

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

PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004

Annual Plan for Fiscal Year 2000

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

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

PHA Plan Agency Identification

PHA Name: Hays Housing Authority

PHA Number: KS091

PHA Fiscal Year Beginning: (mm/yyyy) 01/01/2000

Public Access to Information

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

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

Display Locations For PHA Plans and Supporting Documents

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

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

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

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

5-YEAR PLAN
PHA FISCAL YEARS 2000 - 2004

[24 CFR Part 903.5]

A. Mission

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

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

B. Goals

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

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

- PHA Goal: Expand the supply of assisted housing
Objectives:
- Apply for additional rental vouchers:
 - Reduce public housing vacancies:
 - Leverage private or other public funds to create additional housing opportunities:
 - Acquire or build units or developments
 - Other (list below)
- PHA Goal: Improve the quality of assisted housing
Objectives:
- Improve public housing management: (PHAS score)
 - Improve voucher management: (SEMAP score) N/A
 - Increase customer satisfaction:

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

PHA Goal: Increase assisted housing choices

Objectives:

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

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

PHA Goal: Provide an improved living environment

Objectives:

- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
- Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
- Implement public housing security improvements:
- Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- Other: (list below)

Continue to use funds available for modernization and revitalization. We have already received CIAP funding to install a playground area, basketball court, computer learning center, new appliances and air-conditioners for all residents. We have also addressed significant improvements for 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)

Presently, residents receiving public assistance are at a minimum. In order to promote self-sufficiency and asset development, we are adopting flat rents which will encourage increasing earnings without increasing rent burdens.

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)

To meet the criteria established by HUD under the Quality Housing and Work Responsibility Act that requires a percentage of new admissions to be families whose income does not exceed 30% of the area median.

Other PHA Goals and Objectives: (list below)

Annual PHA Plan PHA Fiscal Year 2000

[24 CFR Part 903.7]

i. Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

Standard Plan

Streamlined Plan:

- High Performing PHA**
 Small Agency (<250 Public Housing Units)
 Administering Section 8 Only

Troubled Agency Plan

ii. Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

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.

Agency Direction:

In 1974, Hays Housing Authority was founded to provide decent, safe and affordable housing to lower income people using subsidy assistance from the U.S. Department of Housing and Urban Development and other funds made available for such purposes.

Overall, our agency can be characterized as to promote self-sufficiency and asset development of families and individuals, and to improve the community quality of life and economic stability. This housing authority further works to ensure equal opportunity in housing for all Americans.

Agency Overview:

For many years, people have not been afforded decent, safe and affordable housing and this housing authority has been working with people of lower income to assist them with affordable housing.

The condition of the industry today is such that new rules, guidelines and directives have been issued which mandate changes in the operation of this housing authority.

Hays Housing Authority's business headquarters are located at 1709 Sunset Trail, Hays, Kansas.

The Housing Authority has been operating under federal subsidy, rental income, and grants to fund its programs. The availability of funding is essential for the housing authority to maintain its current level of operations and providing of services.

Now, Hays Housing Authority is at a point where the Housing Authority must continue to provide all programs under more limited budget constraints and with more extensive regulations and laws.

Objectives:

The Housing Authority strives to increase the availability of decent, safe and affordable housing in American communities, to ensure equal opportunity in housing for all Americans, to promote self-sufficiency and asset development of families and individuals who are participants and residents, and to improve the community quality of life and economic stability. The Housing Authority's goals and objectives are further described in the Admissions and Continued Occupancy Policy which has been adopted by the Housing Authority.

Management Team:

Our management team consists of an Executive Director and a part-time Administrative Assistant.

An outside Board of Commissioners, appointed by the Mayor, assists our management team in setting policy, hires the Executive Director, and other services as described in the By Laws of the Housing Authority. They are not responsible for management decisions.

Service Strategy:

The Housing Authority will provide the goals and objectives as described herein, and will make annual plans for each specific year. The Housing Authority shall continue to provide the most services possible considering the funds available.

Market Analysis:

Hays Housing Authority's target market includes American citizens of lower income and lower socioeconomic status. The most typical customer for our product is someone who is in the lower income category and who needs assistance to provide affordable housing for him/her and family.

Companies that compete in this market are development companies who obtain tax credits and create properties offering investors these credits. These companies mentioned charge competitive prices for rent based upon income using local economic factors.

Key factors that have resulted in the present competitive position in this industry are amenities or the lack of amenities which are offered by the other providers who are able to obtain low interest financing, investing and tax credits.

In all comparisons, Hays Housing Authority's products do not necessarily provide more features or have superior performance than do competitive stock. In some cases, the number of differences is substantial. The Housing Authority can only provide services and housing based upon the amount of assistance provided to them for the providing of these services and affordable housing.

Risk:

The top business risks that Hays Housing Authority faces are lack of funding, Public Housing Assessment System (PHAS), and other regulatory changes along with cuts in subsidy.

The economic risks affecting Hays Housing Authority are lack of adequate funding to properly carry out the mission of the Housing Authority and having to compete with private industry which is less regulated and more adequately funded.

Marketing Plan:

Responses from customers indicate that our housing is enjoying an excellent reputation and we fully intend to continue this trend.

Hays Housing Authority's marketing strategy is to enhance, promote and support the fact that our product can be of benefit to lower income citizens to help them obtain self-sufficiency, improve their quality of life and economic stability.

Conclusion:

Hays Housing Authority enjoys an established track record of excellence with our customers. Their expressions of satisfaction and encouragement are numerous, and we intend to continue our advances and growth in the marketplace with more unique and effective products.

The Housing Authority will provide the most services and modernization projects it can based upon the limitation in resources and other restraints which may be applicable. The

Housing Authority will work toward increasing the availability of decent, safe and affordable housing, to do all possible to ensure equal opportunity in housing for all Americans, to promote self-sufficiency and asset development of families and individuals who are residents and/or participants, and to improve the quality of life and economic stability of residents and participants.

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:

- A. Admissions Policy for Deconcentration (KS091a01)
- FY 2000 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 2000 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)

B. Section 8 Administration Plan (KS091b01)

Supporting Documents Available for Review

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

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

| List of Supporting Documents Available for Review | | |
|--|---|--|
| Applicable & On Display | Supporting Document | Applicable Plan Component |
| | Assignment Plan [TSAP] | 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 |
| | Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation) | Annual Plan: Operations and Maintenance |
| | Public housing grievance procedures <input 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 type="checkbox"/> check here if included in Section 8 Administrative Plan | Annual Plan: Grievance Procedures |
| | The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year | 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 |
| | 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 |

| List of Supporting Documents Available for Review | | |
|--|---|---|
| Applicable & On Display | Supporting Document | Applicable Plan Component |
| | Approved or submitted applications for demolition and/or disposition of public housing | Annual Plan: Demolition and Disposition |
| | Approved or submitted applications for designation of public housing (Designated Housing Plans) | Annual Plan: Designation of Public Housing |
| | Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act | Annual Plan: Conversion of Public Housing |
| | Approved or submitted public housing homeownership programs/plans | Annual Plan: Homeownership |
| | Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan | Annual Plan: Homeownership |
| | Any cooperative agreement between the PHA and the TANF agency | Annual Plan: Community Service & Self-Sufficiency |
| | FSS Action Plan/s for public housing and/or Section 8 | Annual Plan: Community Service & Self-Sufficiency |
| | Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports | Annual Plan: Community Service & Self-Sufficiency |
| | The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan) | Annual Plan: Safety and Crime Prevention |
| X | The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings | Annual Plan: Annual Audit |
| | Troubled PHAs: MOA/Recovery Plan | Troubled PHAs |
| | Other supporting documents (optional) (list individually; use as many lines as necessary) | (specify as needed) |
| | | |

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

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

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

| Housing Needs of Families in the Jurisdiction by Family Type | | | | | | | |
|---|---------|----------------|--------|---------|----------------|------|-----------|
| Family Type | Overall | Afford-ability | Supply | Quality | Access-ibility | Size | Loca-tion |
| Income <= 30% of AMI | 963 | 5 | 5 | 5 | 5 | 5 | 5 |
| Income >30% but <=50% of AMI | 937 | 4 | 4 | 4 | 4 | 4 | 4 |
| Income >50% but <80% of AMI | 834 | 3 | 3 | 3 | 3 | 3 | 3 |
| Elderly | 844 | 3 | 3 | 3 | 3 | 3 | 3 |
| Families with Disabilities | 440 | 4 | 4 | 4 | 4 | 4 | 4 |
| Race/Ethnicity W | 2704 | 3 | 3 | 3 | 3 | 3 | 3 |
| Race/Ethnicity B | 8 | 4 | 4 | 4 | 4 | 4 | 4 |
| Race/Ethnicity O | 25 | 3 | 3 | 3 | 3 | 3 | 3 |
| | | | | | | | |

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: 1994
- U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset
- American Housing Survey data
Indicate year:
- Other housing market study
Indicate year:
- Other sources: (list and indicate year of information)

Ellis County Housing Study, 1994
Docking Institute of Public Affairs

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)

- Section 8 tenant-based assistance
 Public Housing
 Combined Section 8 and Public Housing
 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 | 70 | | 6 |
| Extremely low income <=30% AMI | 25 | 35.2 | |
| Very low income (>30% but <=50% AMI) | 24 | 34.3 | |
| Low income (>50% but <80% AMI) | 21 | 30.5 | |
| Families with children | 5 | 79 | |
| Elderly families | 7 | 10 | |
| Families with Disabilities | 8 | 11 | |
| Race/ethnicity W | 69 | 99 | |
| Race/ethnicity B | 1 | 1 | |
| Race/ethnicity | | | |
| Race/ethnicity | | | |
| Characteristics by Bedroom Size (Public Housing Only) | | | |
| 1BR | 17 | 24 | 2 |
| 2 BR | 40 | 57 | 2 |
| 3 BR | 13 | 19 | 2 |
| 4 BR | | | |
| 5 BR | | | |
| 5+ BR | | | |

Housing Needs of Families on the Waiting List

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

If yes:

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

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

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

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.

Apply for any additional funding for rental assistance either from Federal or State sources, as it becomes available.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

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

Select all that apply

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

- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other (list below)

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

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

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

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

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

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

Select if applicable

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- Other: (list below)

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

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

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

(2) Reasons for Selecting Strategies

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

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

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

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

| Financial Resources: Planned Sources and Uses | | |
|---|-------------------|---------------------|
| Sources | Planned \$ | Planned Uses |
| 1. Federal Grants (FY 2000 grants) | | |
| a) Public Housing Operating Fund | 2,000 | |
| b) Public Housing Capital Fund | 51,000 | |
| c) HOPE VI Revitalization | | |
| d) HOPE VI Demolition | | |
| e) Annual Contributions for Section 8 Tenant-Based Assistance | 98,374 | |
| f) Public Housing Drug Elimination Program (including any Technical Assistance funds) | | |

| Financial Resources: Planned Sources and Uses | | |
|---|-------------------|---------------------|
| Sources | Planned \$ | Planned Uses |
| g) Resident Opportunity and Self-Sufficiency Grants | | |
| h) Community Development Block Grant | | |
| i) HOME | | |
| Other Federal Grants (list below) | | |
| | | |
| 2. Prior Year Federal Grants (unobligated funds only) (list below) | | |
| | | |
| | | |
| | | |
| 3. Public Housing Dwelling Rental Income | 50,000 | Operations |
| | | |
| | | |
| 4. Other income (list below) | | |
| Interest Income | 900 | Operations |
| | | |
| 4. Non-federal sources (list below) | | |
| PILOT Waiver | 5,000 | Operations |
| | | |
| | | |
| Total resources | 207,274 | Operations |
| | | |
| | | |

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

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

(1) Eligibility

- a. When does the PHA verify eligibility for admission to public housing? (select all that apply)
- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe) When families reach top of waiting list.
- b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?
- Criminal or Drug-related activity
- Rental history
- Housekeeping
- Other (describe)
- c. Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
- d. Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
- e. Yes No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

(2)Waiting List Organization

- a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)
- Community-wide list
- Sub-jurisdictional lists
- Site-based waiting lists
- Other (describe)
- b. Where may interested persons apply for admission to public housing?
- PHA main administrative office
- PHA development site management office
- Other (list below)
- c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**
1. How many site-based waiting lists will the PHA operate in the coming year?

2. Yes No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?
If yes, how many lists?
3. Yes No: May families be on more than one list simultaneously?
If yes, how many lists?
4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
- PHA main administrative office
 - All PHA development management offices
 - Management offices at developments with site-based waiting lists
 - At the development to which they would like to apply
 - Other (list below)

(3) Assignment

- a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)
- One
 - Two
 - Three or More
- b. Yes No: Is this policy consistent across all waiting list types?
- c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

- a. Income targeting:
- Yes No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?
- b. Transfer policies:
- In what circumstances will transfers take precedence over new admissions? (list below)
- Emergencies

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

c. Preferences

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

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

Former Federal preferences:

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

Other preferences: (select below)

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

Elderly/Disabled

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority,

and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

2 Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

1 Elderly/Disabled

4. Relationship of preferences to income targeting requirements:

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

(5) Occupancy

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

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

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

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

(6) Deconcentration and Income Mixing

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

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

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

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

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

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

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

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

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

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

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

B. Section 8

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

(1) Eligibility

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

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

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

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

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

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

- Criminal or drug-related activity
 Other (describe below)

(2) Waiting List Organization

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

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

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

- PHA main administrative office
 Other (list below)

(3) Search Time

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

If yes, state circumstances below:

If housing cannot be found that meets HQS, size requirement or within payment standard guidelines.

(4) Admissions Preferences

a. Income targeting

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

b. Preferences

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

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

Former Federal preferences

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

Other preferences (select all that apply)

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

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

2 Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

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

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

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

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

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

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

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

(5) Special Purpose Section 8 Assistance Programs

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

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

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

- Through published notices
- Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.79 (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

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

2. If yes to question 2, list these policies below:
Minimum Rent Hardship Exemption Policy

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:

Minimum rent (\$25.00) could be more than 30% of adjusted income. Family choice of Flat rent could be less than 30% of adjusted income.

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

- For the earned income of a previously unemployed household member
- For increases in earned income
- Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

Fixed percentage (other than general rent-setting policy)

If yes, state percentage/s and circumstances below:

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

e. Ceiling rents

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

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

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

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

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

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

f. Rent re-determinations:

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

- Never
- At family option
- Any time the family experiences an income increase
- Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold) _____

Other (list below)
Any time the family experiences income increase/decrease or change of family composition.

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)
Fair Market Rents

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)
HUD approved exception rents for 2 areas in Hays City limits.

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

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

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

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

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

- Annually
- Other (list below)

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

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

(2) Minimum Rent

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

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

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

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

C. Management and Maintenance Policies

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

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

(2) Section 8 Management: (list below)

6. PHA Grievance Procedures

[24 CFR Part 903.79 (f)]

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

A. Public Housing

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

If yes, list additions to federal requirements below:

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

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

B. Section 8 Tenant-Based Assistance

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

If yes, list additions to federal requirements below:

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

- PHA main administrative office

Other (list below)

7. Capital Improvement Needs

[24 CFR Part 903.7.9 (g)]

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

A. Capital Fund Activities

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

(1) Capital Fund Program Annual Statement

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

Select one:

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

-or-

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

PHA Plan Table Library

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

Annual Statement

Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number FFY of Grant Approval: (01/2000)

Original Annual Statement

| Line No. | Summary by Development Account | Total Estimated Cost |
|----------|---|----------------------|
| 1 | Total Non-CGP Funds | |
| 2 | 1406 Operations | |
| 3 | 1408 Management Improvements | |
| 4 | 1410 Administration | 7751 |
| 5 | 1411 Audit | |
| 6 | 1415 Liquidated Damages | |
| 7 | 1430 Fees and Costs | |
| 8 | 1440 Site Acquisition | |
| 9 | 1450 Site Improvement | |
| 10 | 1460 Dwelling Structures | 39457 |
| 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 | 1498 Mod Used for Development | |
| 19 | 1502 Contingency | |
| 20 | Amount of Annual Grant (Sum of lines 2-19) | 47208 |
| 21 | Amount of line 20 Related to LBP Activities | |
| 22 | Amount of line 20 Related to Section 504 Compliance | |
| 23 | Amount of line 20 Related to Security | |
| 24 | Amount of line 20 Related to Energy Conservation Measures | |

Annual Statement

Capital Fund Program (CFP) Part II: Supporting Table

| Development Number/Name HA-Wide Activities | General Description of Major Work Categories | Development Account Number | Total Estimated Cost |
|---|---|----------------------------|----------------------|
| 1 | Provide part-time office assistant to administer capital funds. | 1410 | 7751 |
| 1 | Re-roof as many buildings as funding will permit | 1460 | 39457 |

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) |
|---|--|---|
| 1 | 12/31/2000 | 3/31/2001 |

| | | |
|--|--|--|
| | | |
|--|--|--|

(2) Optional 5-Year Action Plan

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

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

b. If yes to question a, select one:

The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name

-or-

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

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

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

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

1. Development name:

2. Development (project) number:

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

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

- Yes No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?
- If yes, list development name/s below:

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

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

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

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

1. Yes No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If "No", skip to

component 9; if “yes”, complete one activity description for each development.)

