeals

Examples of acceptable reasons for missing appointments or failing to provide information by deadlines are documented medical emergencies, family emergencies, etc.

### **Procedure when Appointments are Missed or Information not Provided**

For most purposes in this Plan, the family will be given one (1) opportunity before being issued a notice of termination or denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing the termination will not be rescinded even after the family cures the breach. However, if the family has requested an informal hearing, proof of the cure may be presented as evidence during the informal hearing.

**Reserved**

## **Chapter 16**

### **OWNER DISAPPROVAL AND RESTRICTION**

#### **INTRODUCTION**

It is the policy of the Fort Wayne Housing Authority to recruit owners to participate in the Certificate and Voucher program. The Fort Wayne Housing Authority will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the Fort Wayne Housing Authority. The regulations define when the Fort Wayne Housing Authority must disallow an owner participation in the program, and they provide the Fort Wayne Housing Authority discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

**A. DISAPPROVAL OF OWNER** [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The Fort Wayne Housing Authority will disapprove the owner for the following reasons:

HUD or other agency directly related has informed the Fort Wayne Housing Authority that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed the Fort Wayne Housing Authority that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.

HUD has informed the Fort Wayne Housing Authority that a court or administrative agency has determined that the has owner violated the Fair Housing Act or other federal equal opportunity requirements.

Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. The Fort Wayne Housing Authority will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

In cases where the owner and tenant bear the same last name, the Fort Wayne Housing Authority may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligations to maintain the unit to HQS, including any standards the Fort Wayne Housing Authority has adopted in this policy.

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

The owner has engaged in drug trafficking.

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.

The owner has a history or practice of renting units that fail to meet State or local housing codes.

The owner has not paid State or local real estate taxes, fines or assessments.

The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

## **B. OWNER RESTRICTIONS AND PENALTIES** [24 CFR 982.302(a)(8), 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the Fort Wayne Housing Authority will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The Fort Wayne Housing Authority may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the HA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

## **C. CHANGE IN OWNERSHIP**

A change in ownership requires the execution of a contract and lease amendment form.

The Fort Wayne Housing Authority may deny approval of assignment of the contract, for any of the reasons listed in Section A. of this chapter.

The Fort Wayne Housing Authority will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

If the new owner does not want an assignment of the contract, the Fort Wayne Housing Authority will terminate the HAP contract with the old owner, since they are no longer the owner. The new owner may offer the family a new assisted lease. The family may elect to enter into the new lease or move to another unit.

**Reserved**



## Chapter 17

### OWNER OR FAMILY DEBTS TO THE HA

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#### INTRODUCTION

This Chapter describes the Fort Wayne Housing Authority 's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the Fort Wayne Housing Authority 's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the Fort Wayne Housing Authority 's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the Fort Wayne Housing Authority, the Housing Authority will make every effort to collect it. The Fort Wayne Housing Authority will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus
- Income tax set-off programs

**A. PAYMENT AGREEMENT FOR FAMILIES** [24 CFR 792.103, 982.552 (b)(6-8)]

A Payment Agreement as used in this Administrative Plan is a document entered into between the Fort Wayne Housing Authority and a person who owes a debt to the Fort Wayne Housing Authority. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the Fort Wayne Housing Authority upon default of the agreement.

The maximum amount for which the Fort Wayne Housing Authority will enter into a payment agreement with a family is \$2,500.00

The maximum length of time the HA will enter into a payment agreement with a family is 12 months.

The minimum monthly amount of monthly payment for any payment agreement is 1/12 of the maximum amount owed.

The HA will use a sliding scale system to determine the monthly payment.

**Payment Schedule for Monies Owed to the HA**

<u>Initial Payment Due (% of Total Amount)</u>	<u>Amount Owed</u>	<u>Maximum Term</u>
<b>50%</b>	0 - \$500	6 months
<b>50%</b>	\$501 - \$1,000	9 months
<b>50%</b>	\$1,001 - \$2,500	12 months

There are some circumstances in which the Fort Wayne Housing Authority will not enter into a payment agreement. They are:

If the family already has a Payment Agreement in place.

If the Fort Wayne Housing Authority determines that the family committed program fraud.

The Section 8 Director has discretion to modify the initial down payment and payment terms as requested by the family. At no time will the payment term exceed 12 months.

**B. DEBTS OWED FOR CLAIMS** [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the HA for claims paid to an owner:

The Fort Wayne Housing Authority will require the family to pay the amount in full; or

The Fort Wayne Housing Authority will enter into a Payment Agreement.

**Late Payments**

A payment will be considered to be in arrears if:

The payment is not received by the close of the business day five (5) working days after the due date.

If the family's payment agreement is in arrears, the Fort Wayne Housing Authority will:

Require the family to pay the balance in full  
Pursue collection of the balance due  
Terminate the housing assistance

If the family requests a move to another unit and has a payment agreement in place for the payment of an owner claim, and the payment agreement is not in arrears:

The family will be required to pay the balance in full prior to the issuance of a certificate or voucher.

If the family requests a move to another unit and is in arrears on a payment agreement for the payment of an owner claim, the family will be required to pay the balance in full, or be terminated from the program. If the family pays the past due amount, they will be permitted to move.

**C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION**

[24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

**- Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.**

### **Family Error/Late Reporting**

Families who owe money to the Fort Wayne Housing Authority due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

### **Program Fraud**

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

If a family owes an amount which equals or exceeds \$10,000.00 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the HA will refer the case for criminal prosecution.

### **Payment Procedures for Program Fraud**

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

The maximum time period for a Payment Agreement will be twelve (12) months.

The family will be required to pre-pay 1/2 of the amount owed prior to or upon execution of the Payment Agreement.

The minimum monthly payment will be 1/12 of the total sum owed.

### **D. GUIDELINES FOR PAYMENT AGREEMENTS** [24 CFR 982.552(b)(8)]

Payment Agreements will be executed between the Fort Wayne Housing Authority and the head of household.

A Payment Agreement will be considered to be in default when it is in arrears for 30 days

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Section 8 Director.

No move will be approved until the debt is paid in full.

Additional Monies Owed: If the family already has a Payment Agreement in place and incurs an additional debt, the Fort Wayne Housing Authority will not enter into more than one Payment Agreement with the family.

#### **E. OWNER DEBTS TO THE HA** [24 CFR 982.453(b)]

If the Fort Wayne Housing Authority determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the Fort Wayne Housing Authority may reclaim the amounts from future Housing Assistance Payments owed the owner for any units under contract.

If future Housing Assistance Payments are insufficient to reclaim the amounts owed, the Fort Wayne Housing Authority will require the owner to pay the amount in full within 30 days.

#### **F. WRITING OFF DEBTS**

Debts will be written off if:

The debtor's whereabouts are unknown and the debt is more than ten (10) years old.

A determination is made that the debtor is judgment proof.

The debtor is deceased.

The amount is less than \$500.00 and the debtor cannot be located.

**Reserved**

## **Chapter 18**

# **COMPLAINTS AND APPEALS**

### **INTRODUCTION**

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the Fort Wayne Housing Authority. This Chapter describes the policies, procedures and standards to be used when families disagree with an Fort Wayne Housing Authority decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the Fort Wayne Housing Authority to ensure that all families have the benefit of all protections due to them under the law.

## **A. COMPLAINTS TO THE HA**

The Fort Wayne Housing Authority will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The Fort Wayne Housing Authority does require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

### **Categories of Complaints**

**1. Complaints from families: If a family disagrees with an action or inaction of the Fort Wayne Housing Authority or owner.**

Complaints from families will be referred to the assigned Housing Specialist

**2. Complaints from owners: If an owner disagrees with an action or inaction of the Fort Wayne Housing Authority or a family.**

Complaints from owners will be referred to either the Housing Specialist assigned to the tenant or the HQS Section if the complaint is related to HQS.

**3. Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules.**

Complaints from staff will be referred to the Section 8 Director.

The Fort Wayne Housing Authority hearing procedures will be provided to families in the briefing packet.

## **B. PREFERENCE DENIALS** [24 CFR 5.415]

When the Fort Wayne Housing Authority denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for an informal review with Fort Wayne Housing Authority staff to discuss the reasons for the denial and to dispute the HA's decision.

The person who conducts the meeting is typically an officer or employee of the Fort Wayne Housing Authority who did not make or approve the decision.

## **C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS**

[24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.



When the Fort Wayne Housing Authority determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

The reason(s) they are ineligible,

**The procedure for requesting a review if the applicant does not agree with the decision and**

The time limit for requesting a review.

The Fort Wayne Housing Authority must provide applicants with the opportunity for an Informal Review of decisions denying:

Qualification for preference  
Listing on the HA's waiting list  
Issuance of a Certificate or Voucher  
Participation in the program

Informal Reviews are not required for established policies and procedures and Fort Wayne Housing Authority determinations such as:

1. Discretionary administrative determinations by the Fort Wayne Housing Authority
2. General policy issues or class grievances
3. A determination of the family unit size under the Fort Wayne Housing Authority subsidy standards
4. Refusal to extend or suspend a Certificate or Voucher
5. Disapproval of lease
6. Determination that unit is not in compliance with HQS
7. Determination that unit is not in accordance with HQS due to family size or composition

**Procedure for Review**

A request for an Informal Review must be received in writing by the close of the business day, no later than ten (10) business days from the date of the Fort Wayne Housing Authority's notification of denial of assistance. The informal review will be scheduled within 30 days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by the person selected by the Section 8 Director. That person may be an employee of the HA, a commissioner or an individual from outside the Fort Wayne Housing Authority.

The applicant will be given the option of presenting oral or written objections to the decision. Both the HA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The review may be conducted by mail and/or telephone if acceptable to both parties.

A Notice of the Review findings will be provided in writing to the applicant within 14 calendar days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

#### **D. INFORMAL HEARING PROCEDURES** [24 CFR 982.555(a-f), 982.54(d)(13)]

When the Fort Wayne Housing Authority makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The Fort Wayne Housing Authority will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the Fort Wayne Housing Authority;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the Fort Wayne Housing Authority's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.