2. Activity Description

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

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

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

[24 CFR Part 903.7 9 (i)]

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

1. Yes No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only

families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

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

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

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

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

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

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

2. Activity Description

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

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

- Requirements no longer applicable: vacancy rates are less than 10 percent
- Requirements no longer applicable: site now has less than 300 units
- Other: (describe below)

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

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

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

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

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

2. Activity Description

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

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

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

B. Section 8 Tenant Based Assistance

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

2. Program Description:

a. Size of Program

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

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

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

more than 100 participants

b. PHA-established eligibility criteria

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

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (l)]

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

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

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

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

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

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

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

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

Public housing rent determination policies

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

b. Economic and Social self-sufficiency programs

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

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

a. Participation Description

| |
|--|
| Family Self Sufficiency (FSS) Participation |
|--|

| Program | Required Number of Participants (start of FY 2000 Estimate) | Actual Number of Participants (As of: DD/MM/YY) |
|----------------|--|--|
| Public Housing | | |
| Section 8 | | |

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

C. Welfare Benefit Reductions

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

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

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

13. PHA Safety and Crime Prevention Measures

[24 CFR Part 903.79 (m)]

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

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

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

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

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

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

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

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

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

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

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

C. Coordination between PHA and the police

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

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

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

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes No: Has the PHA included the PHDEP Plan for FY 2000 in this PHA Plan?
- Yes No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

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

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

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

17. PHA Asset Management

[24 CFR Part 903.7 9 (q)]

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

1. Yes No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)
 - Not applicable
 - Private management
 - Development-based accounting
 - Comprehensive stock assessment
 - Other: (list below)
3. Yes No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

18. Other Information

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

1. Yes No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?
2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)
- Attached at Attachment (File name)
- Provided below:
3. In what manner did the PHA address those comments? (select all that apply)
- Considered comments, but determined that no changes to the PHA Plan were necessary.
- The PHA changed portions of the PHA Plan in response to comments
List changes below:
- Other: (list below)

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

1. Yes No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
2. Yes No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)
3. Description of Resident Election Process
- a. Nomination of candidates for place on the ballot: (select all that apply)
- Candidates were nominated by resident and assisted family organizations
- Candidates could be nominated by any adult recipient of PHA assistance
- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- Other: (describe)
- b. Eligible candidates: (select one)
- Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance

- Any adult member of a resident or assisted family organization
- Other (list)

c. Eligible voters: (select all that apply)

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

C. Statement of Consistency with the Consolidated Plan

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

1. Consolidated Plan jurisdiction: (provide name here) Hays, Kansas

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)
Help promote a mix of housing types and residential densities which provides housing opportunities for various socioeconomic groups within the city.

Other: (list below)

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

The city has created a task force which includes a Housing Authority Board Commissioner, to research possible solutions for affordable housing needs.

D. Other Information Required by HUD

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

Attachments

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

PHA Plan Table Library

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

Annual Statement

Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number FFY of Grant Approval: (MM/YYYY)

Original Annual Statement

| Line No. | Summary by Development Account | Total Estimated Cost |
|----------|---|----------------------|
| 1 | Total Non-CGP 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 | 1498 Mod Used for Development | |
| 19 | 1502 Contingency | |
| 20 | Amount of Annual Grant (Sum of lines 2-19) | |
| 21 | Amount of line 20 Related to LBP Activities | |
| 22 | Amount of line 20 Related to Section 504 Compliance | |
| 23 | Amount of line 20 Related to Security | |
| 24 | Amount of line 20 Related to Energy Conservation Measures | |

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

| Development Number/Name HA-Wide Activities | General Description of Major Work Categories | Development Account Number | Total Estimated Cost |
|--|---|----------------------------------|----------------------------|
| | | | |

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) |
|--|--|---|
| | | |

Optional 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 | |
| | | | | |
| Description of Needed Physical Improvements or Management Improvements | | | Estimated Cost | Planned Start Date (HA Fiscal Year) |
| | | | | |
| Total estimated cost over next 5 years | | | | |

Optional Public Housing Asset Management Table

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

| Public Housing Asset Management | | | | | | | | |
|--|--------------------------|--|---|--|--|-----------------------------------|--|---|
| Development Identification | | Activity Description | | | | | | |
| Name, Number, and Location | Number and Type of units | Capital Fund Program Parts II and III <i>Component 7a</i> | Development Activities <i>Component 7b</i> | Demolition / disposition <i>Component 8</i> | Designated housing <i>Component 9</i> | Conversion <i>Component 10</i> | Home-ownership <i>Component 11a</i> | Other (describe) <i>Component 17</i> |
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HAYS HOUSING AUTHORITY

Admissions and Continued Occupancy Policy

(A.C.O.P.)

Adopted: 7-26-99

Resolution: #99-7

Note: This plan (ACOP) also serves as our “Tenant Selection and Assignment Plan (TSAP) because it meets the requirements for a TSAP and provides the details as to how this Agency processes the selection and assignment of applicants for Public Housing.

The ACOP also includes the regulatory “One-Strike” provisions for admission to Public Housing and applicable sections of Title V of H.R. 4194, the Quality Housing and Work Responsibility Act.

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SECTION 1

INTRODUCTION

- 1) Mission Statement:** - Our goal is to provide drug free, decent, safe, and sanitary housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for residents.

In order to achieve this mission, we will:

- Recognize residents as our ultimate customer;
- Improve Public Housing Authority (HA) management and service delivery efforts through effective and efficient management of HA staff;
- Seek problem-solving partnerships with residents, community, and government leadership;
- Apply HA resources, to the effective and efficient management and operation of public housing programs, taking into account changes in Federal funding.

- 2) Purpose of Policy:** - The purpose of this policy (Admissions and Continued Occupancy Policy) is to establish guidelines for the Public Housing Authority (HA) staff to follow in determining eligibility for admission to and continued occupancy of Public Housing. The basic guidelines for this policy are governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for local policies and procedures. The Policies and Procedures governing Admissions and Continued Occupancy are outlined in this policy and these requirements are binding upon applicants, residents and this HA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

Federal Regulations shall mean those found in 24 Code of Federal Regulations (CFR) Parts 900

- 3) Primary Responsibilities of the HA:**

- A) Informing eligible families of the availability of public housing assistance;
- B) Determining and posting annually the utility allowances;
- C) Receiving applications from families and determining their eligibility for assistance;
- D) Inspecting Public Housing units to determine that they meet or exceed Housing Quality Standards;
- E) Approving leases;

- F) Collecting rent on a monthly basis from tenants;
- G) Annual re-examination of income, family composition and redetermination of rent;
- H) Authorizing and processing evictions; and
- I) Ongoing Maintenance and modernization of the public housing inventory.

4) Objectives: - The objectives of this policy are to:

- A) Promote the overall goal of drug free, decent, safe and sanitary housing by:
 - 1) Insuring a social and economic mix of residents within each public housing neighborhood in order to foster social stability and upward mobility.
 - 2) Insuring the fiscal stability of the HA.
 - 3) Lawfully denying admission or continued occupancy to applicants or tenants whose presence in a public housing neighborhood are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to HA employees.
 - 4) Insuring that Elderly families can live in public housing as long as they are able to live independently and/or have someone to help them live independently as in the case of a live-in aid.
 - B) Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the HA inventory and staff.
 - C) Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to insure that admission to and continued occupancy in public housing are conducted without regard to race, color, religion, creed, sex, national origin, handicap, or familial status.
5. **Outreach** – As much information as possible about Public Housing may be disseminated through local media (newspaper, radio, television, etc.). For those who call the HA office, the staff may be available to convey essential information.

SECTION II.

FAIR HOUSING POLICY

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

Specifically, the HA shall not on account of race, color, sex, religion, creed, national or ethnic origin, familial status, disability or handicap, deny any family or individual the opportunity to apply for or receive assistance under HUD's Public Housing Programs, within the requirements and regulations of HUD and other regulatory authorities.

To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide access to information to public housing residents regarding "discrimination". Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicant's/tenants file.

SECTION III.

PRIVACY RIGHTS

Applicants will be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release tenant information.

Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations. (Reference HUD Form 9886)

SECTION IV

DEFINITION OF TERMS

1) ACC or Annual Contributions Contract: A written agreement between HUD and an HA to provide annual contributions to the HA for participation in the HUD-assisted housing program.

2) Adjusted Family Income: Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:

- A) A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is (1) seventeen (17) years of age or younger or (2) who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
 - B) A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) under thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).
 - C) A deduction of \$400.00 for an Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.
 - D) A deduction for any Elderly Family:
 - 1) That has no handicap assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three (3) percent of annual income;
 - 2) That has handicap assistance expenses greater than or equal to three (3) percent of annual income, an allowance for handicapped assistance expenses computed as defined in Paragraph E of this Section, plus an allowance for medical expenses that is equal to the family's medical expenses;
 - 3) That has handicapped assistance expenses that are less than three (3) percent of annual income, an allowance for combined handicapped assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three (3) percent of annual income. Expenses used to compute the deduction cannot be compensated for nor covered by insurance.
 - E) A deduction for any family that is not an elderly family but has a handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expense is excess of three (3%) percent of Total Annual Family Income, but this allowance may not exceed the employment received by family members who are eighteen (18) years of age or older as a result of the Assistance to the Handicapped or Disabled person.
- 3) Adult:** An adult is a person who has reached his/her 19th birthday or 18 years of age and married (not common law), or who has been relieved of the disability of non-age by the juvenile court. Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.

4) Annual Income:

A) Annual income means all amounts, monetary or not, which: (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and (3) Which are not specifically excluded in paragraph (c) of this section. (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

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

- 1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- 2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by family;
- 3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. All allowances for depreciation is permitted only as defined in Paragraph (B) (2), of this Section. Any withdrawal of cash or assets from an investment will be 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 shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate, as determined by HUD;
- 4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts; including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (Excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS))

- 5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay, except as defined in Paragraph (C) (3), of this Section;
- 6) If the Welfare Assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the Welfare Assistance agency in accordance with the actual cost of shelter and utilities, the amount of Welfare Assistance income to be included as income shall consist of:
 - (a) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (b) The maximum amount the Welfare Assistance agency could in fact allow the Family for shelter and utilities. If the Family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;
- 7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions and gifts received from persons not residing in the dwelling; and
- 8) All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.) received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other family member whose dependents are residing in the unit (but see "hazardous duty pay").
- 9) Payments to the head of the household for support of a minor or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support.
- 10) Veterans Administration compensation (Service Connected Disability or Death Benefits); and

Tenants that receive lump-sum payments that are included as income and fall in the categories listed above, (*Excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS)*), must report the income to the Housing Authority as soon as possible but no later than (10) calendar days after receipt of the funds and the applicable portion of the payment that is due as back rent is due fourteen (14) days after the HA notifies the family of the amount due.

Unreported Income: If a tenant fails to report income the tenancy will be terminated under the terms of the HA's lease. If the act is determined by the HA to be intentional, the tenant will be obligated to pay the applicable portion of the rent for any and all unreported income. If the unreported income was unintentional by the tenant, the tenant will be billed for the amount due the HA and the amount will be payable within fourteen (14) days. If the payment cannot be made in one payments, the tenant may request the HA to approve a repayment schedule. Any repayment agreement must be in writing and signed by the Tenant and a HA representative.

C) Annual Income does not include the following:

- 1) Casual, sporadic, temporary, nonrecurring income, including gifts.
- 2) Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical care.
- 3) Lump-sum additions to family assets, such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal property losses.
- 4) The full amount of student financial assistance paid directly to the student or to the educational institution.
- 5) Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).
- 6) The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 [7 USC 2017(b)].
- 7) Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044 (g), 5058].
- 8) Income of a live-in aide (as defined in this policy).
- 9) Payments received from the Job Training Partnership Act [29 USC 1552(b)].
- 10) Hazardous Duty Pay for a family member in the Armed Forces away from home and exposed to hostile fire.

- 11) Income from employment of children (including foster children) under the age of eighteen (18).
- 12) Payment received for the care of foster children.
- 13) Payments received under the Alaska Native Claims Settlement Act [43 USC 1626(a)], or reparation payments made by foreign governments in connection with the Holocaust.
- 14) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 USC 459(e)].
- 15) Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program [42 USC 8624(f)].
- 16) Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
- 17) The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior [25 USC 117(b), 1407].
- 18) Payments from Programs under Title V of The Older Americans Act of 1965 [42 USC 3056(f)].
- 19) Amounts received under training programs funded by HUD.
- 20) Amounts received by a disabled person 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).
- 21) Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
- 22) For taxable years after December 31, 1990, the earned income tax credit refund. Effective Date: July 25, 1994.
- 23) The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the U.S. Housing Act of 1937, or any comparable Federal, State, or local law during the exclusion period. For purposes of this paragraph, the following definitions apply:

Comparable Federal, State or Local Law means a program providing employment training and supportive services that:

- Are authorized by a federal, state or local law;
- Are funded by federal, state or local government
- Are operated or administered by a public agency
- Has as its objective to assist participants in acquiring job skills.

Exclusion period means the period during which the resident participates in a program described in this section, plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end.

Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

This provision does not apply to residents participating in the Family Self-Sufficiency Program who are utilizing the escrow account. Also, residents are required to pay the appropriate minimum rent.

24) A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time.

25) Compensation from State or local employment training programs 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 a limited period as determined in advance by the HA.

26) For all initial determinations and reexaminations of income carried out on or after April 23, 1993, 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.

27) Earning in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).

- 28) Adoption assistance payments in excess of \$480 per adopted child.
- 29) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment received on or after October 28, 1992.
- 30) 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.
- 31) Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

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

5) Child: A member of the family, other than the family head or spouse, who is under 18 years of age.

6) 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 be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

7) Child Custody: An applicant/occupant family who does not have full custody of a child/children may only claim a child as a dependent by the following:

- A) The applicant/occupant must have primary custody of the child.
- B) The applicant/occupant must provide sufficient evidence that if the applicant were admitted to public housing the child would reside with the applicant. The same child cannot be claimed by more than one applicant (i.e., counted more than once in order to make two (2) singles eligible).

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

9) Community Service: Each non-exempt adult resident must contribute 8 hours of community service or participate in a self-sufficiency program for 8 hours in each month. Adults who are 62 years of age or older, persons with disabilities and persons

engaged in work activities, and others fitting the criteria are exempt. Families who pay flat rent or families over income are not automatically exempt.

10) Dependent: A member of the Family household (excluding foster children) other than the Family head or spouse/co-head, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a Full-time Student.

11) Disabled Person: A person under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), or who has a physical, mental or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his/her ability to live independently could be improved by more suitable housing conditions or 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)).

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

13) Drug-Related Criminal Activity: 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).

14) Elderly Family: A family whose head or spouse/co-head (or sole member) is an Elderly, Disabled or Handicapped Person. It may include two (2) or more Elderly, Disabled or Handicapped Persons living together, or one or more of these persons living with one or more Live-in Aides.

15) Elderly Person: A person who is at least 62 years of age.

16) EO Plan: The Equal Opportunity Housing Plan (EO) establishes HA policies for implementing civil rights requirements.

17) Evidence of Citizenship or Eligible Immigration Status: The documents which must be submitted to evidence citizenship or eligible immigration status.

18) Extremely Low Income Family: Families whose income does not exceed 30 percent of median income for the area.

19) Family: A family may be: (1) A single person or a group of persons; (2) a family with a child or children; (3) a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

A) An elderly family;

- B) A near-elderly family;
- C) A disabled family;
- D) A displaced family;
- E) The remaining member of a tenant family; and
- F) A single person who is not elderly or a displaced person, or a person with disabilities, or the remaining member of a tenant family.

20) Family Unit Size: The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA occupancy standards.

21) Flat Rent: The method of establishing the reasonable market rental value of units, calculated in accordance with HUD regulations.

22) Foster Children: With the prior written consent of the Landlord, a foster child may reside on the premises. The factors considered by the Landlord in determining whether or not consent is granted may include:

- A) Whether the addition of a new occupant may require a transfer of the family to another unit, and whether such units are available.
- B) The Landlord's obligation to make reasonable accommodation for handicapped persons.

23) 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) Handicapped Assistance Expenses: Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member and that are necessary to enable a Family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.

25) Handicapped Person: A person having a physical or mental impairment that; (a) is expected to be of long-continued and indefinite duration; (b) substantially impedes his/her ability to live independently; and (c) is of such nature that such ability could be improved by more suitable housing conditions.

26) ***Hazardous Duty Pay:*** Pay to a family member in the Armed Forces away from home and exposed to hostile fire.

27) ***Head of Household:*** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.

28) ***Homeless Family:*** Any individual or family who:

- A) Lacks a fixed, regular, and adequate nighttime residence;
- B) Has a primary nighttime residence that is:
 - 1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);
 - 2) An institution that provides a temporary residence for individuals intended to be institutionalized;
 - 3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- C) A homeless family does not include:
 - 1) Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or
 - 2) Any individual who is a Single Room Occupant that is not considered substandard housing.

29) ***Infant:*** A child under the age of two years.

30) ***INS:*** The U.S. Immigration and Naturalization Service.

31) ***Interim Redetermination of Rent:*** Changes of rent between admissions and reexaminations and the next succeeding reexamination.

32) ***Live-In Aide:*** A person who resides with an elderly, disabled, or handicapped person(s) and who; (a) is determined by the HA to be essential to the care and well-being of the person(s); (b) is not obligated for support of the person(s); and (c) would not be living in the unit except to provide necessary supportive services.

33) ***Local Preference:*** A preference used by the HA to select among applicant families.

34) Lower Income Family: A family who's 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. HUD may establish income limits higher or lower on the basis of its prevailing levels of construction costs or unusually high or low family incomes.

35) Medical Expenses: Those medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by any insurance.

36) Military Service: Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.

37) Minimum Rent: Families assisted under the Public Housing program pay a monthly "minimum rent" of not more than \$50.00 per month. The HA has the discretion to establish the "minimum rent" from \$0 up to \$50.00. The minimum rent established by this HA is \$25.00.

38) Minor: A "minor" is a person under nineteen years of age. Provided, that a married person 18 years of age or older shall be considered to be of the age of majority. (An unborn child may not be counted as a minor.)

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

40) Monthly Adjusted Income: One twelfth of Adjusted Income.

41) Monthly Income: One twelfth of Annual Income.

42) 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.

43) Near Elderly Family: A family whose head or spouse/co-head (or sole member) is at least 50 years of age and below the age of 62 years.

44) Net Family Assets: Net cash value after deducting reasonable costs that would be incurred in disposing of real property savings, stocks, bonds, and other forms of capital investments, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the Family or household, the value of the trust fund will not be considered 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. Net Family Assets shall include the value of

any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

45) Non Citizen: A person who is neither a citizen nor a national of the United States.

46) Occupancy Standards: Standards established by a HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

47) Public Housing Agency (HA): A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.

48) Ranking Preference: A preference used by the HA to select among applicant families that qualify for preference.

49) Recertification: Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.

50) Remaining Member of the Resident Family: The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must occupy the public housing unit to which he claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member.

This person must complete forms necessary for housing within ten days from the departure of the leaseholder and may remain in the unit for a reasonable time pending the verification and grievance process. This person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the unit.

Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to the grievance process upon notice to him or her that he or she is not considered to be a remaining member of the household. This grievance process must be requested in writing within ten days from the date of the departure of the head of household by the person requesting

remaining member status. In the interim time between the time of the request for the grievance process and the decision by the hearing officer, all rent which was due pursuant to the lease, shall be deposited into an escrow account with the HA under the same provisions as those relating to tenants requesting a grievance hearing relating to rent under the grievance process. The HA does not recognize the person as a tenant by giving him or her the opportunity for a grievance hearing. A remaining member shall not be considered to be a tenant until such time as a new lease is executed by the HA and the person granted tenant status after the verification status.

51) Responsible Entity: As utilized throughout the Noncitizen Rule, the person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status:

52) Section 214: Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available to noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

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

54) Single Room Occupancy (SRO): A unit which contains no sanitary facilities or food preparation facilities, or which contains one but not both types of facilities and which is suitable for occupancy by a single eligible individual capable of independent living.

55) 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 housing programs.

56) Temporarily Absent Family Members: Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.

57) Tenant Rent: The amount payable monthly by the Family as rent to the HA. Where all utilities (except telephone/cable TV) and other essential housing services are supplied by the HA, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone/cable TV) and other essential housing services are not supplied by the HA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less Utility Allowance.

58) Total Tenant Payment: The TTP for families participating in the Public Housing program must be at least \$25.00, which is the minimum rent established by the HA.

A) For the Public Housing Program, the TTP must be the greater of:

- 1) 30 percent of family monthly adjusted income;
- 2) 10 percent of family monthly income;
- 3) \$25.00, which is the minimum rent set by the HA, or

B) The flat rent. The resident may elect the flat rent in lieu of the rent calculated in paragraph "A" above.

59) Unit: Dwelling Unit.

60) Utilities: Utilities may include water, electricity, gas, garbage, and sewage services.

61) Utility Allowance: If the cost of utilities (except telephone/cable TV) 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, then the utility allowance is an amount equal to the estimate made or approved by the HA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. If the family pays directly for one or more utilities or services, the amount of the allowance is deducted from the gross rent in determining the contract rent and is included in the gross family contribution.

62) Very Low-Income Family: A family who's Annual Income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

63) Wage Earner: A person in a gainful activity who receives any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowances, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeably.

64) Waiting List Admission: An admission from the HA waiting list.

65) **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.

Section V

APPLYING FOR ADMISSION

1) How to Apply: Families wishing to apply for Public Housing shall complete an application for public housing assistance.

Applications are taken to compile a waiting list. Due to the demand for housing in the HA's jurisdiction, the HA 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 the information will be verified by the HA.

Applications may be made in person at the HA during specified dates and business hours posted at the HA's Office.

The application must be dated, time-stamped, and referred to the HA's office where tenant selection and assignment is processed.

Individuals who have a physical impairment which would prevent them from completing an application in person may call the HA to make special arrangements to complete their application.

2) Closing of Application Taking: If the HA is taking applications, the HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to occupy a public housing unit within the next 12 month period. Application taking may be suspended by bedroom size, if applicable. The HA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the fact the applications for public housing units are being suspended.

3) Opening of Application Taking: When the HA decides to start taking applications the waiting list may be opened by bedroom size.

The HA will utilize the following procedures:

The HA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the availability and nature of housing assistance for eligible families.

The Notice must contain the following:

A) The HA will publish the date applications will be accepted and the location where applications can be completed.

If the HA anticipates suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.

B) Advise families that applications will be taken at the designated office;

C) Briefly describe the Public Housing program; and

D) State that applicants for Public Housing must specifically apply for the Public Housing Units and that applicants for Public Housing may also apply for the Section 8 Program, if applicable, and they will not lose their place on the Public Housing waiting list if they also apply for Section 8 assistance. For this to be applicable the HA must have a Section 8 Program and be accepting applications for Section 8 assistance.

4) Application Period (Dates): The application taking closing date may be determined administratively at the same time that the HA determines to open enrollment. The open enrollment period shall be long enough to allow enough applicants as required by the projected turnover and the number of public housing vacancies.

SECTION VI

MISSED APPOINTMENTS

An applicant or tenant who fails to keep an appointment without notifying the HA and without re-scheduling the appointment shall be sent a notice of termination of the process for failure to supply such certification, release of information or documentation as the HA or HUD determines to be necessary (or failure to allow the HA to inspect the dwelling unit at reasonable times and after reasonable notice, if applicable) in the following situations:

- Complete Application
- Bringing in Verification Information
- Briefing prior to Occupancy
- Leasing Signature
- Inspections
- Recertification

- Interim Adjustment
- Other Appointments or Requirements to Bring in Documentation as Listed in this plan
- Scheduled Counseling Sessions
- Move-In appointments

Process When Appointment(s) are Missed: For most of the functions above, the family may be given two appointments.

Applicants must notify the HA, in writing, if their address changes during the application process.

SECTION VII

MISREPRESENTATION BY THE APPLICANT OR TENANT

If an applicant or tenant is found to have made willful misrepresentations at any time, which resulted in the applicant or tenant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and the lease and/or application will be terminated because of the misrepresentation by the applicant/tenant. If such misrepresentation resulted in tenant paying a lower rent than was appropriate, tenant shall be required to pay the difference between the actual payments and the amount which should have been paid. In justifiable instances, the HA may take such other actions as it deems appropriate, including referring the tenant to the proper authorities for possible criminal prosecution.

SECTION VIII

ADMISSION ELIGIBILITY AND CRITERIA

- 1) All families who are admitted to the Public Housing Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant family must meet **all** of the following requirements:
 - A) The applicant family must qualify as a family as defined in the Definitions Section.
 - B) The applicant family's Annual Income as defined in the Definitions Section must not exceed income limits established by HUD for Public Housing.

Small HAs (under 250 units) may rent units to over-income families on a month-to-month tenancy if there are no eligible families. The over-income family must vacate upon a 30-day notice when the unit is needed for an income-eligible family.

2) Sources of information for eligibility determination may include, but are not limited to, the applicant (by means of interviews or home visits), landlords, employers, family social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments where warranted by the particular circumstances. Information relative to the acceptance or rejection of an applicant shall be documented and placed in the applicant's file. Such documentation may include reports of interviews, letters, or telephone conversations with reliable sources. As a minimum, such reports shall indicate the date, the source of the information, including the name and title of the individual contacted, and a resume of the information received.

Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on a waiting list if the applicant's annual family income exceeds the Low and Very Low Income Limits established by HUD and published in the Federal Register; the applicant will be declared ineligible.

3) If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten days from the date stated on the ineligible letter to request an informal meeting. The applicant may bring any person he/she wishes to represent them at the informal meeting. The request for an informal meeting may be submitted in writing and/or the request may be verbal. However, the request must be received by the HA within the time frame established by the HA for the meeting.

4) Declaration of Citizenship: The HA may not provide assistance to nor make financial assistance available to a person other than United States citizens nationals, or certain categories of eligible noncitizen in HUD's assisted housing programs.

5) Once an applicant becomes a tenant in the HA's public housing program, the head of household must request permission to add another person to the dwelling lease. The person being added must meet all eligibility requirements before the HA will approve any addition to the dwelling lease.

SECTION IX

VERIFICATION AND DOCUMENTATION

Families are required to provide Social Security Numbers (SSN) for all family members age 6 and older prior to admission, if they have been issued a SSN by the Social Security Administration. All members of the family defined above must either:

- 1) Submit SSN documentation; or
- 2) Sign a certification if they have not been assigned a SSN. If the individual is under 18, the certification must be executed by his or her parent or guardian. If the participant who has signed a certification form obtains a SSN, it must be disclosed at the next regularly scheduled reexamination, or next rent change.

Verification will be done through the providing of a valid Social Security card issued by the Social Security Administration.

The HA will accept copies of the Social Security card only when it is necessary for the HA to verify by mail the continuing eligibility of participant families.

If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by the HA to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided;

These documents include:

- Drivers license, that displays the SSN.
- Identification card issued by a Federal, State or local agency
- Identification card issued by an employer or trade union
- Identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- Bank statements
- IRS Form 1099 or W-2 Form
- Benefit award letters from government agencies
- Medicaid Cards
- Unemployment benefit letter
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of Social Security benefits with the Social Security Administration

If the HA verifies Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

- 3) Employer Identification Number (EIN).
- 4) Applicants may not become residents until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances require an extension. The decision will be made by a HA representative and documented, in writing, and placed in the applicant's file.

Additional documentation that may be required in determining eligibility:

- Temporary Assistance To Needy Families (TANF)
 - Birth Certificate or Drivers License that displays the date of Birth and/or form(s) that are issued by a Federal, State, City or County Agency that displays the date of Birth.
 - Child Care Verification
 - Credit References (History)
 - Credit Bureau Reports
 - Employer's Verification
 - Landlord Verification
 - Social Security Benefits
 - Assets Verification
 - Bank Accounts: Checking Accounts: \$500+ Balance; Saving Accounts: \$100+ Balance
- 5) Marriage Certificate: If a marriage certificate is not available, the following information is acceptable:
 - Drivers License that displays the same address and last names
 - Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax reporting period
 - Other acceptable forms of documentation of marriage would include any document that has been issued by a Federal, State, City or County Government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple.
 - The couple also certifies in their application for housing that they are married.
 - 6) Personal References: Personal references (not family) may be used when an applicant cannot produce prior rental history records.
 - 7) Supplemental Social Security Income (SSI) Benefits

- 8) Unemployment Compensation
- 9) VA Benefits
- 10) Any other reasonable information needed to determine eligibility may be requested by the HA, which may include police reports.
- 11) Separation means the ending of co-habitation by mutual agreement. – *If an applicant is divorced* or separated and has children by that spouse, applicant must provide at least one of the verifications listed below:*
 - A) A FINAL divorce decree. *(Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced)
 - B) Receiving court-ordered child support from former spouse.
 - C) Verification that applicant is pursuing child support through Department of Human Resources, Child Support Unit or Circuit Clerks Office.
 - D) If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system, either through the circuit clerks office, Department of Human Resources, or through a court referee.
 - E) Receiving TANF (Temporary Assistance to Needy Families) through the Department of Human Resources for former spouse's children.
 - F) A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
 - G) Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
 - H)
 - 1) Written statement from an Attorney that the applicant has filed suit for divorce because of physical abuse.
 - 2) A written statement from an abuse shelter, law enforcement agency, or social service agency that applicant needs housing due to physical abuse.

Applicant will also be required to sign a statement to the effect that the separated person will not be permitted in the resident's apartment or on the resident's property because of the physical abuse situation.

Also, the person involved with physical abuse will be banned from all HA property as long as the applicant lives in assisted housing within the HA property.

- I) Food stamp verification – If no other documentation is available.

SECTION X

GROUND S FOR DENIAL OF ADMISSION

- 1) The HA is not required nor obligated to assist families who:
 - A) Owe rent, other amounts, or judgments to any HA or any other federally subsidized housing program. The applicant will be declared ineligible. At the HA's discretion, the applicant may be declared eligible upon payment of debt, with the date and time of application being the time of payment and meeting other criteria.

Applicants that owe a HA or any other federally subsidized program funds will not be processed for occupancy. The applicant must pay the funds owed prior to the application being processed. After the application is processed, the applicant must meet all other conditions for occupancy. Re-paying funds that are due does not necessarily qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money owed to a HA which has been discharged by bankruptcy shall not be considered in making this determination.
 - B) Have previously been evicted from public housing.
 - C) Committed acts, which would constitute fraud in connection with any federally assisted housing program.
 - D) Did not provide information required within the time frame specified during the application process.
 - E) Convicted of drug-related criminal activity or violent criminal activity. The HA shall prohibit admission to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
 - F) Has a history of not meeting financial obligations, especially rent.
 - G) Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits, which may adversely affect the health, safety or welfare of the other tenants.

H) Has a history of criminal activity involving crimes of physical violence to persons or property and other criminal activity, which may adversely affect the safety, or welfare of other tenants.

I) During the interview process the applicant demonstrates hostile behavior that indicates that the prospective applicant may be a threat to our public housing residents.

J) The applicant family must have properly completed all application requirements, including verifications. Intentional misrepresentation of income, family composition or any other information affecting eligibility will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation.

K) The applicant and all adults must sign a release allowing the HA to request a copy of a police report from the National Crime Information Center, Police Department or other Law Enforcement Agencies. If the HA uses the information to deny or terminate assistance, the HA must provide a copy of the information used in accordance with Criminal Records Management Policy.

L) If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of his lease, the applicant may be declared ineligible.

M) If the HA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this requirement if:

- 1) The person demonstrates to the HA'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.

The above list is not intended to be all-inclusive. Applicants may be denied admission if the HA has reason to believe that the conduct of the applicant has been such as would be likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare or to affect adversely the physical environment or the financial stability of the project if the applicant were admitted to the project.

2) If an applicant is denied admission, the HA will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal meeting on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal meeting (verbal and/or in writing) with the HA. A HA representative will hear the appeal and issue a decision within ten (10) calendar days of the meeting.

3) As a general rule, applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:

A) Denied admission for one (1) year for the following:

- Past rental record
- Bad rent paying habits
- Bad housekeeping habits, in and outside the unit
- Damages
- Disturbances
- Live-ins
- Demonstrates hostile behavior during the interview process that indicates that the applicant may be a threat to our residents.

B) Denied admission for three (3) years for the following:

- Persons evicted from Public Housing, Indian Housing, Section 8, or section 23 programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.
- The HA can waive this requirement if: the person demonstrates to the HA's satisfaction successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.

C) Denied admission for five (5) years for the following:

- Fraud (giving false information on the application is considered fraud).
- An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.
- Drug use without evidence of rehabilitation.

D) Denied admission for ten (10) years for the following:

- Conviction for Drug Trafficking.

E) Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

F) Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of the public housing project. Premises are defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

As noted above these time frames are only guidelines and the HA may deny admission to any individual whose behavior may adversely affect the health, safety or welfare of other tenants or may admit persons who exhibit evidence of rehabilitation.

SECTION XI

TENANT SELECTION AND ASSIGNMENT PLAN

1) Equal Opportunity: The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This HA shall not deny to any family the opportunity of applying for admission nor shall it deny to any eligible applicant the opportunity of leasing or renting a dwelling suitable to its need in any low-rent project operated by this HA.

2) Selection Process: Tenants shall be selected from among eligible applicant families whose family composition is appropriate to available dwelling units. The HA will take into consideration the needs of individual families for low rent housing and the statutory purpose in developing and operating a socially and financially sound low-income housing project, which provides a decent home and a suitable living environment and fosters economic and social diversity in the tenant body as a whole. Selection will be made in such a manner as:

A) For every fiscal year, each HA shall reserve a percentage of its new admissions for families whose incomes do not exceed thirty percent of the area median income. The goal for public housing shall be forty percent of new admissions. In reaching the new admissions goals, the HA’s are required to avoid concentrating very low-income families in projects.

B) To maintain a tenant body in each project composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families in the HA’s area of operation as defined by state law.

3) **Order of Selection:** Applications will be filed in the following hierarchical order:

- A) Unit size/type needed by applicants
- B) Preferences, if applicable
- C) Date and time of application
- D) Provided, however, the provisions of the deconcentration rule, contained within this policy, shall supersede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal.

4) **Verification of Preference, If Applicable:** At the time of application, initial determinations of an applicant's entitlement to a preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

An applicant can reject an offer 1 time before losing their place on the waiting list. If an applicant rejects the 1st offer, the applicant will be notified at that time that due to the fact they refused the offer of assistance, the date and time of their application is being changed to the date and time that they refused the offer. This will be explained verbally and followed-up in writing to the applicant. The HA will notify (verbally and in writing) the applicant that their actions may affect their place on the waiting list, and the next offer of assistance will be made when their name reaches the top of the waiting list.

SECTION XII

GROUNDS FOR DENIAL AND OPPORTUNITY FOR HEARING

If the HA determines that an applicant does not meet the criteria for receiving housing, the HA must promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with the HA's designee to review it. If requested within ten (10) days, the meeting must be conducted by a person or persons designated by the HA. The person designated by the HA cannot be the person who made the original approval of the HA's action under review, or a subordinate of such person. The procedures specified in this section must be carried out in accordance with HUD's requirements. The applicant may exercise other rights if the applicant believes that he or she has been discriminated against on the basis of race, color, religion, sex, handicap, familial status and national origin.

The HA grievance procedure applies only to residents. It does not apply to applicants.

SECTION XIII

INCOME VERIFICATION AND DOCUMENTATION

- 1) For verification purposes the HA uses the following:
 - Verification of employment for wage earners;
 - Verification of public assistance for those persons who receive public assistance;
 - Documentation of exceptional medical and/or other expenses (elderly/disabled family status);
 - Verification of assets (savings, stocks, bonds, etc.);
 - Birth certificates; and
 - Other means or sources of income verification.

- 2) Once all of the information is verified the HA shall calculate the monthly rent. Beginning 10/1/99 the family will be notified of this amount and the amount of the flat rent. The family shall elect, in writing, their choice.

As soon as a determination can be made, applicants will be informed, in writing, by an authorized HA representative that they have been declared eligible or ineligible. Applicants that are determined ineligible will be informed, in writing, of their right to an informal meeting if they believe that such determination is unjust.

The final estimate of Gross Family Income will be made by the HA on the basis of verified information regarding income. Once the HA has determined that an applicant is eligible, then the process of housing the family begins.

There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income, which is not being reported.

Families may not be required to apply for public assistance, but it may be suggested to them. If the family reports zero income, the HA will have the family sign verification forms to verify that no income is being provided.

Families will be required to report any changes in their income status within ten (10) calendar days of the occurrence of employment and/or any other type of income received. Family with zero income **may** be requested to recertify more frequently.