The Fort Wayne Housing Authority must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following Fort Wayne Housing Authority determinations:

1. Determination of the family's annual or adjusted income and the computation of the housing assistance payment
2. Appropriate utility allowance used from schedule
3. Family unit size determination under Fort Wayne Housing Authority subsidy standards

4. Determination to terminate assistance for any reason.

The Fort Wayne Housing Authority must always provided the opportunity for an informal hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and Fort Wayne Housing Authority determinations such as:

1. Discretionary administrative determinations by the Fort Wayne Housing Authority
2. General policy issues or class grievances
3. Establishment of the Fort Wayne Housing Authority schedule of utility allowances for families in the program
4. An Fort Wayne Housing Authority determination not to approve an extension or suspension of a certificate or voucher term
5. An Fort Wayne Housing Authority determination not to approve a unit or lease
6. An Fort Wayne Housing Authority determination that an assisted unit is not in compliance with HQS (HA must provide hearing for family breach of HQS because that is a family obligation determination)
7. An Fort Wayne Housing Authority determination that the unit is not in accordance with HQS because of the family size
8. An Fort Wayne Housing Authority determination to exercise or not exercise any right or remedy against the owner under a HAP contract

### **Notification of Hearing**

It is the Fort Wayne Housing Authority's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the Fort Wayne Housing Authority will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the Fort Wayne Housing Authority receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

1. The date and time of the hearing
2. The location where the hearing will be held
3. The family's right to bring evidence, witnesses, legal or other representation at the family's expense
4. The right to view any documents or evidence in the possession of the Fort Wayne Housing Authority upon which the Fort Wayne Housing Authority based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing.

### **The HA's Hearing Procedures**

After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. If the family does not appear at the scheduled time, and did not make arrangements in advance, the decision of the Fort Wayne Housing Authority will stand and all rights to an informal hearing are forfeited.

Families have the right to:

Present written or oral objections to the Fort Wayne Housing Authority's determination.

Examine the documents in the file which are the basis for the Fort Wayne Housing Authority 's action, and all documents submitted to the Hearing Officer;

Copy any relevant documents at their expense;

Present any information or witnesses pertinent to the issue of the hearing;

Request that Fort Wayne Housing Authority staff be available or present at the hearing to answer questions pertinent to the case; and

Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the Fort Wayne Housing Authority will make the copies for the family and assess a charge of \$0.10 per copy. In no case will the family be allowed to remove the file from the Fort Wayne Housing Authority's office.

In addition to other rights contained in this Chapter, the Fort Wayne Housing Authority has a right to:

Present evidence and any information pertinent to the issue of the hearing;

Be notified if the family intends to be represented by legal counsel, advocate, or another party;

Examine and copy any documents to be used by the family prior to the hearing;

Have its attorney present; and

Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the Fort Wayne Housing Authority who is neither the person who made or approved the decision, nor a subordinate of that person. The Informal Hearing may be conducted by the person selected by the Section 8 Director. That person may be an employee of the Fort Wayne Housing Authority, a commissioner or an individual from outside the Fort Wayne Housing Authority.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the Fort Wayne Housing Authority shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the Fort Wayne Housing Authority is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the Fort Wayne Housing Authority and the family within 14 days and shall include:

A clear summary of the decision and reasons for the decision;

If the decision involves money owed, the amount owed;

The date the decision goes into effect.

The HA is not bound by hearing decisions:

Which concern matters in which the Fort Wayne Housing Authority is not required to provide an opportunity for a hearing

Which conflict with or contradict to HUD regulations or requirements;

Which conflict with or contradict Federal, State or local laws; or

**Which exceed the authority of the person conducting the hearing.**

The Fort Wayne Housing Authority shall send a letter to the participant if it determines the HA is not bound by the Hearing Officer's determination within ten (10) days. The letter shall include the Fort Wayne Housing Authority's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

**E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"** [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the Fort Wayne Housing Authority hearing is pending but assistance to an applicant may be delayed pending the Fort Wayne Housing Authority hearing.

**INS Determination of Ineligibility**

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the Fort Wayne Housing Authority notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the Fort Wayne Housing Authority either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the Fort Wayne Housing Authority a copy of the appeal and proof of mailing or the HA may proceed to deny or terminate. The time period to request an appeal may be extended by the Fort Wayne Housing Authority for good cause.

The request for an Fort Wayne Housing Authority hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in section D of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the Fort Wayne Housing Authority will:

Deny the applicant family

Defer termination if the family is a participant and qualifies for deferral

Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the Fort Wayne Housing Authority will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

## **F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES** [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the Fort Wayne Housing Authority is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.



**Reserved**

**Chapter 19**  
**SPECIAL HOUSING TYPES**  
[24 CFR 982.601]

**INTRODUCTION**

The Fort Wayne Housing Authority will not set aside any program funding for special housing types, or for a special housing type. A family may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

**Verification of Need for Reasonable Accommodation**

An example of acceptable documentation as verification of the need for reasonable accommodation would be a letter to the Fort Wayne Housing Authority describing how the special housing type requested provides the accommodation that the person is in need of. The request and documentation will be reviewed by the Section 8 Director and a written response stating approval or disapproval will be sent to the applicant/participant within ten (10) of receipt of the request.

A copy of the Fort Wayne Housing Authority's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

**A. SINGLE ROOM OCCUPANCY** [24 CFR 982.602]

HUD has determined that there is not a demand for SRO's in this area. Therefore, a single person may not reside in an SRO housing unit.

**B. CONGREGATE HOUSING** [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit.

The Fort Wayne Housing Authority may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The Fort Wayne Housing Authority will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

**Congregate Housing Lease and HAP Contract** [24 CFR 982.606]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the FMR/exception rent limit for a family that resides in a congregate housing unit is the zero-bedroom FMR/exception rent limit.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the FMR/exception rent limit for a family that resides in a congregate housing unit is the one bedroom FMR/exception rent limit.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

**Housing Quality Standards**

The HA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

### **C. GROUP HOMES** [24 CFR 982.610, 982.612]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.[24 CFR 982.612]

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the Fort Wayne Housing Authority, a live-in aide may reside with a person with disabilities.

The Fort Wayne Housing Authority must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

The Fort Wayne Housing Authority will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

#### **Group Home Lease and HAP Contract** [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any Fort Wayne Housing Authority -approved live-in Aide.

#### **Group Home Rent and HAP Contract** [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the Fort Wayne Housing Authority will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

#### **Maximum Subsidy**

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

For a Voucher Tenancy, the payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard for the group home size.

#### Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

#### Housing Quality Standards

The Fort Wayne Housing Authority will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

### **D. SHARED HOUSING** [24 CFR 982.615]

#### Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The Fort Wayne Housing Authority may approve a live-in aide to reside with a family in order to care for a person with a disability. The Fort Wayne Housing Authority must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the Fort Wayne Housing Authority. However, housing assistance may not be paid on behalf of an owner. The Fort Wayne Housing Authority will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

#### Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in Chapter Eleven, Section E.

#### Maximum Subsidy

For the Voucher Program the payment standard is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard for the shared housing unit size.

If the Fort Wayne Housing Authority approves a live-in aide, the live-in aide will be counted in determining the family unit size.

#### Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

#### Housing Quality Standards

The Fort Wayne Housing Authority will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

### **E. COOPERATIVE HOUSING** [24 CFR 982.619]

The Fort Wayne Housing Authority will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families the Fort Wayne Housing Authority will not approve assistance for a family in cooperative housing until the Fort Wayne Housing Authority has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with Chapter Eleven, Section E. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperatives debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in Chapter Eleven, Section H.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations on rent to owner. The housing assistance payment will be determined in accordance with the guidelines in Chapter Eleven.

The Fort Wayne Housing Authority may approve a live-in aide to reside with the family to care for a person with disabilities. The Fort Wayne Housing Authority will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the Fort Wayne Housing Authority approves a live-in aide, the live-in aide will be counted when determining the family unit size.

#### Housing Quality Standards

The Fort Wayne Housing Authority will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in Chapter Ten and regulated by 24 CFR 982.401.

#### **F. MANUFACTURED HOMES** [24 CFR 982.620]

The Fort Wayne Housing Authority will permit a family to lease a manufactured home and space with assistance under the program. The Fort Wayne Housing Authority will provide assistance for a family that owns the manufactured home and leases only the space.

The Fort Wayne Housing Authority may approve a live-in aide to reside with a family to care for a person with disabilities. The Fort Wayne Housing Authority will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the Fort Wayne Housing Authority approves a live-in aide, the live-in aide must be counted when determining the family unit size.

#### **Housing Quality Standards** [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in Chapter Ten and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

### **Manufactured Home Space Rental** [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

### **Reasonable Rent**

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the Fort Wayne Housing Authority.

The Fort Wayne Housing Authority will not approve a lease for a manufactured home space until the Fort Wayne Housing Authority has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the Fort Wayne Housing Authority will redetermine that the rent is reasonable.

The HA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The Fort Wayne Housing Authority will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the Fort Wayne Housing Authority, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the Fort Wayne Housing Authority, the owner must provide the Fort Wayne Housing Authority information on rents for other manufactured home space.

### **Housing Assistance Payments for Manufactured Home Space** [24 CFR 982.623]



The FMR for a manufactured home space will be determined by HUD. Exception rents do not apply.

The payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard for a family renting a manufactured home space is the published FMR for manufactured home space rental. The payment standard will be determined by the Fort Wayne Housing Authority in accordance with this Admin Plan.

### Subsidy Calculation for the Voucher Program

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of: the amortization cost, the utility allowance, and the payment standard; OR

The monthly gross rent for the manufactured home space minus the minimum rent. For the Voucher program the minimum rent is the higher of: 10 percent of monthly gross income, or the Fort Wayne Housing Authority's minimum rent.

### Amortization Cost

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the Fort Wayne Housing Authority determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

The Fort Wayne Housing Authority will not approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.