SECTION XIV

ORIENTATION OF FAMILIES

1) Briefing: Purpose of Briefing: The purpose of briefing is to cover the occupancy requirements for the tenant and the landlord. The briefing is conducted as follows:

A) Once the HA determines that an applicant is eligible and the applicant's name reaches the top of the waiting list, the HA shall offer an apartment to the applicant. The applicant shall be given an opportunity to view the apartment prior to the signing of the lease and other documents required before occupancy. When the offer is accepted, a HA representative will schedule an appointment with the prospective tenant, for orientation.

B) The applicable deposit, unearned rent and other charges, (if applicable), will be collected, as soon as possible after the briefing is scheduled, and before the briefing is held.

C) At the briefing, the Lease and Grievance Procedure is explained in detail to the applicant and/or applicants (there can be more than one family at the briefing.)

D) The signing of all required occupancy forms is to be privately handled at the end of each briefing.

1) The required occupancy forms are explained at that time and the dwelling lease is signed by the prospective tenant and a HA representative.

2) An appointment for move-in will be scheduled at the end of the lease signing at the project office.

2) Briefing Attendance Requirement: All families (head of household) are required to attend the briefing when they are initially accepted for occupancy. No family can be housed if they have not attended a briefing.

Failure to attend a scheduled briefing (without notice to the HA) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of an inability to attend a briefing will be scheduled for the next briefing. Failure of an applicant to keep a scheduled check-in, without good cause, may result in the cancellation of the occupancy process and the applicant required to reapply for assistance.

3) **Format of the Briefing:** The applicant is provided a copy of the Dwelling Lease and Grievance Procedure and the provisions of the Lease and Grievance Procedure are explained to the Tenant. The lease specifies the unit to be occupied, family composition, date of admission, the rent to be charged, utility allowances, (if applicable) excess utilities, and the terms of occupancy. If for any reason the family becomes over or under housed they must be informed that once a unit of the appropriate size is available they must move to the appropriate size unit as outlined in Transfers. The moving date should be within thirty (30) days of the date of the HA's written notification to the affected family. If the HA has more vacancies than families on the waiting list for the unit size of the family that is over housed, the family may remain in the unit until the next scheduled re-exam. However, families that are under housed should be housed in the appropriate size unit as soon as a unit is made available, but not more than thirty days after notice from the HA.

4) **Dwelling Lease Completion:**

A) The responsible member (head of household) of the family notified for admission shall be required to execute a Dwelling Lease prior to admission. One executed copy is to be furnished the tenant and the original copy is to be retained in the Tenant file established for the family by the HA. A copy of the Grievance Procedure shall be attached to the Tenant's copy of the Lease.

B) When a Tenant family transfers to another dwelling, the existing Lease shall be canceled and a new Dwelling Lease executed for the present dwelling.

C) If at any time during the life of the Dwelling Lease, any other changes in the Tenants' status results in the need to change or amend any provision of the Lease, or if the tenant's status changes resulting in a replacement of page one of the Lease, this page shall be completed, signed, and a copy given to the Tenant as the replacement for page one.

D) A duplicate form of acknowledgment and understanding which lists all items of which the tenant has been informed shall be signed by the tenant and the HA representative. A copy of this form shall be attached to the Tenant's copy of the lease along with copies of items as referred to and a copy maintained in the tenant's file.

SECTION XV

ANNUAL INSPECTIONS OF PUBLIC HOUSING UNITS

The HA has a system in place that documents the inspection of all public housing units. If the inspection results in a work order, the repairs are made in accordance to the urgency of need as

documented by the inspection sheet. The HA has a system that tracks each inspection. The inspection sheet used by the HA meets or exceeds the requirements of the Section 8 Housing Quality Standards (HQS).

SECTION XVI

INSPECTION AND ENTRY OF UNIT PROCEDURES

The tenant will be given notice as outlined in the Dwelling Lease, **except for emergencies/search warrants**, that the unit will be inspected. The notification will indicate the date and the approximate time of the inspection. **If the inspection indicates that the tenant has poor housekeeping habits that need to be improved upon, the inspector will file a report and will schedule a meeting with the tenant to counsel the tenant on their poor housekeeping habits.** A follow-up inspection will be conducted within 30 days of the counseling session and if the problem continues to exist Management may take whatever action is necessary to correct the situation. If the tenant fails to improve, the provisions of the dwelling lease can be enforced and the tenant evicted. However, Management should take steps to help the tenant improve before starting the eviction process.

If the inspection indicates that the tenant has created damage that is beyond normal wear and tear, the damaged items will be replaced and the tenant billed for the damages, as posted. If the damage is severe, Management will take appropriate action with the tenant.

HA staff and/or agents of the HA have authority to enter any unit if it is suspected that an “Emergency” situation exists. If for any reason a unit is entered by authorized HA personnel, the tenant will be provided with the reason for the entry by leaving a written notice of the time, date and reason for the entry.

HA staff and/or agents of the HA will open the door to a unit when law-enforcement officials present a lawfully executed search warrant (plus, provide a copy of the search warrant to HA staff) for a dwelling unit managed by the HA. HA staff and/or its agents will write down the name(s) of the law-enforcement officials and keep the copy of the search warrant. These documents will be filed in the resident’s file. HA staff will not enter the unit. This action will prevent the law enforcement officers from having to break down the door and cause damage to the unit.

SECTION XVII

TYPES OF INSPECTIONS

An authorized representative of this HA, tenant and/or adult family member, shall be obligated to inspect the premises prior to commencement of occupancy. A written statement of condition of the premises and all equipment will be provided, and both parties shall sign it with a copy retained in the tenant's file. The HA representative shall inspect the premises at the time the tenant vacates and furnish a statement of any charges to be made provided the tenant turns in the proper notice under state law and requests the proper inspection. The tenant shall be provided an opportunity to participate in a move out inspection, unless the tenant vacates without notice. The tenant's security deposit can be used to offset against any tenant damages to the unit.

1) *Move-in Inspections*: Performed with the resident at move-in and inspection documented by HA on inspection form and signed by the tenant. This inspection documents the condition of the unit at move-in.

Any adult member of the household is allowed to sign the inspection form for the Head of Household.

2) *Move-out Inspections*: Performed with tenant, if possible, and documented by HA on inspection form and signed by the tenant, if present. This inspection determines if the tenant is responsible for any damages and owes the HA funds. Any deposit will be used to offset the funds due the HA.

3) *Annual Inspections*: The HA inspects 100% of its units annually using standards that meet or exceed Housing Quality Standards (HQS) Inspections.

4) *Preventive Maintenance (PM) Inspections*: PM inspections are performed by HA staff on a regular basis and the residents are given at least two days notice prior to the inspection.

5) *Project Manager Inspections*: The HA representative may perform random home visits to see if the resident is keeping the unit in a decent, safe and sanitary condition. This visit can also be used as an opportunity to get to know the tenant and see if they have any specific needs that we can help them with and/or refer them to a service agency. The tenant will be given at least two days notice, prior to the inspection.

6) *Special Inspections*: Representatives from the U.S. Department of Housing and Urban Development and/or other Government Officials visit the HA to monitor operations and as part of the monitoring they will inspect a sampling of the public housing inventory. The affected tenants will be given two days notice.

7) *Emergency Inspections*: If any employee and/or agent of the HA has reason to believe that an emergency exists within the public housing unit, the unit can be entered **without** notice. The person(s) that enters the unit must leave a written notice to the tenant

that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

SECTION XVIII

DETERMINATION OF RENT, RE-EXAMINATION OF INCOME AND FAMILY CIRCUMSTANCES

1) Determination of Rent: Rent as fixed at admission or annual re-examination will remain in effect for the period between regular rent determinations unless the following changes in family circumstances occur. Also, tenant agrees to report, in writing, and provide certification following any change in annual income within ten (10) calendar days of the occurrence.

- A) Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family member's income;
- B) Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age; or
- C) To correct errors made at admission or reexamination which shall be retroactive to the date of the error.
- D) Temporary employment/unemployment or increases and decreases in wages **“for any reason”** of less than 30 days will not constitute a rent adjustment.
- E) The HA must lower the rent for a family whose income is reduced because of the expiration of a welfare-initiated time line. The Tenant must report this within ten days from the time of the change of income in accordance with the Dwelling Lease. Provided, however, that if the family's welfare benefits are reduced because of a fraudulent act on the part of a family member, the HA is prohibited from reducing the family's rent contribution to reflect the lower benefits income.

2) Annual Reexamination:

- A) Once each year, every family will be required to furnish information relating to income, expenses and family composition. Verifications acceptable to the HA shall

be obtained and determinations made. In the event of failure or refusal of the tenant to report the necessary information, the HA may terminate the Lease. The reexamination shall be done on the anniversary date or on the first of the month prior to the anniversary date if admission falls after the first of the month.

B) Records shall be maintained to insure every tenant is being reexamined within a twelve-month period.

C) Upon completion of reexamination and verification, the Tenant shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following: (A copy of such notification is to be retained in the Tenant's file.)

- 1) Any change in rent and the date on which it becomes effective.
- 2) Any change required in the size of the dwelling unit occupied.
- 3) Any instance of misrepresentation or noncompliance with the terms of the Dwelling Lease and the corrective action(s) to be taken.
- 4) Beginning 10/1/1999 the family will be notified of the amount of the income-based rent and of the flat rent. The family shall elect, in writing, their choice. Families who choose the flat rent may be switched to income-based rent if the HA determines that the family has a financial hardship.

Hardships may include decreased income due to:

- Loss or reduction of employment;
- Death in the family;
- Loss of assistance;
- Increase in medical expenses;
- Increase in child care expense;
- Other HA determined hardship circumstances.

D) In the event of change in tenant circumstances, the tenant will be sent a notice to report to the management office to execute a new first page of the Lease.

E) If this HA determines that the size of the premises is no longer appropriate for the Tenant's needs, the tenant may be required to transfer to another unit as outlined in "Transfer".

3) Interim Redetermination of Rent: Rent as set at admission or Annual Reexamination will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. The Tenant is required and agrees to report, in writing, the following specified changes in family income and composition within ten (10) calendar days of occurrence.

- A) Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family member's income. Any such additions, other than birth, must be approved by the HA in advance, and must qualify, the same as an applicant or any prospective new tenant.
- B) Employment, unemployment or changes in income for employment of a permanent nature of the family head, spouse, or other wage earner eighteen (18) years of age or older.
- C) The starting of or stopping of, or an increase or decrease of any benefits or payments received by any member of the family or household from Old Age Pension, Temporary Aid to Needy Families (TANF), Black Lung, Railroad Retirement, Private Pension Fund, Disability Compensation, Veterans Administration, Child Support, Alimony, Regular Contributions or Gifts. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.
- D) Cost of living increases in Social Security or public assistance grants need not be reported until the next reexamination and redetermination of rent.
- E) Errors of omission made at admission or reexamination shall be corrected by the HA. Retroactive payments will be made to the tenant if the error is in the tenant's favor.
- F) A tenant who has had an income reduction/increase after initial occupancy or after annual reexamination must report all changes in income within ten (10) calendar days regardless of the amount or source.

4) Notice of Temporary Rent: On occasions, the HA is required to compute rent based on information that is supplied by the tenant and third party information that has not or will not be provided by the employer. When this situation occurs the HA will compute a temporary rent based on the information available. Once the information is verified the tenant will be notified in writing. If an underpayment was made based on the information provided the tenant will have fourteen (14) days from the date of the HA notification to pay the amount specified. If the tenant has made an overpayment, that amount will be credited to the tenant account. The Head of Household and Spouse (if applicable) and a HA representative signs this Notice of Temporary Rent and it is filed with the dwelling lease and a copy provided to the tenant.

5) The effective dates of Interim Redetermination of rent:

- A) Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.
- B) The tenant agrees to pay any increase in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and to pay any back rent due because of failure on the part of the tenant to report such increase in family income.
- C) Any interim change in rent will require reverification of all family income that has not been verified within ninety (90) calendar days of the previous rent determination.
- D) Tenant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the U. S. Dept. of HUD.
- E) Employment, unemployment or changes in employment of any nature (example, employed but not working due to illness that is not compensated by the Employer) of the family head, spouse or any other wages earner 18 years of age or older.
- F) If it is found that a tenant has misrepresented or failed to report facts upon which rent is based so that the tenant is paying less than the tenant should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The tenant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the tenant may be subject to civil and criminal penalties. Misrepresentation is a serious lease violation which may result in eviction.

6) Special Re-examinations: Special reexaminations are pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:

- A) If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special reexamination shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The tenant shall be notified, in writing, of the date of the special reexamination.
- B) If the family income can be anticipated at the scheduled time, the reexamination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special reexamination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
- C) Rents determined at special reexaminations shall be effective as noted in this section.

7) Minimum Rent Hardship Exemptions:

- A) The HA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:
- 1) The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
 - 2) The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent or increase to the existing minimum rent).
 - 3) The income of the family has decreased because of changed circumstance, including loss of employment.
 - 4) A death in the family has occurred which affects the family circumstances.
 - 5) Other circumstances which may be decided by the HA on a case by case basis.

The Resident must provide verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.

- B) If a resident requests a hardship exemption (**prior to the rent being delinquent**) under this section, and the HA reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A resident may not be evicted during the ninety-day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the HA shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety day period. This Paragraph does not prohibit the HA from taking eviction action for other violations of the lease.

8) Exception to rent reduction: Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement will not have their rent reduced.

9) Community Service: Each non-exempt adult resident must contribute 8 hours of community service or participate in a self-sufficiency program for 8 hours each month. Adults who are 62 years of age or older, persons with disabilities and persons engaged in

work activities, and others fitting the criteria are exempt. Families who pay flat rent or families over income are not automatically exempt. The HA will determine, on an annual basis, if non-exempt residents are in compliance.

SECTION XIX

TRANSFER

1) Objectives of the Transfer Policy:

- A) To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- B) To facilitate relocation when required for modernization or other management purposes.
- C) To facilitate relocation of families with inadequate housing accommodations.
- D) To eliminate vacancy loss and other expense due to unnecessary transfers.

2) Types of Transfers:

- A) HA initiated: The HA may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management. For these types of transfers the HA will cover the cost of the transfer pursuant to cost allowed by HUD.
- B) Transfers for Reasons of Health: Tenant may be transferred when the HA determines that there is a medical need for such transfers, such as inability to negotiate stairs or steps. The tenant will be required to provide a statement from a medical doctor which indicates the condition of the tenant and the HA reserves the right to make its own evaluation of the situation and documentation. If the HA determines that there is not a substantial and necessary medical need for such transfer, the request for transfer shall be treated as a convenience transfer. The tenant must pay for all of their moving expenses and a transfer fee.
- C) Transfers for Over/Under-housed Families to the Appropriate Unit: The HA may transfer residents to the appropriate sized unit and tenants are obligated to accept such transfers. Transfers will be made in accordance with the following principles:

Determination of the correct sized apartment shall be in accordance with the HA's occupancy guidelines, as outlined in Occupancy Guidelines

D) Priorities for transfers: All transfers must be either for health reasons, for relocation to an appropriate sized unit, or initiated by the HA due to modernization work and/or other good cause as determined by the HA. Priority transfers are listed below:

- 1) HA initiated transfers,
- 2) Transfers for health reasons,
- 3) Tenants who are under-housed by two or more bedrooms,
- 4) Tenants who are over-housed by two or more bedrooms,
- 5) Tenants who are under-housed by one bedroom,
- 6) Tenants who are over-housed by one bedroom.

Within each priority type, transfers will be ranked by date. In processing transfers requested by tenants for approved health reasons or to move to a larger apartment, the date shall be that on which the changed family circumstances are verified by the Management. The HA reserves the right to immediately transfer any family who has misrepresented family circumstances or composition.

3) Transfer Procedures: The HA shall:

- A) Prepare a prioritized transfer list, as needed, at re-examination.
- B) Notify residents by letter of their pending transfer.
- C) Participate in evaluation of request for transfer based on approved medical reasons.
- D) Issue final offer of vacant apartment as soon as vacant apartment is identified.
- E) Issue notice to transfer as soon as vacant apartment is available for occupancy.
- F) Participate in planning and implementation of special transfer systems for modernization and other similar programs.
- G) Inspect both apartments involved in the transfer, charging for any resident damages that are not considered normal wear and tear.
- H) When the tenant is transferred for modernization, the cost of the transfer shall be paid by the HA, pursuant to cost that is allowed by HUD.
- I) Right of HA 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 shall create a property right or any other type of right for a tenant to transfer or refuse transfer.

SECTION XX

LEASE TERMINATION AND EVICTIONS

All Lease terminations and evictions will be processed in accordance with the HA's current Dwelling Lease and Grievance Procedure. The HA's Dwelling Lease and the Grievance Procedure is incorporated into this document by reference and is the guideline to be used for Lease terminations and evictions.

The Dwelling Lease may not cover every specific situation that warrants a lease termination; therefore, **for good cause** the HA may terminate a Lease for reasons that are not specifically listed in the Dwelling Lease.

SECTION XXI

COMPLAINTS AND GRIEVANCE PROCEDURES

Complaints and Grievance Procedures shall be accomplished in accordance with the HA approved Grievance Procedure. The grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

SECTION XXII

SECURITY DEPOSITS

A security deposit shall be made pursuant to a schedule posted in the HA office. Security deposits may be refunded as provided in the Lease and in this procedure.

SECTION XXIII

OCCUPANCY GUIDELINES

The following guidelines shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing. These guidelines may be waived only when necessary to achieve or maintain full occupancy and after every effort has been made to stimulate applications from families appropriate to the existing vacancies. Families may be assigned improper sized units **WITH THE WRITTEN UNDERSTANDING** that they must transfer to the appropriate size unit when instructed to do so by the HA. Otherwise, the following occupancy standards shall apply:

1. Suggested guidelines:

| Number of Bedrooms | Minimum Number of Persons | Maximum Number of Persons |
|---------------------------|----------------------------------|----------------------------------|
| 1 | 1 | 2 |
| 2 | 2 | 4 |
| 3 | 3 | 6 |

1. Assignments shall be made so that, except for husband and wife and infants, persons of different sex will not occupy bedrooms over the age of six (6) years.
2. At the option of the HA, an infant, up to the age of two years, may share a bedroom with its parent(s), but the tenant shall not be required to do so.
3. In case of chronic illness, or other physical infirmity, a deviation from the occupancy guidelines, as presented above, is permissible when justified with evidence and documentation from a licensed physician.