The Fort Wayne Housing Authority will not include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

### **Utility Allowance Schedule for Manufactured Home Space Rental** [24 CFR 982.624]

The Fort Wayne Housing Authority will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

#### **G. SECTION 8 HOMEOWNERSHIP OPTION**

The Fort Wayne Housing Authority will offer the homeownership option to all participant families who meet the following eligibility requirements:

- The participant family is currently enrolled in the Family Self-Sufficiency (FSS) Program and in compliance with the FSS contract; or
- The participant family is a graduate of the Fort Wayne Housing Authority's Family Self-Sufficiency (FSS) Program (or other Housing Authority's FSS Program, approved by the Fort Wayne Housing Authority); and

The Fort Wayne Housing Authority will not offer the homeownership option to applicant families who are not currently participating in the Section 8 program.

The Fort Wayne Housing Authority will limit homeownership program to a maximum of 100 families at any given time.

#### **Initial Homeownership Program Eligibility Requirements [24 CFR 982.627]**

The family must meet all of the requirements listed below before the commencement of homeownership assistance.

The family must be eligible for the Housing Choice Voucher program.

The family must qualify as a first-time homeowner, or may be a co-operative member.

The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. Unless the family is elderly or disabled, income from welfare assistance will not be counted toward this requirement.

The family must meet the Federal minimum employment requirement.

At least one adult family member who will own the home must be currently employed full time and must have been continuously employed for one year prior to homeownership assistance.

HUD regulations define “full time employment” as not less than an average of 30 hours per week.

A family member will be considered to have been continuously employed even if that family member has experienced a gap in employment, provided that the gap in employment:

Did not exceed 30 calendar days; and

The gap in employment did not occur within the 3 month period immediately prior to the family’s request to utilize the homeownership option; and

There has been no more than one (1) gap in employment within the past 12 calendar months.

The Federal minimum employment requirement does not apply to elderly or disabled families.

Any family member who has previously defaulted on a mortgage obtained through the homeownership option is barred from receiving future homeownership assistance.

The Fort Wayne Housing Authority will impose the following additional initial requirements:

- The family must not have family-caused violations of HUD’s Housing Quality standards within the last 12-month period.
- The family is not within the initial 1-year period of a HAP Contract.
- The family may not owe money to the Fort Wayne Housing Authority or any other Housing Authority.
- The family may not have committed any serious or repeated violations of a PHA-assisted lease within the past 12-month period.

**Homeownership Counseling Requirements** [24 CFR 982.630]

When the family has been determined eligible, they must attend and complete homeownership counseling sessions. The Fort Wayne Housing Authority will offer counseling consistent with HUD-approved housing counseling standards. Families will have the option of attending homeownership counseling, at their own expense, through approved not-for-profit organizations.

The following topics will be included in the homeownership counseling sessions:

- Responsible homeownership
- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;
- Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to find homes in such areas; and,
- Information about Real Estate Settlement Procedures Act (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

**Eligible Units** [24 CFR 982.628]

The unit must meet all of the following requirements:

The unit must meet HUD's "Eligible Housing" requirements. The unit may not be any of the following:

A public housing or Indian housing unit;

A unit receiving Section 8 project-based assistance;

A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;

A college or other school dormitory;

On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.

The unit already existed or was under construction at the time the family was determined eligible for homeownership assistance.

The unit is a one-unit property, duplex, town/row house or a single dwelling unit in a cooperative or condominium.

The unit has been inspected by the Fort Wayne Housing Authority and by a qualified independent inspector designated by the family. The American Society of Home Inspectors (ASHI) or the National Association of Home Inspectors (NAHI) must certify the independent inspector to conduct home inspections.

The unit meets HUD's Housing Quality Standards and all requirements defined in Chapter 10 of this administrative plan.

The Fort Wayne Housing Authority will not approve the seller of the unit if it has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.

### **PHA Search and Purchase Requirements** [24 CFR 982.629]

As required by HUD, the Fort Wayne Housing Authority has established the maximum time that will be allowed for a family to locate and purchase a home. The family's deadline date for locating a home to purchase will be 150 calendar days from the date the family's eligibility for the homeownership option is determined. The family must obtain financing and purchase the home within the maximum time allowed.

The Fort Wayne Housing Authority will require periodic reports on the family's progress in finding and purchasing a home. The family will provide such reports at intervals of thirty (30) days.

If the family is unable to purchase a home within the maximum time limit, the Fort Wayne Housing Authority will issue the family a voucher to lease a unit if funding remains available. When funding will not adequately support additional leasing, the family's name will be placed on the waiting list for a voucher.

### **Inspection and Contract** [24 CFR 982.631]

The unit must meet Housing Quality Standards, and must also be inspected by an independent professional inspector selected and paid by the family.

The independent inspection must cover major building systems and components. The inspector must be qualified to identify physical defects and report on property conditions, including major building systems and components. These systems and components include, but are not limited to:

Foundation and structure;

Housing interior and exterior;

Roofing;

Plumbing, electrical and heating systems.

The independent inspector must not be a Fort Wayne Housing Authority employee or contractor. The Fort Wayne Housing Authority will not require the family to use an independent inspector selected by the Fort Wayne Housing Authority. The Fort Wayne Housing Authority requires that the inspector is a member of the American Society of Home Inspectors (ASHI) or National Association of Home Inspectors (NAHI) certified to conduct residential home inspections.

Copies of the independent inspection report will be provided to the family and the Fort Wayne Housing Authority. Based on the information in this report, the family and the Fort Wayne Housing Authority will determine whether any pre-purchase repairs are necessary. The Fort Wayne Housing Authority may disapprove the unit for homeownership assistance because of information, or lack of information, in the report.

The family must enter into a contract of sale with the seller of the unit. A copy of the contract must be given to the Fort Wayne Housing Authority. The contract of sale must specify the price and terms of sale, and provide that the purchaser will arrange for a pre-purchase independent inspection of the home. The contract must also:

Provide that the purchaser is not obligated to buy the unit unless the inspection is satisfactory;

Provide that the purchaser is not obligated to pay for necessary repairs; and

Contain the seller's certification that he or she has not been debarred, suspended or subject to a limited denial of participation.

### **Financing** [24 CFR 982.632]

The family is responsible for securing financing. The Fort Wayne Housing Authority has established financing requirements, listed below, and may disapprove proposed financing if it is determined that the debt is unaffordable.

The Fort Wayne Housing Authority will prohibit the following forms of financing:

- Balloon Payment Mortgages
- Seller Financing
- Land Contracts
- Package Loans
- Wrap-Around Loans

### **Continued Assistance** [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. The family or lender is not required to refund homeownership assistance for the month the family moves out.

The family must comply with the following obligations in order to continue to receive homeownership assistance:

The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.

The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to CFR 982.551 (h) and (i).

The family must supply information to the Fort Wayne Housing Authority or HUD as specified in CFR 982.551(b). The family must further supply any information required by the Fort Wayne Housing Authority or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.

The family must notify the Fort Wayne Housing Authority before moving out of the home.

The family must notify the Fort Wayne Housing Authority if the family defaults on the mortgage used to purchase the home.

No family member may have any ownership interest in any other residential property.

The family must attend and complete ongoing homeownership counseling.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

**Maximum Term of Homeownership Assistance** [24 CFR 982.634]

Except in the case of elderly or disabled families, the maximum term of homeownership assistance is:

15 years, if the initial mortgage term is 20 years or longer, or

10 years in all other cases.

The elderly exception only applies if the family qualified as elderly at the start of homeownership assistance. The disabled exception applies if, at any time during receipt of homeownership assistance, the family qualifies as disabled.

If the family ceases to qualify as elderly or disabled during the course of homeownership assistance, the maximum term becomes applicable from the date assistance commenced. However, such a family must be afforded at least 6 months of homeownership assistance after the maximum term becomes applicable.

If the family sells their assisted house and chooses to use homeownership assistance for another property, either in the Fort Wayne Housing Authority jurisdiction or another jurisdiction, the total of such assistance terms is subject to the maximum term described in this section.

**Homeownership Assistance Payments and Homeownership Expenses** [24 CFR 982.635]

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

In determining the amount of the homeownership assistance payment, the Fort Wayne Housing Authority will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described in this plan for the Housing Choice Voucher Program.

The Fort Wayne Housing Authority will pay the homeownership assistance payment to the family or to the lender at the discretion of the lender.

Some homeownership expenses are allowances or standards determined by the Fort Wayne Housing Authority in accordance with HUD regulations. These allowances are used in determining expenses for all homeownership families and are not based on the condition of the home.

Homeownership expenses include:

Principal and interest on mortgage debt.

Mortgage insurance premium (if required by lender or paid by homeowner).

Taxes and insurance.

The Fort Wayne Housing Authority utility allowance used for the voucher program.

The Fort Wayne Housing Authority allowance for routine maintenance costs equal to \$50.00 per month.

The Fort Wayne Housing Authority allowance for major repairs and replacements equal to \$50.00 per month.

Principal and interest on debt for improvements.

If the home is a cooperative or condominium, expenses also include operating expenses or maintenance fees assessed by the homeowner association.



**Portability** [24 CFR 982.636, 982.353(b) and (c), 982.552, 982.553]

Subject to the restrictions on portability included in HUD regulations and in Chapter 13 of this plan, the family may exercise portability if the receiving housing authority is administering a voucher homeownership program and accepting new homeownership families.

The receiving housing authority may absorb the family into its voucher program, or bill the Fort Wayne Housing Authority. The receiving housing authority arranges for housing counseling and the receiving agency's homeownership policies apply.

**Moving With Continued Assistance** [24 CFR 982.637]

Subject to the restrictions on transfers included in HUD regulations and in Chapter 13 of this plan, a family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

The Fort Wayne Housing Authority prohibits more than one move by the family during any one-year period.

The Fort Wayne Housing Authority will deny permission to move with continued rental or homeownership assistance if it is determined that there is insufficient funding to provide continued assistance.

The Fort Wayne Housing Authority will require the family to complete additional homeownership counseling prior to moving to a new unit with continued assistance under the homeownership option.

**Denial or Termination of Assistance** [24 CFR 982.638]

Termination of homeownership assistance is governed by the policies for the Housing Choice Voucher Program contained in chapter 15 of the Administrative Plan. However, the provisions of CFR 982.551 (c) through (j) are not applicable to homeownership.

The Fort Wayne Housing Authority will terminate homeownership assistance if the family is dispossessed from the home due to a judgment or order of foreclosure.

The Fort Wayne Housing Authority will permit such a family to move with continued voucher rental assistance. However, rental assistance will be denied if the family defaulted on an FHA-insured mortgage, and the family fails to demonstrate that:

The family conveyed title to the home as required by HUD, and

The family moved within the period required by HUD.

The Fort Wayne Housing Authority will terminate homeownership assistance if the family:

Transfers or conveys ownership of the home;

Fails to provide requested information to the Fort Wayne Housing Authority or HUD;

Fails to notify the Fort Wayne Housing Authority before moving out of the home;

Fails to use the assisted homeownership unit for residence by the family. The homeownership unit must be the family's only residence;

Leases or rents out the homeownership unit;

Commits any fraud, bribery or any other corrupt criminal act in connection with the program; or,

Engage in drug-related criminal activity, or violent criminal activity (I.A.W. 24 CFR §982.553).

An assisted family, or members of the family may not receive Section 8 tenant-based assistance (including homeownership assistance) for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, state or local housing assistance program.

### **Recapture of Homeownership Assistance** [24 CFR 982.640]

The Fort Wayne Housing Authority will comply with CFR 982.640 in recapturing a percentage of the homeownership assistance provided to the family upon sale or refinancing of the home.

Upon purchase of the home, the family shall execute documentation securing the Fort Wayne Housing Authority's right to recapture homeownership assistance.

Reserved

## **CHAPTER 20**

### **PROGRAM INTEGRITY**

[24 CFR 792.101 to 792.204, 982.54]

#### **INTRODUCTION**

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The Fort Wayne Housing Authority is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The Fort Wayne Housing Authority will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the Fort Wayne Housing Authority's policies for the prevention, detection and investigation of program abuse and fraud.

## **A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD**

Under no circumstances will the Fort Wayne Housing Authority undertake an inquiry or an audit of a participating family arbitrarily. The Fort Wayne Housing Authority's expectation is that participating families will comply with HUD requirements, provisions of the certificate or voucher, and other program rules. The Fort Wayne Housing Authority staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the Fort Wayne Housing Authority has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the Fort Wayne Housing Authority's attention, to investigate such claims.

The Fort Wayne Housing Authority will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

1. Referrals, Complaints, or Tips. The Fort Wayne Housing Authority will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.
2. Internal File Review. A follow-up will be made if Fort Wayne Housing Authority staff discovers (as a function of a certification or recertification, an interim reexamination, or a quality control review), information or facts which conflict with previous file data, the Fort Wayne Housing Authority's knowledge of the family, or is discrepant with statements made by the family.
3. Verification of Documentation. A follow-up will be made if the Fort Wayne Housing Authority receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

## **B. STEPS THE HA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD**

The Fort Wayne Housing Authority management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

1. Things You Should Know. This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the Fort Wayne Housing Authority's expectations for cooperation and compliance.
2. Program Orientation Session. Mandatory orientation sessions will be conducted by the Fort Wayne Housing Authority staff for all prospective program participants, either prior to or upon issuance of a certificate or voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.
3. Resident Counseling. The Fort Wayne Housing Authority will routinely provide participant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.
4. Review and Explanation of Forms. Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.
5. Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse
6. Participant Certification. All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.

### **C. STEPS THE HA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD**

The Fort Wayne Housing Authority Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

1. Quality Control File Reviews. Prior to initial certification, and at the completion of all subsequent recertifications, 10% of files will be reviewed. Such reviews shall include, but are not limited to:
  1. Assurance that verification of all income and deductions is present.
  2. Changes in reported Social Security Numbers or dates of birth.
  3. Authenticity of file documents.
  4. Ratio between reported income and expenditures.
  5. Review of signatures for consistency with previously signed file documents.
  6. All forms are correctly dated and signed.
2. Observation. The Fort Wayne Housing Authority Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income. Observations will be documented in the family's file.
3. Public Record Bulletins may be reviewed by Management and Staff.
4. State Wage Data Record Keepers. Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits
5. Credit Bureau Inquiries. Credit Bureau inquiries may be made (with proper authorization by the participant) in the following circumstances:
  1. When an allegation is received by the Fort Wayne Housing Authority wherein unreported income sources are disclosed.
  2. When a participant's expenditures exceed his/her reported income, and no plausible explanation is given.

## **D. THE HA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD**

The Fort Wayne Housing Authority staff will encourage all participating families to report suspected abuse. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The Fort Wayne Housing Authority will not follow up on allegations which are vague or otherwise non-specific. They will only review allegations that contain one or more independently verifiable facts.

1. File Review. An internal file review will be conducted to determine:

If the subject of the allegation is a client of the Fort Wayne Housing Authority and, if so, to determine whether or not the information reported has been previously disclosed by the family.

It will then be determined if the Fort Wayne Housing Authority is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

2. Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Fort Wayne Housing Authority will initiate an investigation to determine if the allegation is true or false.

## **E. OVERPAYMENTS TO OWNERS**

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, the Fort Wayne Housing Authority may terminate the Contract and arrange for restitution to the Fort Wayne Housing Authority and/or family as appropriate.

The Fort Wayne Housing Authority will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the Fort Wayne Housing Authority or the tenant, as applicable.



## **F. HOW THE HA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD**

If the Fort Wayne Housing Authority determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the Fort Wayne Housing Authority will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries. In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.

Verification of Credit. In cases where the financial activity conflicts with file data, a *Verification of Credit* form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages that may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the Fort Wayne Housing Authority's review.

Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, the Fort Wayne Housing Authority will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members. The Fort Wayne Housing Authority will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate Fort Wayne Housing Authority office. A high standard of courtesy and professionalism will be maintained by the Fort Wayne Housing Authority staff person who conducts such interviews. Under no circumstances will the management tolerate inflammatory language, accusation, or any unprofessional conduct or language. If possible, an additional staff person will attend such interviews.

### **G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE HA**

Documents and other evidence obtained by the Fort Wayne Housing Authority during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among Fort Wayne Housing Authority Staff unless they are involved in the process, or have information which may assist in the investigation.

### **H. CONCLUSION OF THE HA'S INVESTIGATIVE REVIEW**

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

### **I. EVALUATION OF THE FINDINGS**

If it is determined that a program violation has occurred, the Fort Wayne Housing Authority will review the facts to determine:

1. The type of violation (procedural, non-compliance, fraud).
2. Whether the violation was intentional or unintentional.
3. What amount of money (if any) is owed by the family.
4. If the family is eligible for continued occupancy.

## **J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED**

Once a program violation has been documented, the Fort Wayne Housing Authority will propose the most appropriate remedy based upon the type and severity of the violation.

1. Procedural Non-compliance. This category applies when the family "fails to" observe a procedure or requirement of the Fort Wayne Housing Authority, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

### Examples of non-compliance violations are:

Failure to appear at a pre-scheduled appointment.

Failure to return verification in time period specified by the Fort Wayne Housing Authority.

- (a) Warning Notice to the Family. In such cases a notice will be sent to the family that contains the following:

A description of the non-compliance and the procedure, policy or obligation that was violated.

The date by which the violation must be corrected, or the procedure complied with.

The action which will be taken if the procedure or obligation is not complied with by the date specified by the Fort Wayne Housing Authority.

The consequences of repeated (similar) violations.

2. Procedural Non-compliance - Overpaid Assistance. When the family owes money to the Fort Wayne Housing Authority for failure to report changes in income or assets, the Fort Wayne Housing Authority will issue a Notification of Overpayment of Assistance. This Notice will contain the following:

- A description of the violation and the date(s).

- Any amounts owed to the HA.

- A ten (10) day response period.

- The right to disagree and to request an informal hearing with instructions for the request of such hearing.

- (a) Participant Fails to Comply with HA's Notice. If the Participant fails to comply with the and a family obligation has been violated, the Fort Wayne Housing Authority will initiate termination of assistance.
  - (b) Participant Complies with HA's Notice. When a family complies the Fort Wayne Housing Authority's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule which was violated. The staff person will complete a Participant Counseling Report, give one copy to the family and retain a copy in the family's file.
3. Intentional Misrepresentations. When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance, the Fort Wayne Housing Authority will evaluate whether or not:
- The participant had knowledge that his/her actions were wrong, and
  - The participant willfully violated the family obligations or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrongdoing.

The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- (a) An admission by the participant of the misrepresentation.
- (b) That the act was done repeatedly.
- (c) If a false name or Social Security Number was used.
- (d) If there were admissions to others of the illegal action or omission.
- (e) That the participant omitted material facts that were known to him/her (e.g., employment of self or other household member).
- (f) That the participant falsified, forged or altered documents.
- (g) That the participant uttered and certified to statements at a interim (re)determination which were later independently verified to be false.

4. Dispositions of Cases Involving Misrepresentations. In all cases of misrepresentations involving efforts to recover monies owed, the Fort Wayne Housing Authority may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

- (a) Criminal Prosecution: If it has established criminal intent, and the case meets the criteria for prosecution, the Fort Wayne Housing Authority will:

Refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

- (b) Administrative Remedies: The Fort Wayne Housing Authority will require one of the following remedies, depending upon severity:

Terminate assistance and demand payment of restitution in full.

Terminate assistance and execute an administrative repayment agreement in accordance with the Fort Wayne Housing Authority's Repayment Policy.

Terminate assistance and pursue restitution through civil litigation.

Continue assistance at the correct level upon repayment of restitution in full in accordance with the provisions defined in this administrative plan.

Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the Fort Wayne Housing Authority's repayment policy.

5. The Case Conference for Serious Violations and Misrepresentations. When the Fort Wayne Housing Authority has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative and the Fort Wayne Housing Authority staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the Fort Wayne Housing Authority. The purpose of such conference is to review the information and evidence obtained by the Fort Wayne Housing Authority with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. The Fort Wayne Housing Authority will take any documents or mitigating circumstances presented by the family into consideration. The family will be given ten (10) working days to furnish any mitigating evidence.

A secondary purpose of the Participant Conference is to assist the Fort Wayne Housing Authority in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the following will be considered:

The duration of the violation and number of false statements.

The family's ability to understand the rules.

The family's willingness to cooperate, and to accept responsibility for his/her actions

The amount of money involved.