SECTION XXIV

COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS FOR POSTING REQUIRED INFORMATION

There shall be maintained in the HA's office a bulletin board, which will accommodate the following posted materials:

1. State of Policies and Procedures Governing Admission and Continued Occupancy Policy (ACOP). This policy also outlines the HA's tenant selection and assignment plan.
2. Income Limits for Admission
3. Utility Allowances
4. Current Schedule of Routine Maintenance Charges.
5. Dwelling Lease.
6. Grievance Procedure.
7. Fair Housing Poster
8. "Equal Opportunity in Employment" Poster.
9. Any current "Tenant Notices".
10. Security Deposit Charges.

SECTION XXV

PET RULE

This HA chooses not to publish rules except those attached to this policy governing the keeping of common household pets. Tenants will comply with the section of their dwelling lease which states, "Renter is subject to any adaptable pet policy."

Exclusion from this policy is allowed for animals that assist persons with disabilities. The exclusion will be allowed if the following is provided:

- The tenant or prospective tenant certifies in writing that the tenant or a member of his or her family is a person with a disability;
- The animal has been trained to assist persons with that specific disability (example, seeing eye dog); and
- The animal actually assists the person with a disability.

SECTION XXVI

DECONCENTRATION RULE

1. Objective: The objective of the Deconcentration Rule for public housing units is to ensure that families are housed in a manner that will prevent concentration of poverty families and/or a concentration of higher income families.
2. Actions: To accomplish the deconcentration goals, the housing authority will take the following actions:
 - At the beginning of each fiscal year, the HA will establish a goal for housing 40% of its new admissions with families whose incomes are at or below the area median income. The annual goal will be calculated by taking 40% of the total number of move-ins from the previous housing authority fiscal year.

SECTION XXVII

CLOSING OF FILES AND/OR PURGING INACTIVE FILES

The HA will purge inactive files, after they have been closed for a period of three years, with the exception of trouble cases, or cases involving a household containing a minor with a reported elevated blood-lead level.

During the term of tenancy and for three years thereafter the HA will keep the resident file. In addition, the HA must keep for at least three years the following records:

- Records with racial, ethnic, gender and disability status for applicants and residents.
- The application from each ineligible family and the notice that the applicant is ineligible.
- HUD required reports and other HUD required files.
- Lead based paint inspection reports as required.
- Unit inspection reports.
- Accounts and other records supporting the HA and financial statements.
- Other records which may be specified by HUD.

The HA shall retain all data for current residents for audit purposes. No information shall be removed which may effect an accurate audit.

SECTION XXVIII

PROGRAM MANAGEMENT PLAN – Organization Plan

Reference the HA's adopted personnel policy for the organization of the HA.

ADMINISTRATIVE PLAN
OF
HAYS HOUSING AUTHORITY
HAYS, KANSAS
FOR SECTION 8

EXISTING HOUSING PROGRAM

REVISED JULY 26, 1999

Resolution #99-9

IN ACCORDANCE WITH:

Code of Federal Regulations 24,
(April, 1 1998 Edition)

and applicable sections of

TITLE V OF H.R. 4194

THE QUALITY HOUSING AND WORK RESPONSIBILITY ACT

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I. STATEMENT OF POLICIES AND OBJECTIVES

The Section 8 Program was created by the Housing and Community Development Act of 1974 and amended by the Housing and Community Development Act of 1981, the Housing and Urban-Rural Recovery Act of 1983, the Technical Amendments Act of 1984, and the Housing and Community Development Act of 1987.

Administration of the Housing Programs and the functions and responsibilities of the project staff shall be in compliance with the Section 8 Existing Operations/Procedures Manual. All Federal, State and local housing laws will be followed and will comply with Fair Housing Regulations.

A. Purpose of the Plan

The overall plan for the Section 8 Existing Program is designed to achieve four major objectives:

1. To provide improved living conditions for very low income families while maintaining their rent payments at an affordable level.
2. To promote freedom of housing choice and reduce concentration of lower income and minority families.
3. To provide decent, safe and sanitary housing for eligible participants.
4. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments and protection against unpaid rent, damages and vacancy loss.

The purpose of our Administrative Plan is to establish policies for items which are not covered under federal regulation for the Section 8 Existing Housing Assistance Payment Certificate/Voucher.

The Plan covers both admission and continued participation in the Section 8 program.

Hays Housing Authority is responsible for complying with all subsequent changes in HUD regulations pertaining to this program. If such changes conflict with this Plan, HUD regulations will have precedence.

A. Fair Housing Policy

It is the policy of the Hays Housing Authority (hereinafter referred to as the HA) to comply fully with all Federal, State and local nondiscrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. Specifically, the HA shall not on account of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Certificate/Voucher Program within the requirements and regulations of the HUD regulations.

To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide Federal/State/local information to certificate/voucher holders regarding "discrimination" and any recourse available to them should they feel they have been the victim of discrimination. Such information will be made available during the family briefing session and all applicable Fair Housing Information and Discrimination Complaint Forms are a part of the Certificate Holder's Packet.

The HA subscribes to HUD's "open-housing" policy and, as such, maintains lists of available housing submitted by owners and in all neighborhoods within the Agency's jurisdiction to ensure "greater mobility and housing choice" to low-income households.

The HA maintains an Equal Opportunity Housing Plan to ensure that these objectives are being met.

B. Privacy Rights

Applicants are required to sign the Federal Privacy Act Statement in conjunction with the HUD 50058 form which states under what conditions HUD will release tenant and owner information.

Requests for information must be accompanied by a written release request in order for the HA to release any information regarding an applicant or participant, unless disclosure is authorized under Federal or State law.

C. Statement of Local Objectives

The HA is charged with meeting these objectives through housing assistance programs available from the Department of Housing and Urban Development.

There is an undeniable need for low-income housing assistance within the jurisdiction of the HA as evidenced by our waiting list.

There is also a need for quality housing units available for program participants. There is not an abundance of affordable housing for low income participants within our jurisdiction.

We approach the administration of the program with a positive attitude. We have established realistic and attainable goals and have given particular thought to the numbers of families who can be expected to need and want to move to better housing. In establishing our goals, the HA has given special consideration to the likely availability of existing housing and has attempted to set realistic numbers based on need. We recognize that currently we have fewer certificates available than are needed in our community.

By setting attainable goals, the HA hopes to achieve these by the nature of the goals themselves. Not overburdening the market, not forcing the program, but providing a vehicle for those who have a need and those who have the units to come together in a manner beneficial to each.

The strategy is to achieve the attainable goals in the simplest manner possible, at the least expense, while complying with the Section 8 requirements and regulations.

D. Rules and Regulations

All issues not addressed in this document related to tenants and participants are governed by Federal Regulations, HUD Memos and Notices and guidelines under other applicable law.

E. Financial Records

The HA will maintain HUD-required financial records according to prescribed accounting standards to permit timely, effective audits. Monthly financial reports will be provided to the Board of Commissions of the Housing Authority for their consideration and review.

A separate interest-bearing checking account is established for the purpose of depositing subsidy from HUD, issuing landlord checks and payment of expenses incurred for Administrative Fee account.

I. ABOUT THE PROGRAM

The legal jurisdiction of the Hays Housing Authority is limited to Hays.

In 1982, the HA received its first approved Annual Contributions Contract under the Section 8 Existing Housing Assistance Certificate Program and from the beginning the program was managed by Developmental Services of Northwest Kansas. In January, 1999 the Hays Housing Authority assumed management of the Certificate Program.

A. Administrative Program

The Executive Director (ED) of the HA is the primary administrator of the program. Her/his staff handle the clients from preapplication through Certificate issuance and termination, including inspections, using a case management system.

The ED will have the primary function of overseeing staff duties and dealing indirectly with tenants or directly with tenants or landlords when there are problems to be resolved. The ED will contact elected officials, special interest groups, and property owners. The ED will ensure that the inspections are conducted correctly and in a timely manner by arranging or conducting the HQS quality control inspections.

The ED will also check effectiveness of the HAP progress and ensure quality control in the program.

The ED and staff will coordinate with local media in regards to news releases and direct publication actions to include advertisements, brochures, and posters for promotional purposes.

The ED and staff will be responsible for preparing notices to tenants for annual recertifications which includes interviews with head of household; verification of income, assets, and allowances; and certify the family for continued participation in the program.

The ED will issue checks to owners for HAP payments and expenses of the Section 8 program. All checks will be Co-signed by a representative of the Board. He/she will prepare financial reports for monthly Board meetings and will see that all HUD required reporting is completed accurately and in a timely manner.

Other ED and staff responsibilities are: Interviewing applicants, maintaining preapplication files and updating a waiting list; completing contracts, leases, and any other forms required for participants in Certificate program; work directly with landlords by inspecting housing to determine whether it meets program requirements and whether the family can be assigned to that location.

III. OUTREACH PROCEDURES

A. Family Outreach

The HA will publicize and disseminate information concerning the availability and nature of housing assistance for very low income families. Upon execution of an Annual Contributions Contract (ACC) for additional units, the HA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the availability and nature of housing assistance for very low income families, unless applications are sufficient to fill the vacancies with eligible families.

Notice Requirements – The Notice will:

1. Advise families that applications will be taken at the designated office;
2. Briefly describe the Section 8 program;
3. Explain that the Waiting List is a single waiting list for Section 8.

To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

A. Owner Outreach

The HA will issue public invitations to owners as needed to make dwelling units available for leasing by eligible families in accordance with the Equal Opportunity Housing Plan. On a continuing basis, the HA welcomes the participation of owners of decent, safe and sanitary housing units.

1. The staff of the HA continues to make personal contact in the form of formal or informal discussions or meetings with private property owners, property managers, and real estate agencies where rents are possibly within reach of the Fair Market Rent for the Certificate Program.

Program requirements are explained and printed material is offered to acquaint the owner/manager with the opportunities available under the program.

2. The HA maintains an “Available Units” list and continually updates it by adding vacant units of owners seeking Section 8 referrals.

IV. ELIGIBILITY FOR ADMISSION

The family's initial eligibility for placement on the waiting list will be made in accordance with the following HUD and HA factors and will not be verified until selection from the waiting list for a certificate/voucher is made.

A. Family Composition

The applicant must qualify as a family. A family consists of:

1. Two or more persons who identify themselves as a family including a single parent, and who have a designated head of the family who is the responsible person for the family, legally and morally responsible for the group, and is actually looked to and held accountable for the family's needs.
2. An elderly household whose head or spouse meets the following definition (unless otherwise approved by HUD, such as for Rental Rehabilitation Program.) The head, spouse or sole must be:

62 years of age; or handicapped with a physical impairment which is expected to be of long continued and indefinite duration, which substantially impedes but does not prohibit his ability to live independently, and is of such nature that such ability could be improved by more suitable housing conditions; or

Disabled within the meaning of Section 223 of the Social Security Act or Section 102 (b) (7) or 6001 (7) of the Developmental Disabilities Act; or
3. Displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a declared disaster or otherwise formally recognized under federal disaster relief laws. Governmental action is defined as Federal, State, or local government; or
4. Remaining member of a tenant family.
5. A single person in the process of securing legal custody of persons under the age of 18.

Live-In Attendants:

A family may include a live-in attendant who:

1. Has been determined to be essential to the care and well being of the elderly, handicapped or disabled family member; and
2. Is not obligated for the support of the elderly, handicapped or disabled member; and
3. Would not be living in the unit except to provide care of the elderly, handicapped or disabled family member; and
4. Whose income will not be counted for purposes of determining eligibility or rent; and
5. Who may not be considered the remaining member of the tenant family.

Relatives are not automatically excluded from being care attendants, but must meet the definition described above.

A live-in attendant with a child to attend a sole occupant is not qualified as a live-in attendant, since the child is not needed to attend the elderly, handicapped or disabled individual, unless the child meets the family definition.

Live-in attendants cannot be the remaining member of the tenant family if the person they are attending is no longer a participant in the Section 8 Existing Housing Program.

A. Income Limitations

Annual income shall not exceed the Income Limit as established by HUD and published in the Federal Register.

B. Mandatory Social Security Numbers/Birth Certificate/Citizenship Verification

Families are required to provide Social Security Numbers and Birth Certificates for all family members prior to admission.

All members of the family defined above must either:

1. Submit Social Security number documentation; or

2. Sign a certificate if they have not been assigned a Social Security Number. If the individual is under 18, the certification must be executed by his or her parent or guardian. If the participant who has signed a certification form obtains a Social Security number, it must be disclosed at the next regularly scheduled income reexamination.
3. Copies of original birth certificates are needed, but a hospital verification of birth will be accepted until birth certificate is available.
4. All applicants will complete and sign a Declaration of Citizenship (Section 214) status form prior to admittance.

Verification will be done through the provision of a valid Social Security card issued by the Social Security Administration. The same process will be used for verifying new social security numbers as changes in household composition occur.

The HA will accept copies of the Social Security card only when it is necessary for the HA to verify by mail the continuing eligibility of participant families.

Applicants may not become participants until the documentation is provided. The applicant will retain their position on the waiting list during this period.

D. Other Criteria For Admission

Other criteria must be met for an applicant to be eligible for assistance under the HA Section 8 Program:

1. Certificate/Voucher Program families whose Total Tenant Payment, which has been computed in accordance with the federal regulations, does not exceed the current Fair Market Rent as set by HUD for the family's eligible unit size in the region. Family must have paid any outstanding debt owed the HA or another HA on any previous tenancy for Public Housing or Section 8 Existing.
2. Family must not engage in drug related criminal activity or violent criminal activity, including criminal activity by any family member. Drug related activity means:

The felonious (criminal activity classified as a felony under Federal, State or local law) manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, a controlled substance (as defined in the Controlled Substance Act);

The felonious use or possession (other than with intent to manufacture, sell or distribute) of a controlled substance, except that

such a felonious use or possession must have occurred within one year before the date that the HA provides notice to an applicant or participant of the HA's determination to deny admission or terminate assistance.

Drug related criminal activity does not include this use or possession, if the Family member can demonstrate that she/he:

Has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such an impairment; and has recovered from such addiction and does not currently use or possess controlled substances.

Violent criminal activity includes any felonious 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.

For the purposes of this policy, this is construed to mean that if a member of the current family has been arrested at least twice within a 12 month period or convicted within the prior 60 months for this purpose, they will be determined to have engaged in drug-related criminal activity or violent criminal activity.

The HA will not be obligated to probe for information concerning a family's criminal activities as part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to the HA regarding this matter. The inquiries are standardized and directed to all applicants by the inclusion of the inquiry on the application form.

Families who have been evicted from Public Housing or by Section 8 owners for engaging in these activities will be denied admission to this program.

E. Suitability of Tenant

The HA may not screen for factors which relate to the suitability of the applicant family as tenants. Such factors include (but are not limited to) prior rent paying history, outstanding debts owed to previous owners (unless owed to HA), history of damage to rental properties, police record, employment, etc. The HA must tell the owner that it is his responsibility to screen tenants. The agency must give the owner the tenant's current address and may give previous address if known.

F. Changes which occur between Final Eligibility Determination and Effective Lease Date

Changes which occur during this period do affect eligibility to participate in the program. To be more specific, changes that occur before the HAP contract execution affect the eligibility for the program. If the lease has been executed before the HAP contract, and a change occurs for the family that would deem them ineligible, (i.e., over the applicable Income Limit) the housing authority is prohibited from entering into the HAP contract with the owner.

V. APPLYING FOR ADMISSION

A. General Policy

Applications are taken to compile a waiting list. Due to the demand for housing in the HA's jurisdiction, the HA takes application on an "open enrollment" basis. Any time the waiting list exceeds the total number of certificates/vouchers in the project, the HA may close applications temporarily.

The application process is undertaken in two phases: a preliminary application (referred to as a preapplication) is taken first. When the family comes to the top of the waiting list and the HA is ready to issue a certificate/voucher, the HA takes a formal application (referred to as a full application) and verifies the information provided.

For every fiscal year, each HA shall reserve a percentage of its new admissions for families whose incomes do not exceed thirty (30%) percent of the area median income. The goal for Section 8 shall be seventy-five (75%) percent of new admissions.

B. Application Taking

Applications may be made in person at the HA during regular business hours. Applications are dated and signed by the staff member receiving them, in accordance with the procedures outlined in the Equal Opportunity Housing Plan.

Individuals who have a physical impairment which would prevent them from making application in person may call the Housing Authority to make special arrangements to complete their preapplication. Persons needing assistance will be assisted in completing the necessary forms.

Any family requesting an application for Section 8 rental assistance will be given the opportunity to fill one out as long as the waiting list is open and the HA is accepting applications.

C. Preapplication Procedures

The HA will utilize a basic preapplication form. The information is to be filled out by the Housing staff whenever possible.

The purpose of the preapplication is to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list.

The preapplication will contain this basic type of information.

- Names and ages of all household members
- Sex and relationship of members
- Address (es) and telephone number (s)
- Amount and source of all income and assets
- Information on handicaps and disabilities of family members
- Information related to selection preferences
- Social Security Numbers for all household members

The information on the form will not be verified until the client has been selected from the waiting list or final processing. Final eligibility and placement on the list will be determined when the full application process is completed and verified.

Applicants are responsible for informing the HA of changes in family circumstances (including income) and are responsible for responding to requests from the HA to update preapplications. Refusal to provide information may result in the applicant being removed from the waiting list.

D. Notification of Family Status

Based on the information on the application, if the family is preliminarily determined eligible, the applicant will be informed of the probable date their name will be reached. The HA communication will in no way lead applicants to believe that the estimated date of certificate issuance is exact, but will stress that the estimated date of certificate issuance is subject to several factors that are beyond the HA's control (i.e. preference determination, turnover, funding, etc.)