The family's past history

Whether or not criminal intent has been established.

6. Notification to Participant of Proposed Action. The Fort Wayne Housing Authority will notify the family of the proposed action no later than ten (10) days after the case conference by certified mail.

**Reserved**

## GLOSSARY

### A. ACRONYMS USED IN SUBSIDIZED HOUSING

<b>AAF</b>	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
<b>ACC</b>	Annual Contributions Contract
<b>BR</b>	Bedroom
<b>CDBG</b>	Community Development Block Grant
<b>CFR</b>	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
<b>CPI</b>	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
<b>CR</b>	Contract Rent
<b>FDIC</b>	Federal Deposit Insurance Corporation
<b>FHA</b>	Federal Housing Administration
<b>FICA</b>	Federal Insurance Contributions Act - Social Security taxes
<b>FmHA</b>	Farmers Home Administration
<b>FMR</b>	Fair Market Rent
<b>FY</b>	Fiscal Year
<b>FYE</b>	Fiscal Year End
<b>GAO</b>	Government Accounting Office
<b>GFC</b>	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
<b>GR</b>	Gross Rent
<b>HA</b>	Housing Agency
<b>HAP</b>	Housing Assistance Payment
<b>HAP Plan</b>	Housing Assistance Plan



<b>HCDA</b>	Housing and Community Development Act
<b>HQS</b>	Housing Quality Standards
<b>HUD</b>	The Department of Housing and Urban Development or its designee.
<b>HURRA</b>	Housing and Urban/Rural Recovery Act of 1983
<b>IG</b>	Inspector General
<b>IGR</b>	Independent Group Residence
<b>IPA</b>	Independent Public Accountant
<b>IRA</b>	Individual Retirement Account
<b>MSA</b>	Metropolitan Statistical Area established by the U.S. Census Bureau
<b>PMSA</b>	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
<b>PS</b>	Payment Standard
<b>QC</b>	Quality Control
<b>RFLA</b>	Request for Lease Approval
<b>RFP</b>	Request for Proposals
<b>RRP</b>	Rental Rehabilitation Program
<b>SRO</b>	Single Room Occupancy
<b>SSMA</b>	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
<b>TR</b>	Tenant Rent
<b>TTP</b>	Total Tenant Payment
<b>UA</b>	Utility Allowance
<b>URP</b>	Utility Reimbursement Payment

## **B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING**

**ADMINISTRATIVE PLAN.** The HUD required written policy of the HA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the HA's board and a copy submitted to HUD.

**ABSORPTION.** In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

**ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE").** Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

**ADJUSTED INCOME.** Annual income, less allowable HUD deductions.

**ADMINISTRATIVE FEE.** Fee paid by HUD to the HA for administration of the program.

**ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve").** Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

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

**ANNUAL CONTRIBUTIONS CONTRACT (ACC).** A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program

**ANNUAL INCOME.** The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

**ANNUAL INCOME AFTER ALLOWANCES.** The Annual Income (described above) less the HUD-approved allowances.

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

**"AS-PAID" STATES.** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

**ASSETS.** (See Net Family Assets.)

**ASSISTED TENANT.** A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

**BUDGET AUTHORITY.** An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

**CERTIFICATE.** A Certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

**CERTIFICATE OR VOUCHER HOLDER.** A family holding a voucher or certificate with unexpired search time.

**CERTIFICATE PROGRAM.** Rental certificate program.

**CHILD CARE EXPENSES.** Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

**CO-HEAD.** An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

**CONGREGATE HOUSING.** Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

**COOPERATIVE.** A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

**CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT.** (Consolidated ACC). See 24 CFR 982.151.

**CONTIGUOUS MSA.** In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

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

**CONTRACT.** (See Housing Assistance Payments Contract.)

**CONTRACT AUTHORITY.** The maximum annual payment by HUD to an HA for a funding increment.

**CONTRACT RENT.** In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

**DEPENDENT.** A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

**DISABILITY ASSISTANCE EXPENSE.** Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

**DISABLED PERSON.** A person who is any of the following:

- (1) A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
- (2) A person who has a physical, mental, or emotional impairment that:
  - (i) Is expected to be of long-continued and indefinite duration;
  - (ii) Substantially impedes his or her ability to live independently; and
  - (iii) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- (3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

**DISABLED FAMILY.** A family where the head or spouse meet any of the above criteria for disabled person.

**DISPLACED PERSON/FAMILY.** A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

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

**DRUG-RELATED CRIMINAL ACTIVITY.** The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)).

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

**ELDERLY HOUSEHOLD.** A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

**ELDERLY PERSON.** A person who is at least 62 years old.

**ELIGIBILITY INCOME.** May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

**ELIGIBLE FAMILY (Family).** A family is defined by the HA in the administrative Plan, which is approved by HUD.

**EXCEPTIONAL MEDICAL OR OTHER EXPENSES.** Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

**EXCEPTION RENT.** In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determining the initial contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

**FAIR MARKET RENT (FMR).** The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the **Federal Register**.

**FAMILY.** "Family" includes but is not limited:

- (a) An Elderly Family or Single Person as defined in 24 CFR 5.403(b),
- (b) The remaining member of a tenant family, and
- (c) A Displaced Person

**\*(d) ["family" can be further defined by the HA.]**

**FAMILY OF VETERAN OR SERVICE PERSON.** A family is a "family of veteran or service person" when:

1. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

**FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM).** The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

**FAMILY SHARE.** The amount calculated by subtracting the housing assistance payment from the gross rent.

**FAMILY UNIT SIZE.** The size of the Certificate or Voucher issued to the family based on the HA's subsidy standards.

**FEDERAL PREFERENCE.** A preference under federal law for admission of applicant families that are any of the following:

- (1) Involuntarily displaced.
- (2) Living in substandard housing (including families that are homeless or living in a shelter for the homeless).
- (3) Paying more than 50 percent of family income for rent.

**FEDERAL PREFERENCE HOLDER.** An applicant that qualifies for a federal preference.

**FMR/EXCEPTION RENT LIMIT.** The section 8 existing housing fair market rent published by HUD headquarters or any exception rent. In the certificate program the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the HA may adopt a payment standard up to the FMR/exception rent limit.

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

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

**FUNDING INCREMENT.** Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

**GROSS FAMILY CONTRIBUTION.** Changed to Total Tenant Payment.

**GROSS RENT.** The sum of the Contract Rent and the utility allowance. If there is no utility allowance, Contract Rent equals Gross Rent.

**GROUP HOME.** A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

**HAP CONTRACT.** (See Housing Assistance Payments contract.)

**HEAD OF HOUSEHOLD.** The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

**HOUSING AGENCY.** A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

**HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.** Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

**HOUSING ASSISTANCE PAYMENT.** The monthly assistance payment by an HA. The total assistance payment consists of:

- (1) A payment to the owner for rent to owner under the family's lease.
- (2) An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

**HOUSING ASSISTANCE PAYMENTS CONTRACT.** (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

**HOUSING ASSISTANCE PLAN.** (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

**HOUSING QUALITY STANDARDS (HQS).** The HUD minimum quality standards for housing assisted under the tenant-based programs.

**HUD REQUIREMENTS.** HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

**HURRA.** The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

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

**IMPUTED INCOME.** HUD passbook rate x total cash value of assets. Calculation used when assets exceed \$5,000.

**INITIAL HA.** In portability, the term refers to both:

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

**INITIAL PAYMENT STANDARD.** The payment standard at the beginning of the HAP contract term.

**INITIAL RENT TO OWNER.** The rent to owner at the beginning of the HAP contract term.

**INCOME.** Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

**INCOME FOR ELIGIBILITY.** Annual Income.

**INDIAN.** Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.



**INDIAN HOUSING AUTHORITY (IHA).** A housing agency established either:

- (1) By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- (2) By operation of State law providing specifically for housing authorities for Indians.

**INTEREST REDUCTION SUBSIDIES.** The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

**INVOLUNTARILY DISPLACED PERSON.** Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

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

**LANDLORD.** This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

**LARGE VERY LOW INCOME FAMILY.** Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

**LEASE.**

- (1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA
- (2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA.

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

**LIVE-IN AIDE.** A person who resides with an elderly person or disabled person and who:

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

**LOCAL PREFERENCE.** A preference used by the HA to select among applicant families without regard to their federal preference status.

**LOW-INCOME FAMILY.** A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

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

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

**MARKET RENT.** The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

**MEDICAL EXPENSES.** Those total medical expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

**MINOR.** A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

**MIXED FAMILY.** A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

**MONTHLY ADJUSTED INCOME.** 1/12 of the Annual Income after Allowances or Adjusted Income.

**MONTHLY INCOME.** 1/12 of the Annual Income.

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

**NEGATIVE RENT.** Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

**NET FAMILY ASSETS.** Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

**NET FAMILY CONTRIBUTION.** Former name for Tenant Rent.

**NON CITIZEN.** A person who is neither a citizen nor a national of the United States.

**OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards]** Standards established by an HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

**OVER-FMR TENANCY (OFTO).** In the Certificate program: A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

**OWNER.** Any persons or entity having the legal right to lease or sublease a unit to a participant.

**PARTICIPANT.** A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

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

**PERSONS WITH DISABILITIES.** Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

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

**PREMISES.** The building or complex in which the dwelling unit is located, including common areas and grounds.

**PRIVATE SPACE.** In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

**PUBLIC ASSISTANCE.** Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

**PUBLIC HOUSING AGENCY (PHA).** A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "housing agency" (HA).

**RANKING PREFERENCE.** A preference used by the HA to select among applicant families that qualify for federal preference.

**REASONABLE RENT.** A rent to owner that is not more than rent charged:

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

**RECEIVING HA.** In portability: An HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher and provides program assistance to the family.

**RECERTIFICATION.** Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

**REGULAR TENANCY.** In the Certificate program: A tenancy other than an over-FMR tenancy.

**REMAINING MEMBER OF TENANT FAMILY.** Person left in assisted housing after other family members have left and become unassisted.

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

**RESIDENT ASSISTANT.** A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

**SECRETARY.** The Secretary of Housing and Urban Development.

**SECURITY DEPOSIT.** A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

**SERVICE PERSON.** A person in the active military or naval service (including the active reserve) of the United States.

**SINGLE PERSON.** A person living alone or intending to live alone.

**SPECIAL ADMISSION.** Admission of an applicant that is not on the HA waiting list or without considering the applicant's waiting list position.

**SPECIAL HOUSING TYPES.** See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

**SPOUSE.** The husband or wife of the head of the household.

**SUBSIDIZED PROJECT.** A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
6. A Public Housing Project.

**SUBSIDY STANDARDS.** Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

**SUBSTANDARD UNIT.** Substandard housing is defined by HUD for use as a federal preference.

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

**TENANT.** The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

**TENANT RENT.** (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Where some of all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, Tenant Rent equals Total Tenant Payment less the Utility Allowance in the Certificate Program. In the Voucher Program, Tenant Rent is Rent to Owner less HAP.

**TOTAL TENANT PAYMENT (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**UNIT.** Residential space for the private use of a family.

**UNUSUAL EXPENSES.** Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

**UTILITIES.** Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

**UTILITY ALLOWANCE.** If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

**UTILITY REIMBURSEMENT PAYMENT.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

**VACANCY LOSS PAYMENTS.** (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

**VERY LARGE LOWER-INCOME FAMILY.** Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

**VERY LOW INCOME FAMILY.** A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher Programs.

**VETERAN.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

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

**VOUCHER PROGRAM.** The rental voucher program.

**WAITING LIST ADMISSION.** An admission from the HA waiting list.

**WAITING LIST.** A list of families organized according to HUD regulations and HA policy that are waiting for subsidy to become available.

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

**WELFARE RENT.** This concept is used ONLY for Section 8 Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

- (1) If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or recertification is being processed.
- (2) If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

### **C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE**

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

**CITIZEN.** A citizen or national of the United States.

**EVIDENCE.** Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

**HA.** A housing authority- either a public housing agency or an Indian housing authority or both.

**HEAD OF HOUSEHOLD.** The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

**HUD..** Department of Housing and Urban Development.

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

**MIXED FAMILY.** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

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

**NONCITIZEN.** A person who is neither a citizen nor nation of the United States.

**PHA.** A housing authority that operates Public Housing.

**RESPONSIBLE ENTITY.** The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the HA).

**SECTION 214.** Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

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



**Reserved**

## Replacement Housing Factor Funds Plan (RHF)

The Fort Wayne Housing Authority first received RHF funds in FFY 2002 in the amount of \$144,143.

In FFY's 2003 & 2004 the Housing Authority received funds in the amounts of \$118,598 and \$137,349 respectively.

These funds were assigned to an account reserved for development activities. These funds are the "first five year increment" that was available from HUD for qualified Housing Authorities. To qualify for these funds, a Housing Authority had to have disposed or demolished public housing units. We demolished 75 units at the Miami Village public housing family site that was built the World War 2 era.

As mentioned above, the funds the Housing Authority received are from one "increment". FWHA expects to receive an additional 5 years funding at near the same levels. FWHA will then have accrued adequate funding to begin the next phase of the development process.

It is the Housing Authority's intention to utilize it's newly formed Community Development Housing Organization (HOP in partnership with the City of Fort Wayne and its department of Economic Development to redevelop the former Miami Village site near the intersection of Brooklyn and Nuttman avenues. The Housing Authority is committed to increasing the affordable housing stock here in the city and will be aggressively pursuing all available funding sources in this effort. FWHA plans to develop a mixed finance family or senior development on the property to further enhance the new Brooklyn Medical Center and the pending Brooklyn Manor senior apartments due to start construction in Q2, 2005 and open in Q2 2006.

This plan is subject to change or amendment based on unknown factors such as funding variables.

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number Capital Fund Program Grant No: IN36P00350101 Replacement Housing Factor Grant No:	Federal FY of Grant: 2001
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Original Annual Statement  Reserve for Disasters/ Emergencies  Revised Annual Statement (revision no: 1)  
 Performance and Evaluation Report for Period Ending: 12/31/04  Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	143,292	143,292	143,292	143,292
3	1408 Management Improvements	267,900	265,776	265,776	198,758
4	1410 Administration	143,292	143,292	143,292	143,292
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	20,000	20,000	20,000	20,000
8	1440 Site Acquisition				
9	1450 Site Improvement	308,180	509,655	509,655	275,497
10	1460 Dwelling Structures	333,454	127,479	127,479	88,742
11	1465.1 Dwelling Equipment— Nonexpendable	69,000	69,000	69,000	69,000
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment	147,800	154,424	154,424	154,424
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				

**Annual Statement/Performance and Evaluation Report**  
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Original Annual Statement  Reserve for Disasters/ Emergencies  Revised Annual Statement (revision no: 1)  
 Performance and Evaluation Report for Period Ending: 12/31/04  Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	1,432,918	1,432,918	1,432,918	1,093,005
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs	100,000	100,000	100,000	100,000
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

**Annual Statement/Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)  
 Part II: Supporting Pages**

PHA Name: <b>Fort Wayne Housing Authority</b>		Grant Type and Number Capital Fund Program Grant No: IN36P00350101 Replacement Housing Factor Grant No:				Federal FY of Grant: 2001		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA – WIDE	Operations	1406	10%	143,292	143,292	143,292	143,292	
Management Improvements	Resident Initiative Program	1408	3	55,900	53,776	53,776	31,416	
	Resident training	1408	8	12,000	12,000	12,000	8,204	
	Administration training	1408	35	40,000	40,000	40,000	6,797	
	Security & safety	1408	100%	100,000	100,000	100,000	100,000	
	Computer software	1408	10%	50,000	50,000	50,000	49,726	
	Maintenance training	1408	15	10,000	10,000	10,000	2,615	
Administration	Salaries/benefits	1410	4	143,292	143,292	143,292	143,292	
Fees/Costs	A/E services	1430	2	20,000	20,000	20,000	20,000	

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)  
 Part II: Supporting Pages

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350101 Replacement Housing Factor Grant No:				Federal FY of Grant: 2001		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
IN3-6 McCormick Place	Appliance replacement	1465.1	97	69,000	69,000	69,000	69,000	
IN3-5 Beacon Heights	Resident recreation area	1450	1	10,000	10,000	10,000	500	
IN3-6 McCormick Place	Curb restructure	1450	1	15,000	15,000	15,000	15,000	
	Playground equipment and surfacing	1450	2	70,000	70,000	70,000	70,000	
	Fencing for play areas	1450	2	4,000	4,000	4,000	1,305	
	Trash receptacles	1450	7	3,200	3,200	3,200	3,200	
	Privacy fencing	1450	100%	10,000	10,000	10,000	10,000	

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)  
 Part II: Supporting Pages

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350101 Replacement Housing Factor Grant No:				Federal FY of Grant: 2001		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
IN3-4 Miami Homes	Landscaping	1450	1	15,000	15,000	15,000	3,363	
	Window shutters	1450	48	4,000	4,000	4,000	0	
Administration Building	Paint stairwell rails and exterior of building.	1450	1	4,500	4,500	4,500	3,550	
	Window tint	1450	2	1,000	1,000	1,000	0	
	Signage	1450	1	0	0	0	0	
IN3-7 Brookmill Court	Rehab existing basketball court	1450	1	6,500	6,500	6,500	6,500	
	Address/mailbox replacement	1450	108	3,780	3,780	3,780	3,780	
	Playground equipment and surfacing	1450	1	35,000	35,000	35,000	35,000	

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)  
 Part II: Supporting Pages

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350101 Replacement Housing Factor Grant No:			Federal FY of Grant: 2001			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
	Parking restructure	1450	2	100,000	100,000	100,000	100,000	
	Fencing around dumpster areas	1450	7	13,000	13,000	13,000	13,000	
	Trash receptacles	1450	7	3,200	3,200	3,200	3,200	
	Privacy fencing	1450	100%	10,000	10,000	10,000	7,099	
	Landscape renovations	1450	50%	0	47,000	47,000	0	
IN3-15 River Cove	Replace siding	1450	18	0	154,475	154,475	0	
IN3-5 Beacon Heights	Floor repair & replacement	1460	2	0	0	0	0	
	Remat freight elevator	1460	1	0	0	0	0	
	Paint common areas	1460	100%	10,000	10,000	10,000	10,000	
	Interior door trim replacement	1460	6	1,900	1,900	1,900	0	
IN3-8 North Highlands	Floor repair & replacement	1460	2	115	115	115	115	



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)  
 Part II: Supporting Pages

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350101 Replacement Housing Factor Grant No:			Federal FY of Grant: 2001			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
	Remat freight elevator	1460	1	0	0	0	0	
	Paint common areas	1460	100%	10,000	10,000	10,000	10,000	
	Interior door trim replacement	1460	6	1,900	1,900	1,900	0	
IN3-10 Tall Oaks	Floor repair & replacement	1460	2	115	115	115	115	
	Remat freight elevator	1460	1	0	0	0	0	
	Paint common areas	1460	100%	10,000	10,000	10,000	10,000	
	Interior door trim replacement	1460	6	1,900	1,900	1,900	0	
IN3-7 Brookmill Court	HVAC system replacement	1460	31	154,475	0	0	0	
	Paint community room	1460	1	1,500	1,500	1,500	1,500	

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350101 Replacement Housing Factor Grant No:				Federal FY of Grant: 2001		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
IN3-6 McCormick Place	Paint community room	1460	1	1,500	1,500	1,500	1,500	
	HVAC system replacement	1460	18	93,779	0	0	0	
Maintenance Facility	Flooring	1460	1	28,270	75,049	75,049	42,012	
	A/C installation in warehouse	1460	1	16,000	13,500	13,500	13,500	
Administration Building	Restroom upgrade	1460	1	2,000	0	0	0	
	Lighting in hallways	1460	10	0	0	0	0	
HA – WIDE	Telephone system upgrade	1475	1	5,000	2,471	2,471	2,471	
	Vehicle replacement	1475	3	90,000	90,000	90,000	90,000	
	Computer hardware	1475	10	20,000	20,000	20,000	20,000	
	Maintenance lawn equipment	1475	2	28,000	37,153	37,153	37,153	
	Training equipment	1475	3	4,800	4,800	4,800	4,800	