E. Right to Informal Review

Ineligible applicants will be promptly provided with a letter detailing their individual status, stating the reason for their ineligibility, and offering them an opportunity for an informal review.

An informal review may be requested for the following decisions denying:

- Listing on the HA's Waiting List
- Issuance of a certificate
- Participation in the program
- Denial of eligibility for Federal Preferences

Applicants must submit their request in writing to the HA within (10) days from the date of the determination.

F. Completion of a Full Application

The waiting list is to be updated at least monthly with any new applications that are determined to be eligible. If no applications are received during that month, the waiting list will remain static. Every 12 to 18 months the individuals on the waiting list are contacted to determine if they are still interested in remaining on the waiting list, allowing the waiting list to be more current. Applicants on the waiting list will be requested to come into the office to complete a formal application when the HA estimates that a Certificate can be issued within 20 days.

The family will complete the Personal Declaration Form and bring it with them prior to their scheduled meeting. Families will be interviewed by the HA who will complete their full application.

1. Requirement to Attend Scheduled Meeting

It is the applicant's responsibility to reschedule the interview if they miss the appointment. If the applicant does not reschedule and misses two scheduled meetings, the HA has the right to reject the application.

Rejection of the application means that the household will be removed from the waiting list and must reapply. Applicants will be notified in writing if the application is rejected for this reason.

All adult family members are required to attend the interview with the head of household and sign the housing application. Exceptions and reasonable accommodations are made for people with disabilities.

2. Verification of Full Application Information

Information provided by the applicant will be verified including information on family composition, income, assets, allowances and deductions, preference status, full-time student status, and other factors relating to eligibility determination before the applicant is issued a certificate.

Third party verifications in writing (sent by mail) are preferred. Oral third party verifications are acceptable if they are properly documented.

If third party verification is impossible, the HA will use documents provided by applicants. Documents will be photocopied when not prohibited by law. When documents cannot be photocopied, staff certification forms noting document viewed will be used by recording the source of information, the information obtained, and signed and dated by the staff person who viewed the document.

If third party and documents viewed are not available as verification methods by the HA, the HA will accept a notarized applicant certification with the information needed.

A. Final Determination and Notification of Eligibility

After the verification process is completed, the HA will make its final determination of eligibility, based on the same factors as preliminary eligibility, but with verified data at this point in time.

B. Grounds for Denial of Admission

In accordance with 24CFR 982.52, the HA is not required to assist families who:

1. Currently owe rent or other amounts to the HA or any other HA;
2. Were previous participants in the HA's Section 8 Existing Program and left the program owing the HA money for claims paid for unpaid rent, damages or vacancy loss;
3. Breached an agreement to repay monies owed the HA.
4. Previously violated the family obligations listed in 24CFR 982.52 or listed on the Certificate of Family Participation;
5. Committed fraud in connection with any federal housing assistance program.

VI. ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

A. Waiting List

The HA maintains a waiting list for Section 8 in accordance with the following factors:

1. The application will be a permanent file.
2. The list is subdivided by bedroom size requirements of the applicants. Within each bedroom category, applications are maintained in order of preference. Applications equal in preference are maintained by date and time sequence.
3. All applications must meet Income eligibility requirements as established by HUD. Any exceptions to these requirements must have been previously approved by the HUD Field Office.

The waiting list is updated monthly with any new applications that are received, and a more comprehensive update occurs every 12-18 months.

A. Order of Selection

Applications will be filed in alphabetical order, taking the following into consideration for easy access:

1. Date and time of application
2. Local preference applications

Local Preferences are:

- a. Persons with a disability
- b. Persons over age 62

Interviews for completion of a full application are scheduled on this basis.

Applications are accepted from anyone wishing to apply and preference for certificate issuance are given by the HA to families who can claim and verify any one Local Preference.

A. Maintaining the Waiting List

After the preliminary eligibility determination has been made, applicants are placed on the appropriate waiting list in order of preference. The HA will maintain an accurate waiting list which conforms to HUD requirements.

The waiting list will provide the following information on apparently eligible households who have an active preapplication:

1. Name of head of household;
2. Date and time the preapplication was received
3. Unit size required
4. Preference status
5. Minority status

A. Updating the Waiting List

The HA will periodically update the waiting list to ensure that it is current and accurate.

The HA will mail a letter to the applicant's last known address, requesting information regarding their continued interest in maintaining a place on the waiting list.

If the applicant did not notify the HA of a move as required, the HA will not be responsible for the applicant's failure to receive the updated request.

The request letter will include a deadline date by which applicants must contact the HA of their continued interest, by mail or in person. If the HA fails to receive the applicant notice by the deadline date, the applicant's name will be removed from the waiting list.

Applicants will be given 15 days to return the notice of continued interest. The HA does not accept responsibility for mail delays.

B. Finalizing the Determination

All completed and verified applications are added to an “eligible to be notified” list and families are called in for briefing and issuance of certificates/vouchers in accordance with this Administrative Plan.

A statistical report is prepared by the Section 8 staff each month to ensure that the very low income requirement is met and that the number of certificates/vouchers issued is sufficient to maintain contracts for the amount of money authorized.

VI. OCCUPANCY STANDARDS

A. Certificate/Voucher Size Issued

HUD guidelines require that the HA established standards for the determination of certificate bedroom size and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. They also must meet the minimum requirements of the Housing Quality Standards.

The unit size assigned to a participant in the Certificate/Voucher Program serves as the basis for determining maximum rent that can be paid to an owner for the unit selected by the family.

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

These general guidelines are used in determining certificate/voucher size:

| <u>CERTIFICATE SIZE</u> | <u>MINIMUM # PERSONS IN HOUSEHOLD</u> | <u>MAXIMUM # PERSONS IN HOUSEHOLD</u> |
|-------------------------|---|---|
| 0 BR | 1 | 1 |
| 1 BR | 1 | 2 |
| 2 BR | 2 | 4 |
| 3 BR | 3 | 6 |
| 4 BR | 4 | 8 |
| 5-6 BR | 6 | 10-12 |

The HA shall grant exceptions from the standards if the HA determines the exceptions are justified by the relationship, age, sex, health or handicap of family members, or other individual circumstances.

The age, sex, and relationship of the members of the family will be taken into consideration in assigning unit sizes. In any case, minors of the opposite sex 5 years or older, will not be required to share the same room.

The family may request a larger size than that listed on the certificate/voucher by submitting to the HA in writing a request for a larger size certificate/voucher and give the justification for the request within 10 days of the determination of bedroom size by the HA listed on the certificate/voucher. The HA will consider the request

according to the condition outlined in this plan and determine whether or not the request will be granted. The necessity for an exception to unit size standards must be verified and documented. The granting of the exception shall be at the discretion of the HA.

Special circumstances may dictate a larger size than the Occupancy Standards shown such as:

Spouses who, because of verified medical reason, cannot share a bedroom;

An elderly, handicapped, or disabled person who requires a live-in attendant;

Different generations.

A. Unit Size Selected.

The family may select a different size dwelling than that listed on the certificate.

These are three criteria to consider for the Certificate/Voucher Program:

Fair Market Rent Limitation. The HA will always apply the FMR for the certificate/voucher size approved for the family or the unit size actually selected by the family, whichever is less.

Utility Allowance. The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Certificate/Voucher.

Housing Quality Standards. HQS Standards allow 2 persons per living/sleeping room and would permit the following maximum occupancy, assuming a living room is used as a living/sleeping area:

0-BR 1

1-BR 4

2-BR 6

3-BR 8

4-BR 10

5-BR 12

6-BR 14

B. Types of Tenancy

In July, 1995 under Conforming Rule 3 in order to streamline and clarify changes covering tenant-based Section 8 rental assistance under the certificate and voucher

programs, rule (982.501) specifies there are three types of tenancy in these programs.

- A “regular” tenancy under the certificate program;
- An “over-FMR tenancy under the certificate program;
- A tenancy under the voucher program.

In the regular certificate tenancy, the share of the rent paid by an assisted family is defined by a statutory formula and Section 8 subsidy covers the balance of rent for the unit. The family may not agree to pay a bigger share of the rent.

For a regular tenancy in the certificate program, on request from a family that includes a person with disabilities, the HA must approve an exception rent of up to 120 percent of the fair market rent if the exception rent is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

In an over-FMR tenancy (OFTO), the family may agree to pay more. This rule adds authority for over-FMR tenancies.

The three forms of tenancy conform to specific statutory requirements affecting subsidy and family contribution.

For each tenancy, the same fair market rent or HUD approval exception rent (called the “FMR/exception rent limit”) determines the maximum subsidy for a program family.

At this time, the HA is only administering a Section 8 certificate program. With this rule, the HA will have the option to consider OFTO tenancy by reviewing whether rent is reasonable and if rent payments are reasonable for family. The language of the law explicitly allows the HA to approve family requests that meet the statutory conditions, and therefore vests in the HA the discretion whether or not to approve such requests in any or all cases.

VI. INCOME CONSIDERATIONS AND DETERMINATION OF TOTAL TENANT PAYMENT

The Total Tenant Payment is calculated in accordance with 24 CFR Part 5.

A quality control check is made of at least 25% of all files. The Total Tenant Payment and rent calculations are figured and double checked.

A. Income Computation, Explanation, Inclusions, Exclusions, Worksheet Sample.

Once the HA have verified all income necessary to determine income eligibility and has determined that it is ready to issue the family a certificate/voucher, it must compute the family's annual income in accordance with Sections 24 CFR, 5.609 of the regulations. A sample of an approved worksheet is included and provides instructions to lead the HA through the process.

Computation of Annual Income For Eligibility.

The frequency by which applicants are paid can vary greatly from case to case. Therefore, the frequency must be verified in order to arrive at accurate computations of income for the subsequent 12-month period. The following computation methods apply to situations where verification forms completed by employers do not specifically state the applicant's income by annual rate.

- 1) Monthly. Multiply the gross monthly income by 12 pay periods.
- 2) Semi-monthly. Multiply the gross semi-monthly income by 24 pay periods.
- 3) Hourly. Multiply the gross hourly rate times the number of hours worked each week, then multiply the product of that calculation times 52 pay periods.
- 4) Weekly. Multiply the gross weekly rate times 52 pay periods.
- 5) Bi-Weekly. Multiply the gross bi-weekly rate times 26 pay periods.

Computations must be appropriately adjusted for applicants who do not work a full 12-month period, if so verified by the employer.

Exclusions

Under the Section 8 Housing Assistance Programs, the definition of income does not include amounts of other benefits specially exempted by Federal Law. Four most recent exemptions are:

- 1) Earned Income Tax Credit. This exemption had an effective date of January 1, 1991. This refund is a payment from the Internal Revenue Service to low income workers with children.

- 2) Student Financial Assistance. This exemption has an effective date of October 1, 1992. This states that student financial assistance shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefit or assistance, under any Federal, State or local program financed in whole or in part with Federal Funds.
- 3) Child Care and Developmental Block Grant Assistance. This exemption has an effective date of November 4, 1992. This provides that the value of any child care provided or arranged (or any amount received as payment for reimbursement for costs incurred for such care) shall no be treated as income.
- 4) Holocaust. This exemption had an effective date of April 23, 1993. This will exclude any reparation payment by foreign governments intended to atone for atrocities committed during the Nazi era.

ASSETS

When the applicant family's total assets exceed \$5000, it is necessary for the HA to make both of the following calculations to comply with Section 889.103 of the regulations.

- 1) Calculate the dollar amount included in the family's annual income which is specifically derived from assets, such as interest on savings accounts, dividends, interest portions of real estate property sale payments, net income from rental of real property, etc., and
- 2) Calculate the dollar amounts resulting from multiplying the value of the family's assets by the imputed interest rate issued by HUD.

The HA must then use the larger of the dollar amounts obtained from these two separate calculations in its final computation of the family's annual income for eligibility.

Certificate and Rent Computations

(24 CFR 5.611)

The following deductions are made prior to a determination of rent:

1. \$480. for each dependent;
2. \$400. For any elderly family or disabled family;
3. For any family that is not an elderly family or disabled family but has a member (other than the head of household or spouse) who is a person with a disability, disability assistance expenses in excess of three percent of annual income, but 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;
4. For any elderly family or disabled family;

- a. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent of annual income;
 - b. That has disability assistance expenses greater than or equal to three percent of annual income, an allowance for disability assistance expenses computed in accordance with paragraph (c) of this section, plus an allowance for medical expenses that is equal to the family's medical expenses;
 - c. That has disability assistance expenses that are less than three percent of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent of annual income; and
1. Child care expenses.

Minimum Rents

Tenants will be required to pay at least \$25.00 total tenant payment except in the following circumstances:

1. Working families engaged in work activities for at least 20 hours per week whose adjusted monthly income is at or below \$75.00
2. Any person receiving an allowance for Handicapped and/or Disability assistance, or head, co-head, spouse or sole member age 62 or older, or Disabled or handicapped whose adjusted monthly income is at or below \$75.00.
3. Families may request an exemption of payment of minimum rent under the federal definition of hardship as per "Minimum Rent Hardship Exemption" policy adopted 3-22-99, Resolution # 99-3.

Payment Standards

In the case of the rental vouchers, the Payment Standard will be an amount equal to the appropriate Fair Market Rent for the location and unit size. Payment standards will be adjusted as FMR's change.

Computing Total Tenant Payment – Certificate Program

- | | |
|--|----------|
| 1. ANNUAL INCOME | \$ _____ |
| 2. DEPENDENT DEDUCTION (\$480. X # | \$ _____ |
| 3. ELDERLY DEDUCTION (\$400) | \$ _____ |
| 4. CHILD CARE DEDUCTION (ANNUALLY) | \$ _____ |
| 5. MEDICAL EXPENSE DEDUCTION (IN EXCESS OF 3% OF ANNUAL INCOME) | \$ _____ |
| 6. TOTAL ADJUSTED INCOME 1-(2 through 5) | \$ _____ |

| | |
|---|-----------------|
| 7. MONTHLY ADJUSTED INCOME (ADJUSTED ANNUAL INCOME DIVIDED BY 12) | \$ _____ |
| 8. MINIMUM TTP | \$ <u>25.00</u> |
| 9. TOTAL TENANT PAYMENT – HIGHER OF MINIMUM TTP OR (MONTHLY ADJUSTED INCOME X 30%) | \$ _____ |
| 10. MINUS UTILITY ALLOWANCE | \$ _____ |
| 11. TENANT RENT (#9. - #10.) | \$ _____ |

Computing Total Tenant Payment – Voucher Program

| | |
|---|-----------------|
| 1. ANNUAL INCOME | \$ _____ |
| 2. DEPENDENT DEDUCTION (480. X #) | \$ _____ |
| 3. ELDERLY/DISABLED DEDUCTION (\$400) | \$ _____ |
| 4. CHILD CARE DEDUCTION (Annually) | \$ _____ |
| 5. MEDICAL/DISABILITY EXPENSE DEDUCTION (In excess of 3% of annual income) | \$ _____ |
| 6. ANNUAL ADJUSTED INCOME (1 minus 2,3,4 & 5) | \$ _____ |
| 7. MONTHLY INCOME (1 Divided by 12) | \$ _____ |
| 8. TTP BASED ON ANNUAL INCOME (7 X 10%) | \$ _____ |
| 9. ADJUSTED MONTHLY INCOME (6 divided by 12) | \$ _____ |
| 10. TTP BASED ON ADJUSTED INCOME (9 X 30%) | \$ _____ |
| 11. MINIMUM RENT | \$ <u>25.00</u> |
| 12. TTP (Highest of 8, 10, 11) | \$ _____ |
| 13. LOWER OF PAYMENT STANDARD OR GROSS RENT | \$ _____ |
| 14. MAXIMUM SUBSIDY (13 minus 12) | \$ _____ |
| 15. UTILITY ALLOWANCE, IF ANY | \$ _____ |
| 16. RENT TO OWNER | \$ _____ |
| 17. GROSS RENT (15 + 16) | \$ _____ |
| 18. GROSS RENT LESS MAXIMUM SUBSIDY (17 - 14) | \$ _____ |
| 19. MINIMUM FAMILY CONTRIBUTION (Higher of 8 or 11) | \$ _____ |
| 20. TOTAL FAMILY CONTRIBUTION (Higher of 18 or 19) | \$ _____ |
| 21. GROSS RENT LESS CONTRIBUTION (17 – 20) | \$ _____ |
| 22. TOTAL VOUCHER SUBSIDY (Lower of 14 or 21) | \$ _____ |
| 23. HAP TO OWNER (Lower of 16 or 22) | \$ _____ |
| 24. FAMILY RENT TO OWNER (16 – 23) | \$ _____ |
| 25. UTILITY REIMBURSEMENT, IF ANY (22 – 23) | \$ _____ |

B. Definition of Temporarily Absent

If the family has to leave the household for more than 3 months, the unit will not be considered to be their principal place of residence and they will be terminated from the program.

If there is a one parent home and the children are taken away from the parent because of abuse, but after counseling the children will be returned, the HA will try to find out from Social Services how long it will be before the children will return. The parent will retain his/her eligibility as a remaining member of the tenant family. She/he will have to be issued a different size certificate/voucher.

To determine whether and when the bedroom size should be changed, the case should be taken to the HA who will use an approximate time of three months as a guide, depending on the individual circumstances and verification provided.

If the single parent leaves the household and if another adult is brought in to take care of the children while the parent is away, as long as the family continues to meet the definition of a family, the assistance is not terminated. A change in family composition will be made if the stay is longer than the visitor provision defined in the lease (typically 30 days).

1. Spouse:

If the husband or wife leaves the household and will be gone for 6 months or more of the recertification period and the family declares them permanently absent in writing, they will be determined permanently absent and will be removed from the lease.

If the husband or wife leaves the household and the period of time is estimated to be less than 6 months, the family member will be determined temporarily absent unless one of the situations below occurs.

If the husband or wife obtains a divorce or legal separation, the person who leaves the household will be considered permanently absent. (If the family member with children gives notice to the HA before vacating the unit, the HA will discuss the situation and make a determination as to who will retain the certificate/voucher.)

If the spouse is incarcerated, a document from the court or prison should be obtained as to how long they will be incarcerated.