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

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program No: IN36P00350101 Replacement Housing Factor No:					Federal FY of Grant: 2001
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
IN3-4	06/30/03			06/30/05			
IN3-5	06/30/03			06/30/05			
IN3-6	06/30/03			06/30/05			
IN3-7	06/30/03			06/30/05			
IN3-8	06/30/03			06/30/05			
IN3-10	06/30/03			06/30/05			
IN3-11	06/30/03			06/30/05			
IN3-12	06/30/03			06/30/05			
IN3-15	06/30/03			06/30/05			
HA – WIDE	06/30/03			06/30/05			
ADMINISTRATION BUILDING	06/30/03			06/30/05			
MAINTENANCE FACILITY	06/30/03			06/30/05			



Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary					
PHA Name: Fort Wayne Housing Authority		Grant Type and Number IN36P00350102 Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2002
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: 1) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/04 <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	120,269	120,269	120,269	120,629
3	1408 Management Improvements Soft Costs	240,538	240,538	240,538	150,625
	Management Improvements Hard Costs				
4	1410 Administration	120,269	120,269	120,269	67,762
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement	250,000	250,000	250,000	162,808
10	1460 Dwelling Structures	321,614	321,614	321,614	38,220
11	1465.1 Dwelling Equipment— Nonexpendable				
12	1470 Nondwelling Structures				

Annual Statement/Performance and Evaluation Report					
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary					
PHA Name: Fort Wayne Housing Authority		Grant Type and Number IN36P00350102 Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2002
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: 1) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/04 <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
13	1475 Nondwelling Equipment	60,000	60,000	60,000	60,000
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities	90,000	90,000	90,000	0
19	1502 Contingency				
	Amount of Annual Grant: (sum of lines.....)	1,202,690	1,202,690	1,202,690	600,044
	Amount of line XX Related to LBP Activities				
	Amount of line XX Related to Section 504 compliance				
	Amount of line XX Related to Security –Soft Costs	170,000	170,000	170,000	170,000
	Amount of Line XX related to Security-- Hard Costs				
	Amount of line XX Related to Energy Conservation Measures				
20	Collateralization Expenses or Debt Service 1501	766,588	766,588	766,588	766,588

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number: IN36P00350102 Capital Fund Program Grant No: Replacement Housing Factor Grant No:				Federal FY of Grant: 2002			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
HA – WIDE	OPERATIONS		1406	10%	120,269		120,269	120,269	
MGMT. IMPROVEMENT	RESIDENT INITITIVE PROGRAM		1408	3	30,538		30,538	0	
	ADMINISTRATION TRAINING		1408	35	10,000		10,000	0	
	SECURITY & SAFETY		1408	100%	170,000		170,000	150,625	
	COMPUTER SOFTWARE		1408	10%	30,000		30,000	0	
ADMIN-ISTRATION	SALARIES/BENEFITS		1410	2	120,269		120,269	67,762	
IN3-7 BROOKMILL COURT	PLAY SURFACING		1450	4	50,000		50,000	50,000	
	PARKING LOT RESTRUCTURE		1450	3	200,000		200,000	112,808	
IN3-15 RIVER COVE	REPLACE SIDING		1460	9 BLDGS.	210,000		210,000	36,623	
IN3-6 McCORMICK PLACE	REPLACE WINDOWS		1460	12 BLDGS.	111,614		111,614	1,597	
HA-WIDE	REPLACEMENT MAINTENANCE VEHICLES		1475	2	60,000		60,000	60,000	
HA-WIDE	BUILD HOME		1499	1	90,000		90,000	0	

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

PHA Name: Fort Wayne Housing Authority		Grant Type and Number: IN36P00350102 Capital Fund Program No: Replacement Housing Factor No:				Federal FY of Grant: 2002	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
HA-WIDE	06/30/04			06/30/06			
MGMT. IMPROVEMENTS	06/30/04			06/30/06			
ADMINISTRATION	06/30/04			06/30/06			
IN3-7 BROOKMILL COURT	06/30/04			06/30/06			
IN3-15 RIVER COVE	06/30/04			06/30/06			
IN3-6 McCORMICK PLACE	06/30/04			06/30/06			
IN3-12 SCATTERED SITE	06/30/04			06/30/06			



# Annual Statement/Performance and Evaluation Report

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

PHA Name: Fort Wayne Housing Authority	Grant Type and Number: Capital Fund Program Grant No: Replacement Housing Factor Grant No: IN36R003501-02	Federal FY of Grant: 2002
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Original Annual Statement  
  Reserve for Disasters/ Emergencies  
  Revised Annual Statement (revision no:    )  
  Performance and Evaluation Report for Period Ending: 12/31/04  
  Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities	144,143		0	0
19	1501 Collaterization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	144,143		0	0
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

**Annual Statement/Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)  
 Part II: Supporting Pages**

PHA Name: <b>Fort Wayne Housing Authority</b>		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: <b>IN36R003501-02</b>				Federal FY of Grant: <b>2002</b>		
Development Number Name/HA- Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA-WIDE	BUILD HOME	1499		144,143		0	0	

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary					
PHA Name: Fort Wayne Housing Authority		Grant Type and Number IN36P00350103 Capital Fund Program Grant No: Replacement Housing Factor Grant No:		Federal FY of Grant: 2003	
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: 2) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/04 <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	98,955		98,955	41,231
3	1408 Management Improvements Soft Costs	197,910		167,910	0
	Management Improvements Hard Costs				
4	1410 Administration	98,955		98,955	0
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	30,000		30,000	15,237
8	1440 Site Acquisition				
9	1450 Site Improvement	204,809		204,809	64,870
10	1460 Dwelling Structures	120,000		120,000	0
11	1465.1 Dwelling Equipment— Nonexpendable	82,000		0	0
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				

Annual Statement/Performance and Evaluation Report					
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary					
PHA Name: Fort Wayne Housing Authority		Grant Type and Number IN36P00350103 Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2003
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: 2) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/04 <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
17	1495.1 Relocation Costs				
18	1499 Development Activities	156,925		0	0
19	1502 Contingency				
	Amount of Annual Grant: (sum of lines.....)	989,554		720,629	121,338
	Amount of line XX Related to LBP Activities				
	Amount of line XX Related to Section 504 compliance				
	Amount of line XX Related to Security –Soft Costs	147,910		147,910	0
	Amount of Line XX related to Security--Hard Costs				
	Amount of line XX Related to Energy Conservation Measures				
	Collateralization Expenses or Debt Service				

Development Number Name/HA-Wide Activities		General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost	Total Actual Cost		Status of Work
PHA Name: Fort Wayne Housing Authority			Grant Type and Number: IN36P00350103 Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2003			
HA – WIDE	OPERATIONS		1406	10%	98,955		98,955	41,231	
MGMT. IMPROVEMENT	RESIDENT INITITIVE PROGRAM		1408	3	20,000		0	0	
	ADMINISTRATION TRAINING		1408	25	10,000		0	0	
	SECURITY & SAFETY		1408	80%	147,910		147,910	0	
	COMPUTER SOFTWARE		1408	10%	20,000		20,000	0	
ADMIN- ISTRATION	SALARIES/BENEFITS		1410	2	98,955		98,955	0	
IN3-15 RIVER COVE	REPLACE FRONT/REAR ENTRY DOORS		1460	150	120,000		120,000	0	
IN3-6 McCORMICK PLACE	REPLACE WINDOWS		1460	12 BLDGS.	137,404		137,404	0	
	PLAYGROUND EQUIPMENT		1450	1	67,405		67,405	64,870	
HA-WIDE	BUILD HOME		1499	2	156,925		0	0	
FEES/COSTS	A/E SERVICES		1430	1	30,000		30,000	15,237	
IN3-7 BROOKMILL COURT	APPLIANCE REPLACEMENT		1465.1	216	82,000		0	0	

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number IN36P00350203 Capital Fund Program Grant No: Replacement Housing Factor Grant No:	Federal FY of Grant: 2003
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Original Annual Statement  Reserve for Disasters/ Emergencies  Revised Annual Statement (revision no: )  
 Performance and Evaluation Report for Period Ending: 12/31/04  Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements Soft Costs	44,170		22,085	0
	Management Improvements Hard Costs				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement	130,681		130,681	0
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment— Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment	46,000		31,714	22,305
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number IN36P00350203 Capital Fund Program Grant No: Replacement Housing Factor Grant No:	Federal FY of Grant: 2003
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Original Annual Statement  Reserve for Disasters/ Emergencies  Revised Annual Statement (revision no: )  
 Performance and Evaluation Report for Period Ending: 12/31/04  Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1502 Contingency				
	Amount of Annual Grant: (sum of lines...)	220,851		184,480	22,305
	Amount of line XX Related to LBP Activities				
	Amount of line XX Related to Section 504 compliance				
	Amount of line XX Related to Security –Soft Costs				
	Amount of Line XX related to Security-- Hard Costs				
	Amount of line XX Related to Energy Conservation Measures				
	Collateralization Expenses or Debt Service				

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number: IN36P00350203 Capital Fund Program Grant No: Replacement Housing Factor Grant No:				Federal FY of Grant: 2003			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
MGMT. IMPROVEMENTS	COMPUTER SOFTWARE		1408	100%	22,085		22,085	0	
	ADMINSTRATION TRAINING		1408	100%	22,085		22,085	0	
IN3-15 RIVER COVE	REPLACE SIDING		1450	18 BLDGS	130,681		130,681	0	
NON DWELLING EQUIPMENT	COMPUTER HARDWARE		1475	100%	21,000		21,000	6,714	
	MAINTENANCE VEHICLE REPLACEMENT		1475	1	25,000		25,000	15,591	



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

PHA Name: Fort Wayne Housing Authority	Grant Type and Number: IN36P00350203 Capital Fund Program No: Replacement Housing Factor No:	Federal FY of Grant: 2003
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Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
MGMT. IMPROVEMENTS	02/13/06			02/13/08			
IN3-15 RIVER COVE	02/13/06			02/13/08			
NON DWELLING EQUIPMENT	02/13/06			02/13/08			