2. Adult Care

If an adult child goes to the military and leaves the household, they will be determined permanently absent.

A student (other than husband or wife) who attends school away from home but lives with the family during school recesses may be considered permanently absent (income not counted, not on lease, not counted for

certificate/voucher size) or temporarily absent (income counted, on lease, counted for certificate/voucher at the family's option.)

1. Joint Custody of Children:

Children who are subject to a joint custody agreement but live in the unit at least 50% of the time will be considered members of the household. "50% of the time" is defined as 183 days of the year, which do not have to run consecutively.

2. Sole Member of Household:

If the sole member of the household has to leave for more than 3 months, the unit will not be considered to be their principal place of residence and assistance will be terminated from the program unless the tenant requests an extension by submitting documentation from a reliable medical source that she/he will return within a total of 6 months (an additional 3 months.)

If the sole member of the household has to leave the household to go to the hospital or nursing home, advice from a reliable medical source will be obtained as to the likelihood and timing of their return. If the medical source feels they will be permanently confined to a nursing home or hospital, they will be considered permanently absent. If they are temporarily admitted, they will not be considered permanently absent. In no event, however, will the unit be considered their principal place of residence when they are out of the household for more than 6 months.

3. Visitors:

Visitors are allowed to stay for up to 30 days in the typical lease. If the person is a visitor and does not intend to become a "permanent" member of the family, the HA does not have to consider this a change in family composition.

If an adult "visitor" stays in the unit for more than 30 days per year, they will be considered a member of the household. Minors may visit for up to 90 days per year without being considered a member of the household as long as they have written permission of the owner/manager to stay longer than 30 days and the head of household still claims them as temporary members.

4. Reporting to Owner:

The additional person, whether a family member or a visitor, must be reported to the owner/manager. In the case of the minor staying longer than 30 days, as described above, written permission must be obtained from the owner, allowing them to continue in residence as a visitor.

5. Reporting to the HA:

The family will have to declare a member as permanently or temporarily absent in writing to the Housing Authority. The HA will advise the family at that time, or at re-examination, what the options are and how it might affect the Total Tenant Payment or the certificate/voucher size.

The family should be counseled at briefings and reexamination on the effect of the permanently/temporarily absent policy on income.

6. Temporarily Absent Family Member's Income:

Income of temporarily absent family members is counted.

If the spouse of the head of household is temporarily absent, his/her entire income is counted, whether or not she/he is in on the lease.

If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire) is counted as income.

7. Definition of Permanently Absent:

If the family is permanently absent from the household for more than 3 months (90 days) due to incarceration, institutionalization, or other long-term reasons for absence, the rent assistance will be discontinued and vacancy will be presented to next qualified applicant on waiting list.

C. Income of Person Permanently Admitted to Nursing Home

If a family member is permanently admitted to the hospital or nursing home, and there is a family member left in the household, the HA will exclude the income of the person permanently admitted to the nursing home and they will receive no deductions for the admitted family member. (For determination as to whether the person is admitted to a nursing home on a temporary or permanent basis, see the definition of Temporarily/Permanently Absent in this Plan.)

D. Averaging Income

There are two ways to figure income when the income is not received for a full year:

Annualizing current income (and subsequently conducting an interim re-examination if income changes); or

Averaging known sources of income that vary to compute an annual income (no interim adjustment if income remains what was calculated).

The HA will use the annualizing current income method for all families unless a deviation is approved.

Last year's income may be analyzed to determine the amount of income to be anticipated when it cannot be clearly verified.

If the last three months of income are representative of the income which may be anticipated for the next year, such as overtime worked when the employer cannot anticipate how much overtime the family member will have over the next year, the last three months may be used to anticipate the income.

If the last three months of income are not representative of the income which may be anticipated for the next year, such as overtime worked only at Christmas, the overtime worked for the entire year will be used to anticipate income.

If the anticipated income from the employer shows a raise in pay which is to occur four months from the effective date of the recertification, income is to be calculated at the old rate for 4 months and at the new rate for 8 months.

If there are bonuses to be anticipated, but the employer does not know how much the bonus will be, the bonus from last year, if any, will be used for calculation purposes.

If, by averaging, a reasonable estimate can be made, that estimate is used instead of changing the HAP every month.

At re-examination, the HA can use last year's income, if the income cannot be anticipated for the coming year.

E. Regular Contributions and Gifts

Regular contributions and gifts received from persons outside the household are counted as income.

This includes rent and utility payments paid 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.

A. Alimony and Child Support

Regular alimony and child support payments are counted as income.

If the child support is not received on a regular basis, the HA will count the amount of child support in the divorce decree or separation agreement unless the HA verifies that the income is not provided.

In order to calculate with any other amount than the amount in the award, the HA will obtain a certification from the tenant as to how much is being received on annual basis, plus they must have documentation in the file that the family has filed with the Agency responsible for enforcing the payments.

When a printout is received (from the County Attorney's office, for example, for the prior 12 months), the HA will use the amount received over the last 12 months if no projection of anticipated income can be made.

B. Lump Sum Receipts

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.

Contributions to company retirement/pension funds are handled in this manner:

While an individual is employed, only amounts the family can withdraw without retiring or terminating employment are counted.

After retirement or termination of employment, the HA will count any amount the employee elects to receive as a lump sum.

Lump-sum payments caused by delays in processing periodic payments (unemployment, welfare assistance or social security benefits) are not counted as income.

Treatment of accumulated periodic payments because the income was deferred due to a dispute is handled no differently than periodic payments which are deferred because of processing problems.

Treatment of the lump sum payment varies, depending on the timing of the interim re-examination. When a reduction in income is reported, an interim adjustment is performed, if the family subsequently receives a lump sum payment which is

classified as income (above), another interim adjustment will be conducted, using the lump sum amount as income.

C. Grants and Scholarships

Educational scholarships include various educational entitlements, grants, work-study programs, financial aid packages and income amounts received by veterans for educational purposes and are not counted as income.

Student loans will not be considered income even if part of the loan is being used for general living expenses.

If a family member (a student) is attending school away from home, the family may remove the person's name from the lease and exclude person's income completely, whether from scholarship or any other source.

D. Assets Disposed of for Less Than Fair Market Value

The HA will count assets disposed of for less than fair market value during the two years preceding examination or re-examination. The HA will count the difference between the market value and the actual payment received.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than Fair Market Value. Generally, 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 HA's threshold for counting assets disposed of for less than Fair Market Value is \$5000. If the total amount of assets disposed of within a one year period is less than \$5000, they will not be considered an asset for the two year period.

If the total amount of assets disposed of within a one year period is more than \$5000, all assets disposed of for less than Fair Market Value will be counted as assets for two years from the date the asset was disposed of.

E. Child Care

Child care deduction will not be given for attending a private school, rather than a public school. However, if the private school also provides day care or after-school care, in addition to regular school hours for children under the age of 13, the after-

hours care can be counted as child care, as long as the family is eligible for child care.

Reasonableness standard for child care:

Child care to work: The maximum child care allowed will be based on the amount earned of 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 HA will compare the number of hours the family member is attending school and base the reasonableness standard on the number of hours attending school (with the addition of some travel time to and from school) versus the number of hours claimed for child care.

Rate of Expense: The HA will survey the local day care providers in the area/community to determine a reasonableness standard. The determination will be made only on a reasonable HOURLY rate.

F. Medical Expenses

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.

VI. VERIFICATION PROCEDURES

A. General Policy

The HA verifies family income, family composition, status of full time students, value of assets, factors allowing a preference, and other factors relating to eligibility determination before an applicant is issued a certificate/voucher.

In as much as possible, third party (independent) verifications sent by mail are used. Third party verification by phone is acceptable when the date, time and contact as well as outcome are well documented. If third party verification is impossible, the HA next utilizes the Review of Documents method of verification, and if that method is impossible, the HA utilizes the Notarized Statement by Applicants method.

The HA will request applicants and tenants to bring in documentation with them which will be used if the third party verification is not received back from the source within four weeks.

The HA will not photocopy government check, but instead, will use a "Document Viewed or Person Contacted" form.

The HA will not allow tenants to "hand carry" or bring back verifications from the source to be considered third party verifications. Third party verifications will be mailed directly to the third party source.

When the HA uses oral third party verification, a "Document Viewed or Person Contacted" form will be filled out by the staff person.

The HA will have each applicant/tenant sign an authorization for Government income, one for earned income and one for all other items needing verified.

B. Minimum Income

There is no minimum income requirement, but the staff will use good interviewing skills to determine whether there actually is income, but it is not being reported.

Families may not be required to apply for welfare, but it may be suggested to them. If the family reports zero income, the HA will have the family sign a notarized statement stating they have no source of income.

Families with zero income will be required to report to the HA every 60 days.

C. Cost of Transportation for Medical Treatment

The HA will use the mileage rate approved for use by IRS or cab receipt with to/from addresses listed for verification of the cost of transportation directly related to medical treatment.

D. Net Income from a Business

The following documents show income for the prior years. Where there is no documentation for projected income from a business, the HA will consult with tenants and use this data to estimate income for the next 12 months (in priority order):

1. IRS Tax Return, Form 1040, including any:
Schedule C (Small Business)
Schedule E (Rental Property Income)
Schedule F (Farm Income)
2. An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.
3. Audited or unaudited financial statement (s) of the business.
4. Loan application listing income derived from the business during the previous 12 months.
5. Applicant's notarized statement or affidavit as to net income realized from the business during the previous years.

VI. BRIEFING OF FAMILIES AND ISSUANCE OF CERTIFICATE

A. Briefings

1. Purpose of the Briefing:

The purpose of the briefing is to go over the Certificate/Voucher Holders Packet in order to fully inform the participant about the program so that she/he will be able to discuss it with potential participating owners.

2. Briefing Attendance Requirement:

All families are required to attend the briefing when they are initially issued a certificate/voucher. No certificate/voucher will be awarded unless the household representative has attended a briefing.

Failure of an applicant to participate in two scheduled briefings shall result in withdrawal of his/her application. The applicant will be notified of such withdrawal and determination of ineligibility and of his/her right to an informal review.

3. Format of the Briefing:

Briefing of certificate/voucher holders is handled on a group or individual basis by a Section 8 staff member. If group briefings are conducted, applicants are interviewed individually after the group briefing, given an opportunity to ask questions and are requested to sign their certificate/voucher.

The applicant is provided with the following:

A certificate/voucher holders packet containing:

- a) A sample lease with required and prohibited provisions
- b) A lease addendum for use with the landlord's lease, if the sample lease is not used.
- c) A general information brochure explaining the basics of the rental program for landlord use.
- d) Description of Fair Market Rents, utility allowances, and Housing Assistance Payments.
- e) Information on the Total Tenant Payment and the rent calculations.

- f) Procedures for notifying HUD or the HA of program abuses such as required side payments or other overcharges and Housing Quality violation in the unit.
- g) Information on how to request a hearing and description of the hearing process and those circumstances when the HA must provide an opportunity for an informal hearing.
- h) Copy of Declaration of Section 214 status.
- i) Request for Lease Approval Form and instructions.
- j) Information on changes in tenant rent and subsequent worksheet for changes to be documented.
- k) Lead-based paint warning.
- l) Copy of Inspection Form and information.
- m) Copy of Fair Housing and Landlord/Tenant law information.
- n) Any supplemental material the HA may deem necessary.

1. Household Obligations under the Section 8 Existing Program:

Generally under the section 8 Existing Program, the relationship between tenant and landlord are the same as in the private housing market.

However, once a household receives a Section 8 Certificate/Voucher, she/he has the following additional obligations:

- a) Find a rental unit which is the correct size (for the Certificate/Voucher Program within the Fair Market Rent prescribed by regulation);
- b) Turn in proper forms to the HA within the certificate/voucher period so that the unit may be approved.
- c) Keep appointments set by the HA for determination of continued eligibility;

- d) Notify the HA in a timely manner of changes in household composition and certain types of changes in income;
- e) Notify the HA prior to moving from their unit.

1. Owner Referrals:

Certificate/voucher holders are notified at their briefing session that the HA updates the listing of available housing and are invited to view the available units list during office hours. Additional assistance is provided as needed upon request.

A. Security Deposit Requirements

1. Certificate/Voucher Program:

The owner, at his/her discretion, may collect a Security Deposit in an amount not to exceed one monthly contract rent for non-lease-in-place families. If the deposit the landlord collects is not as much as the HA calculates, she/he can ask for more.

The amount of the Security Deposit, if the tenant is lease-in-place may remain at whatever deposit was collected by the Owner.

A. Certificate/Voucher Issuance

At the close of the briefing session, the HA will issue a Certificate of Family Participation or Voucher which is a contract between the HA and the household specifying the rights and responsibilities of each party.

The number of certificates/vouchers issued must ensure that the HA stay at 100% (or as close as possible) lease-up. Therefore, the HA should maintain monthly reports to determine when applications should be taken, the number of certificates/vouchers to be issued based on ACC contract.

1. Expirations:

The certificate/voucher is valid for a period of 60 days from the date of issuance. Prior to expiration, the family may contact the HA to inquire about assistance the HA can provide the family in locating suitable housing.

The family must submit a Request for Least Approval and Lease within the 60 day period unless an extension has been granted by the HA.

1. Extensions:

A family may request an extension of the certificate/voucher time period. All requests for extensions should be received prior to the expiration date of the certificate/voucher and must be in writing.

Extensions are permissible at the discretion of the HA primarily for three reasons:

- a) 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 60 day period. Verification is required.
- b) The family has evidenced that they have made a consistent effort to locate a unit and request support services from the HA throughout the initial 60 day period with regard to their inability to locate a unit.
- c) The family has turned in a Request for Lease Approval prior to the expiration of the 60 day period, but has not passed Housing Quality Standards.

The HA staff makes extensions in increments of 30 days each, not to exceed an additional 60 days.

A. Portability and Mobility

One unique aspect of the Section 8 Existing Housing Program is that it encourages and provides a wide range of housing choices for families participating in the certificate/voucher program. The HA realizes that the opportunity for mobility within the jurisdiction of the rental assistance program allows the certificate/voucher holder greater choices of housing opportunities and discourages the concentration of lower-income or disabled families in any community or neighborhood. At the time of application, the HA will advise families of their area of operation, the general market conditions of the area and current unit availability in the broadest possible range of neighborhoods. If the certificate/voucher holder decides to move, the HA will assist the family by providing briefings on neighborhoods concerning school, transportation facilities and other pertinent information relating to the selection of housing.

Another component of the Section 8 rental assistance program allows a participant to move from the jurisdiction of one Housing Authority to another without losing the program benefits. It allows anyone who is a participant in the Section 8 Certificate or Voucher Program, whether already under lease or whose name has just come to the top of a Housing Authority's waiting list, to either lease in the jurisdiction of the HA or to "GO PORTABLE" and move to the jurisdiction of another HA and lease

there. In most cases, Certificate and Voucher holders can move anywhere in the State and continue to receive rental assistance.

The HA must not issue a participant a new voucher for portability if the participant vacated in non-compliance with the lease.

The HA will accept families with a valid Housing Certificate/Voucher from another HA's jurisdiction. The families will be serviced as follows:

- a) If the HA has an available certificate or voucher, the family will be offered that form of assistance and the family will be transferred to this HA's program.
- b) If the HA does not have an available certificate or voucher, the HA will administer the certificate/voucher of the initial HA.
- c) If the HA chooses option 1, but does not have an available Certificate or Voucher and therefore, administers the initial HA's certificate/voucher temporarily, the HA may transfer the family to their program when a certificate or voucher becomes available.

VI. LOCATING SUITABLE HOUSING

A. Responsibility for Locating Housing

Once a certificate/voucher has been issued, it is the family's responsibility to locate suitable housing. This means that the housing must be within the rent limitations set by the Certificate/Voucher Program and must meet Housing Quality Standards requirements, including minimum bedroom size requirements for units.

The HA will maintain updated referral lists of owners who have called the HA to list their available units. The "available units" list may be viewed during office hours.

The HA will also maintain a list of those families who will require additional assistance in locating housing (such as families with 3 or more minors) and will provide suitable assistance to these families upon request.

B. Eligible Types of Housing

The following types of housing may be utilized on the Certificate/Voucher Program (unless designated otherwise):

All structure types can be utilized, including but not limited to single family, duplex, triplex, fourplex, garden apartments, townhouses, and highrises;

Manufactured homes where the tenant leases the mobile home and the pad;

Manufactured homes where the tenant owns the mobile home and leases the pad;

Independent Group Residences;

Congregate Housing;

Single Room Occupancy (only with Board and HUD approval).

The HA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family unless the HA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. (24 CFR 982.306)

C. Request for Lease Approval and Lease

The Request for Lease Approval and a copy of the proposed owner's Lease must be submitted prior to the expiration of the certificate/voucher, unless the certificate/voucher has been extended by the HA.

The Request for Lease Approval Form must be signed by both owner and certificate/voucher holder. The lease is not to be executed by either party.

The HA will review the documents to determine whether or not they are approvable. The HA will also schedule a Housing Quality Standards inspection within 15 calendar days from receipt of owner/family's request.

The unit must meet the Housing Quality Standards. If the HA determines that the unit does not meet the Housing Quality Standards, the family and owner will be notified and a contract will not be issued until corrections are made.

Suspension of term of certificate/voucher begins upon submission of request for lease approval. If the unit is disapproved, the certificate/voucher time period starts again and continues through the 60 days.

VI. HOUSING QUALITY STANDARDS AND INSPECTIONS

A. General Purpose

The HA is required by HUD regulations to inspect the unit to ensure that it is “decent, safe, and sanitary” as defined by HUD’s Housing Quality Standards.

The HA has not adopted additional local requirements of acceptability.

No unit will be initially placed on the Section 8 Existing Housing Program unless these standards are met. Units must also meet the Housing Quality Standards as long as the family is on the program.

There are five types of inspections the HA will perform:

- Initial
- Annual
- Complaint
- Move-Out
- Supervisory 5% quality control

The Housing Quality Standards inspections by the HA staff are not intended, nor do they, ensure compliance with other pertinent codes. They are solely for the purpose of determining the eligibility of the unit for leasing in the Certificate/Voucher Program.