**Annual Statement/Performance and Evaluation Report  
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number IN36P00350203 Capital Fund Program Grant No: Replacement Housing Factor Grant No:	Federal FY of Grant: 2003
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Original Annual Statement  
 Reserve for Disasters/ Emergencies  
 Revised Annual Statement (revision no:    )  
 Performance and Evaluation Report for Period Ending: 12/31/04  
 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements Soft Costs	44,170		22,085	0
	Management Improvements Hard Costs				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement	130,681		130,681	0
10	1460 Dwelling Structures				

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number IN36P00350203 Capital Fund Program Grant No: Replacement Housing Factor Grant No:	Federal FY of Grant: 2003
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Original Annual Statement  
 Reserve for Disasters/ Emergencies  
 Revised Annual Statement (revision no:    )  
 Performance and Evaluation Report for Period Ending: 12/31/04  
 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment	46,000		31,714	22,305
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1502 Contingency				
	Amount of Annual Grant: (sum of lines...)	220,851		184,480	22,305
	Amount of line XX Related to LBP Activities				

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number IN36P00350203 Capital Fund Program Grant No: Replacement Housing Factor Grant No:	Federal FY of Grant: 2003
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Original Annual Statement  
  Reserve for Disasters/ Emergencies  
  Revised Annual Statement (revision no:    )  
  Performance and Evaluation Report for Period Ending: 12/31/04  
  Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
	Amount of line XX Related to Section 504 compliance				
	Amount of line XX Related to Security –Soft Costs				
	Amount of Line XX related to Security-- Hard Costs				
	Amount of line XX Related to Energy Conservation Measures				
	Collateralization Expenses or Debt Service				

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number: IN36P00350203 Capital Fund Program Grant No: Replacement Housing Factor Grant No:				Federal FY of Grant: 2003			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
MGMT. IMPROVEMENTS	COMPUTER SOFTWARE		1408	100%	22,085		22,085	0	
	ADMINSTRATION TRAINING		1408	100%	22,085		22,085	0	
IN3-15 RIVER COVE	REPLACE SIDING		1450	18 BLDGS	130,681		130,681	0	
NON DWELLING EQUIPMENT	COMPUTER HARDWARE		1475	100%	21,000		21,000	6,714	
	MAINTENANCE VEHICLE REPLACEMENT		1475	1	25,000		25,000	15,591	

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

PHA Name: Fort Wayne Housing Authority		Grant Type and Number: IN36P00350203 Capital Fund Program No: Replacement Housing Factor No:					Federal FY of Grant: 2003	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates	
	Original	Revised	Actual	Original	Revised	Actual		
MGMT. IMPROVEMENTS	02/13/06			02/13/08				
IN3-15 RIVER COVE	02/13/06			02/13/08				
NON DWELLING EQUIPMENT	02/13/06			02/13/08				

<b>Annual Statement/Performance and Evaluation Report</b>					
<b>Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary</b>					
<b>PHA Name: Fort Wayne Housing Authority</b>		<b>Grant Type and Number</b> Capital Fund Program Grant No: Replacement Housing Factor Grant No: IN36R003501-03			<b>Federal FY of Grant:</b> <b>2003</b>
<input type="checkbox"/> <b>Original Annual Statement</b> <input type="checkbox"/> <b>Reserve for Disasters/ Emergencies</b> <input type="checkbox"/> <b>Revised Annual Statement (revision no:    )</b> <input checked="" type="checkbox"/> <b>Performance and Evaluation Report for Period Ending: 12/31/04</b> <input type="checkbox"/> <b>Final Performance and Evaluation Report</b>					
<b>Line No.</b>	<b>Summary by Development Account</b>	<b>Total Estimated Cost</b>		<b>Total Actual Cost</b>	
		<b>Original</b>	<b>Revised</b>	<b>Obligated</b>	<b>Expended</b>
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment— Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				

<b>Annual Statement/Performance and Evaluation Report</b>					
<b>Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary</b>					
<b>PHA Name: Fort Wayne Housing Authority</b>		<b>Grant Type and Number</b> Capital Fund Program Grant No: Replacement Housing Factor Grant No: IN36R003501-03			<b>Federal FY of Grant:</b> <b>2003</b>
<input type="checkbox"/> <b>Original Annual Statement</b> <input type="checkbox"/> <b>Reserve for Disasters/ Emergencies</b> <input type="checkbox"/> <b>Revised Annual Statement (revision no: )</b> <input checked="" type="checkbox"/> <b>Performance and Evaluation Report for Period Ending: 12/31/04</b> <input type="checkbox"/> <b>Final Performance and Evaluation Report</b>					
<b>Line No.</b>	<b>Summary by Development Account</b>	<b>Total Estimated Cost</b>		<b>Total Actual Cost</b>	
		<b>Original</b>	<b>Revised</b>	<b>Obligated</b>	<b>Expended</b>
18	1499 Development Activities	118,598		0	0
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	118,598		0	0
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				



**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary**

<b>PHA Name:</b> Fort Wayne Housing Authority	<b>Grant Type and Number</b> Capital Fund Program Grant No: IN36P00350104 Replacement Housing Factor Grant No:	<b>Federal FY of Grant:</b> 2004
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Original Annual Statement    Reserve for Disasters/ Emergencies    Revised Annual Statement (revision no: )  
 Performance and Evaluation Report for Period Ending: 12/31/04    Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	114,300		114,300	0
3	1408 Management Improvements	229,000		219,000	0
4	1410 Administration	114,000		114,000	0
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	55,000		20,000	0
8	1440 Site Acquisition				
9	1450 Site Improvement	433,000		295	295
10	1460 Dwelling Structures	159,009		0	0
11	1465.1 Dwelling Equipment— Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment	41,700		0	0
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number Capital Fund Program Grant No: IN36P00350104 Replacement Housing Factor Grant No:	Federal FY of Grant: 2004
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Original Annual Statement    Reserve for Disasters/ Emergencies    Revised Annual Statement (revision no:   )  
 Performance and Evaluation Report for Period Ending: 12/31/04    Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	1,146,009		467,595	295
22	Amount of line 21 Related to LBP Activities	0			
23	Amount of line 21 Related to Section 504 compliance	0			
24	Amount of line 21 Related to Security – Soft Costs	119,000		119,000	0
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures	15,000			

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350104 Replacement Housing Factor Grant No:				Federal FY of Grant: 2004		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
Operations	Public housing supplement	1406	10%	114,300		114,300	0	
Management Improvements	Administrative training	1408	25%	10,000		0	0	
	Security	1408	100%	119,000		119,000	0	
	Computer software	1408	50%	100,000		100,000	0	
Salaries and Benefits	Staff salaries/benefits	1410	3	114,000		114,000	0	
Fees & Costs	Capital needs assessment	1430	1	20,000		0	0	
	Energy utility audit	1430	1	15,000		0	0	
	A/E Services	1430	1	20,000		0	0	

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350104 Replacement Housing Factor Grant No:				Federal FY of Grant: 2004		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
Site Improvement	Concrete/asphalt repairs at all PH sites	1450	100%	200,000		0	0	
	Landscape bedding at all PH sites	1450	100%	45,000		0	0	
Beacon Heights IN003-05	Resident recreation area	1450	1	50,000		0	0	
Miami Homes IN003-03	Seal/stripe parking lots	1450	100%	2,000		0	0	
	Landscape improvements	1450	50%	20,000		0	0	
Scattered Sites IN003-12	Tree pruning and removal	1450	50	100,000		295	295	
Maumee Terrace IN003-11	Fencing	1450	100%	10,000		0	0	

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350104 Replacement Housing Factor Grant No:			Federal FY of Grant: 2004			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
North Highlands IN003-08	Seal/stripe parking lot	1450	2	3,000		0	0	
Tall Oaks IN003-10	Seal/stripe parking lot	1450	1	3,000		0	0	
River Cove IN003-15	Repair office ceiling	1460	1	25,000		0	0	
Scattered Sites IN003-12	Crawl space ventilation	1460	50%	60,000		0	0	
Dwelling Improvements	Flooring at all PH sites	1460	100%	60,000		0	0	

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: IN36P00350104 Replacement Housing Factor Grant No:			Federal FY of Grant: 2004			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
Tall Oaks	HVAC replacement	1460	6	14,009		0	0	
Nondwelling Equipment	Office furniture and equipment	1475	50%	10,700		0	0	
	Computer hardware	1475	50%	15,000		0	0	
	Vehicle replacement	1475	1	16,000		0	0	

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

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program No: IN36P00350104 Replacement Housing Factor No:				Federal FY of Grant: 2004	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
Operations	09/14/06			09/14/08			
Management Improvements	09/14/06			09/14/08			
Salaries and Benefits	09/14/06			09/14/08			
Fees & Costs	09/14/06			09/14/08			
Site Improvement	09/14/06			09/14/08			
Beacon Heights IN003-05	09/14/06			09/14/08			
Miami Homes IN003-03	09/14/06			09/14/08			
Scattered Sites IN003-12	09/14/06			09/14/08			

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

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program No: IN36P00350104 Replacement Housing Factor No:					Federal FY of Grant: 2004	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates	
	Original	Revised	Actual	Original	Revised	Actual		
Maumee Terrace IN003-11	09/14/06			09/14/08				
North Highlands IN003-08	09/14/06			09/14/08				
Tall Oaks IN003-10	09/14/06			09/14/08				
River Cove IN003-15	09/14/06			09/14/08				
Dwelling Improvements	09/14/06			09/14/08				
Tall Oaks	09/14/06			09/14/08				
Nondwelling Equipment	09/14/06			09/14/08				



**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary**

PHA Name: Fort Wayne Housing Authority	Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: IN36R003501-04	Federal FY of Grant: 2004
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Original Annual Statement    Reserve for Disasters/ Emergencies    Revised Annual Statement (revision no:   )  
 Performance and Evaluation Report for Period Ending: 12/31/04    Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities	137,349		0	0
19	1501 Collaterization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	137,349		0	0
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

**Annual Statement/Performance and Evaluation Report**  
**Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**  
**Part II: Supporting Pages**

PHA Name: Fort Wayne Housing Authority		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: IN36R003501-03				Federal FY of Grant: 2003		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA-WIDE	BUILD HOME	1499		137,349		0	0	