B. Criteria and Exceptions to HQS

The HA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet.

C. Rent Reasonableness 24 CFR 982.503

1. HA determination.
 - a. The HA may not approve a lease until the HA determines that the initial rent to owner is a reasonable rent.
 - b. The HA must redetermine the reasonable rent;
 1. Before any increase in the rent to owner
 2. If there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented

by the family) as compared with the FMR in effect one year before the contract anniversary; or

3. If directed by HUD

a. The HA may also redetermine the reasonable rent at any other time.

b. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the HA.

1. Comparability. The HA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the HA must consider:

a. The location, quality, size, unit type, and age of the contract unit; and

b. Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

1. Owner Certification of rents charge for other units. By accepting each monthly housing assistance payment from the HA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the HA information requested by the HA on rents charged by the owner for other units in the premises or elsewhere.

2. Rent Burden. Beginning **8/12/99** the maximum initial rent burden level is 40% of the family's adjusted income when first receiving assistance or moves to a new unit.

A. Clearing Deficiencies

The HA will schedule a timely inspection of the unit upon receipt of a Request for Lease Approval and Lease. The family and the owner will be notified of the results.

If the unit fails the Housing Quality Standards inspection, the family and owner will be advised to notify the HA once repairs are completed. If repairs are not completed within 10 days from notification of deficiencies, family will be advised to look for a different unit.

B. Tenant Caused HQS Violations

The family will be held responsible for damages caused the following. Family failure to pay for tenant supplied utilities, failure to provide and maintain tenant supplied appliances, or damage caused by the tenant, family or guest to the unit or premises.

The assistance may be terminated by the HA for family caused damages. The family will be given an opportunity for informal hearing if the HA does terminate assistance.

VI. LEASE APPROVAL AND HAP CONTRACT EXECUTION

A. Documents Submitted

The HA shall encourage the owner to use the sample lease provided by the HA. If the owner's lease is used, a lease addendum will be provided by the HA and will be required before the process can be completed.

The family shall be required to turn in the Lease and Request for Lease Approval prior to the expiration of the certificate/voucher.

B. Lease Approval/Disapproval

After the HA has reviewed the Request for Lease Approval and Lease, conducted an inspection and passed the unit, the HA approves the lease.

If the HA determines that the lease cannot be approved for any reason, the landlord and the family will be notified and the reasons provided.

If the unit fails inspection, the HA will provide the landlord with a detailed list of items that must be corrected and provide the landlord a reasonable period of time to make the repairs.

C. HAP Contract Execution

Prior to HAP Contract execution, the HA will reconfirm the family's composition and critical information about income and allowances.

If significant changes have occurred, the information will be verified and the Total Tenant Payment will be recalculated. The HA will not reverify information or recalculate the Total Tenant Payment merely because previous verifications are more than 120 days old, in this situation.

When the lease approval process is completed, the HA will notify the landlord and the family of the lease approval or disapproval.

If the lease is approved, the HA will prepare the HAP Contract.

To prepare the documents, the HA will compute the Total Tenant Payment, Tenant Rent, Utility Reimbursement (if any), and the Housing Assistance Payment.

Once the leasing documents are prepared, the HA will get the documents executed by the family, owner, and the HA, as appropriate, and send appropriate copies to each party.

VI. OWNER PAYMENT AND UTILITY ALLOWANCE

A. Owner Payment in the Certificate/Voucher Program

The payment to the landlord is based upon on Contract Rent approved by the HA less the Tenant Rent determined by the HA.

The payment to the landlord is called the Housing Assistance Payment.

B. Utility Allowance

The Total Tenant Payment is the payment the family makes toward rent and an allowance for utilities.

If the family pays for some or all utilities, the HA will provide the family with a utility allowance. The allowances are based on actual rates and average consumption estimates, not on a family's actual energy consumption.

The utility allowance is given as a reduction in the tenant's portion of rent to be paid to the owner.

The HA will review the Utility Allowance Schedule on an annual basis. If a revision is needed, based on methods required by HUD, the Utility Allowance Schedule will be revised. The revised schedule will be utilized for units under lease at the time of the next re-examination (interim or annual).

Approved utility allowance schedule(s) will be given to families along with their Certificate/Voucher of Family Participation. The same schedule(s) will be used by the HA to record the actual allowance for the unit the family selects if there are tenant-paid utilities.

Where families provide their own stove and refrigerator, the HA will establish an allowance adequate for the family to purchase or rent a stove or refrigerator, even if the family already owns either appliance.

Allowances for stoves and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance, based on factors provided by HUD.

C. Making Payments to Owners

Once the HAP Contract is executed, the HA begins processing payments to the landlord.

A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments.

The HA will maintain the payment requisitions for monthly changes to be made to the HPA Register.

Checks are disbursed by the HA to the owner each month.

D. Utility Reimbursement Payments

Where the utility allowance exceeds the Total Tenant Payment of the family, the HA will provide a utility Reimbursement Payment to the family each month.

The check will be made out directly to the tenant.

VI. ANNUAL ACTIVITIES

There are four activities the HA conducts on an annual basis. These activities will be coordinated whenever possible.

Annual Recertification of Income

Annual HQS Inspection

Contract Rent Increases by Owner

Annual File Review

The HA maintains a listing of units under the contract by month to ensure systematic reviews of contract rent, allowances for utilities and other services, and housing quality in accordance with the requirements for annual re-examination. Monetary changes are computed by the HA to affect a change in the next rental payment.

A survey of utility rate increases within the HA's jurisdiction will be made annually and the Schedule for Utility Allowances and Other Services will be adjusted by the HA as needed at the time the Fair Market Rent increases are published by HUD.

Requests from families for reviews and/or inspections of units are handled in a timely manner. If the quality control check of files reveals a need for special review, one is promptly performed. Files which have been marked "unstable" because of fluctuating family circumstances are reviewed regularly until situation stabilizes.

A. Annual Recertification

Families will be requested to provide information on income, assets, allowances and deductions, and family composition at least annually.

Annual recertifications for mid-month move-ins (e.g. September 15th) will be conducted no later than the following year by the first of the month (e.g. September 1st).

When families move to another dwelling unit, an annual recertification may be scheduled.

Income limits will not be used as a test for continued eligibility at recertification.

1. Re-examination Notice to the Family

The HA maintains a re-examination tracking system and at least 90-120 days in advance of the scheduled annual re-examination effective date, the head of household will be notified by mail.

A Recertification Application Form will be mailed to the applicant. The applicant will be instructed to fill out the form and have the documents ready to be picked up when the annual HQS inspection is made by HA staff.

2. Verification of Information Provided

The HA will send out third party verifications wherever possible. If third party verifications are not returned within a four week period, documented phone verification or documents provided by the tenant may be used for verification.

3. Changes in Tenant Rent

When the information is analyzed, all necessary documents are prepared and signed by the tenant, and all other requirements have been met, the HA will recalculate the tenant's portion of rent.

The HA will notify both the owner and the tenant of its determination and of the new rent to be paid by the tenant (and new Housing Assistance Payment to be paid by the HA) if applicable.

If there is a rent increase, the new rent portion will go into effect following a full thirty day notice prior to the first of the month. (If there has been misrepresentation by the tenant, or if the tenant caused a delay in the re-examination processing, there may be an increase in rent made retroactively.)

If there is a rent decrease, it will be effective on the scheduled effective re-examination date (unless the family has caused a delay in re-examination processing.)

A. Annual HQS Inspection

1. General Policy

The HA will conduct an inspection using the Housing Quality Standards at least annually.

Annual inspections for mid-month move-ins (e.g. September 15th) will be conducted no later than the following year but the first of the move-in month (e.g. September 1st).

HQS failures must be corrected by the owner, even if they were caused by the family. Fail items such as a knob missing off a tenant's stove or electricity that

doesn't work because the utilities were shut off because the tenant didn't pay the bill also must be corrected by the owner.

The unit may fail Housing Quality Standards if there are five or more minor items that would normally not fail the unit by themselves. The HA's determination will be based upon projected failures of the items prior to the next Housing Quality Standards inspection.

The owner will be given time to correct the failed items. The HA will use the following guidelines as appropriate.

If the item endangers the family's health or safety the owner will be given 24 hours to correct the violation. The HA will handle these by telephone verification with file documentation.

For less serious failures, the owner will be given up to 30 days to correct the item(s). The HA will handle these by a notice to the owner.

If the owner fails to correct failed items, after she/he has been given a reasonable time to correct the items, the Housing Assistance Payment will be abated.

2. Abatement

When it has been determined that a unit on the program fails to meet Housing Quality Standards and the owner has been given an opportunity to correct the problem(s) and does not do so within the time frame established by the HA, the rent for the unit shall be abated.

The abatement shall continue until all items which caused the unit to fail have been corrected or thirty days.

The HA will inspect abated units within three days of the owner's contact with the HA to report the completed work.

The abatement will end the first business day following the owner's call.

3. HAP Contract Termination

If the owner fails to correct all the items cited within thirty days of the beginning of the abatement period, the contract will be terminated.

Once the HAP Contract is terminated (with a thirty day notice prior to the first of the month), it will not be reinstated. The tenant is given a new certificate to move (even if they caused the Housing Quality Standards violation.)

To reiterate this: When the Housing Assistance Payments Contract is terminated for Housing Quality Standards violation(s) it cannot be reinstated. If repairs are done before the effective termination date, the termination can be rescinded if the tenant chooses to do so.

A. Rent Increase by Owner

1. Certificate Program:

Certificate Program owners must request a rent increase in writing with a 60 day notice to the family and a copy to the HA.

Rent increases to owners under the Certificate Program are to be effective on or after the anniversary date of the HAP Contract.

Rent increases for mid-month move-ins (e.g. September 15th) will be granted no earlier than a year from the first of the month following move-in (e.g. October 1st.)

The HA will certify and document on a case-by-case basis that the approved rent:

Does not exceed rents charged by the owner for comparable unassisted units in the private market; and

Is reasonable in relation to rents charged by other owners for comparable units in the private market.

Rent increase requests do not exceed the applicable Annual Adjustment Factor as published by HUD.

These items will be used for rent reasonableness documentation:

| | |
|---------------------|-------------------------------------|
| Square Feet | Quality |
| Number of Bedrooms | Amenities |
| Number of Bathrooms | Facilities |
| Location | Date Built |
| Unit Type | Management and Maintenance Services |

Documentation on comparable rents will be maintained in Rent Reasonableness Books.

If the owner rejects the HA disapproval of rent, after the first term of the lease, and the unit remains rent reasonable, the HA shall point out to the owner their option of offering the tenant a new lease, with a 60 day notice to the tenant, after receiving the HA's approval of the new lease.

2. Voucher Program:

No rent increases by the owner are allowed during the first year.

After the first year, the rent increases are governed by the Lease between the tenant and the landlord. There is no regulatory cap on the amount of increase.

The tenant must pay any rent increases over the Applicable Rent Standard or move to another unit.

The HA may increase the subsidy to assure affordability no more than twice in 5 years.

VI. INTERIM RECERTIFICATIONS

A. Required Changes to Report

1. Certificate/Voucher Program:

In the Certificate/Voucher Program, the Total Tenant Payment and Tenant Rent will remain in effect for the period between regularly scheduled re-examination except:

The tenant must report all changes in the household composition and income.

Decreases in the tenant portion of the rent will be effective the first day of the following month if reported in a timely manner. Increases in the tenant rent will be effective after the first of the next month following a 30 day notice.

Other Interim Reporting Requirements:

- a. For families with zero income, re-examination is scheduled every 60 days.
- b. For families whose annual income cannot be projected with any reasonable degree of accuracy, re-examination shall not be less than every 90 days nor more than every 30 days.
- c. For families where an error was made at admission or re-examination (and family will not be charged retroactively for error made by Housing personnel)
- d. For families whose rent has been based on false or incomplete information supplied by applicant

A. Forms Used for Interim

The staff will process an interim re-certification and will print a HUD worksheet to show the calculation and a Lease Amendment.

The HA will obtain owner and tenant signatures on the amendment, because it changes the family's Tenant Rent and the amount of HAP payment, and offers the family an opportunity for an informal hearing.

B. Timely Reporting

1. Standard for Timely Reporting of Changes:

The standard for reporting changes for interims (other than changes in family composition which are described below) in a timely manner is for the family to report the change by the end of the month in which the change occurs.

However, if the change occurs on the last working day of the month and the tenant cannot report until the next working day, (the next working day would be the first of the next month which would normally make it “untimely”,) the change can be made effective on the first of the month following the change, with the HA approval. The exception can only be considered when the change is reported within five days after the day of the change and only when the delayed effective date would cause the tenant financial hardship.

If the tenant does not bring the required information with them to the interview, they are asked to return with the documentation as soon as possible during that month. In addition, third party verification is sent out, verifying the change.

If the tenant does not return by the end of the month, the Total Tenant Rent is calculated when the verification is received, and it will be considered “untimely reporting” by the tenant.

2. Procedures When the Change is Reported in a Timely Manner:

The HA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following:

The family will always be given a 30 day notice prior to the first of the month for a rent increase. Increases in the tenant rent are to be made effective upon thirty days notice, prior to the first of the month, so that the change is always effective on the first of the month, rather than some date within the month.

Decreases in the tenant rent are to be made effective the first of the month following that in which the change was reported. However, no downward rent adjustments are to be processed until all the facts have been verified, even if a retroactive adjustment results.

If the decrease is reported in a timely manner (i.e. sometime during that month the change occurred), then decreases in the family’s Total Tenant Payment must be effective the first of the month following the change.

The change may be based on the documentation the tenant brought with them to the interview, followed up by the third party verification sent to the third party. Verbal confirmation by the tenant will not be acceptable.

If the tenant does not bring the information with them, they will be requested to return with the documentation as soon as possible during that month.

Tenants may not waive the 30 day written notice for an increase.

3. Procedures when the Change is Not Reported in a Timely Manner:

If the family does not report the change by the end of the month in which the change occurred, the family will be determined to have caused an unreasonable delay in the interim re-examination processing (except for the situation described above under Timely Reporting.)

Increased Tenant Rent: The change will be effective on the first of the month thirty days following the processed change, and an tenant underpayment will be calculated retroactively to that date it should have been effective if the change were processed in a timely manner within the month of the report.

Decreased Tenant Rent: The change will be effective on the first of the month following the reported change. However, if the change occurs on the last working day of the month and the tenant cannot report until the next working day, the change can be made effective on the first of the month following the change, with the supervisor's approval.

The exception can only be considered when the change is reported within five days after the day of change and only when a delayed effective date would cause the tenant financial hardship.

Deviation from normal effective dates is justified because of the tenant's failure to supply the required report.

The calculation is the same even if there was a change three or four years ago that the tenant did not report and should have. The change is retroactive to the original date . . . even if they have been changing jobs every six months and have not reported their job income at re-examination. A history has to be established to determine how much money the tenant owes the HA.

If the tenant does not come in during the month the change occurred and comes in at the beginning of the following month, the decrease cannot be retroactive to the first of the month (except for the circumstances of the change occurring on the last day of the month, as described above.)

4. Procedure When the Change is Not Processed by the HA in a Timely Manner:

“Processed in a timely manner” means that the change is effective on the date it would have been effective had the tenant reported the change in a timely manner.

If the change cannot be made effective on those dates, using the required notice periods, the change is not processed by the HA in a timely manner.

If changes are not processed by the HA staff in a timely manner, the change will be effective on the first of the month thirty days following the processed change. In addition, if the change resulted in a decrease, an overpayment by the tenant will be calculated retroactively to the date it should have been effective and a check will be sent to the tenant.

5. Timing of Next Annual Recertification:

In the event there is an interim adjustment completed, the next regular re-examination will be scheduled within a year from the last effective date of the annual re-examination of family contribution.

6. Changes in Family Composition:

All changes in family composition must be reported within ten business days of its occurrence. If a Certificate or Voucher (same type of assistance they currently have) is available, the change shall be made effective immediately, and must be consistent with the term of the lease. Otherwise, the change shall be effective at the next annual recertification.

VI. HOUSING QUALITY STANDARDS COMPLAINTS

General Policy

The units have to be inspected at least annually, using Housing Quality Standards.

If the tenant or owner complains that the unit does not meet Housing Quality Standards, the HA will conduct an inspection.

The staff will inspect only the items that the tenant or owner are complaining about, but if other fail items are noticed during the inspection, the staff will also note those items and require the owner to repair the failed items.

HQS fails must be corrected by the owner, even if they were caused by the family. Fail items such as a knob missing off a tenant's stove or electricity that doesn't work because the utilities were shut off because the tenant didn't pay the bill also must be corrected by the owner.

A unit may fail Housing Quality Standards if there are five or more minor items that would normally not fail the unit by themselves. The HA's determination will be based upon projected failures of the items prior to the next Housing Quality Standards inspection.

Family Obligation

- A. The family is responsible for a breach of the HQS that is caused by any of the following:
1. The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
 2. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant or;
 3. Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).
- A. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any HA approved extension).

C. If the family has caused a breach of the HQS, the HA must take prompt and vigorous action to enforce the family obligations. The HA may terminate assistance for the family in accordance with 982.552.

VI. TERMINATION AND FAMILY MOVES

A. Family Moves

The family may move only if the lease is terminated in accordance with all provisions of the lease, the owner is evicting the tenant in accordance with the lease, the owner has give notice to vacate, or the tenant is terminating the lease under the provisions of the lease and has given the landlord sufficient notice.

During the initial year of the lease the tenant can only move if the lease is terminated by a mutual written consent of both the landlord and the tenant, or the landlord is terminating the lease for other good cause as specified in the lease. During the first year of the lease the landlord may not terminate for other good cause unless it is for something the tenant did or failed to do.

If a family moves with continued assistance, the term of assisted lease for the new unit may begin during the month the family moves out of the old unit. Overlap of HAP for last month at the old unit and first month at a new unit will not constitute duplicate housing assistance.

If the family does not locate a new dwelling unit to move to, as long as they have not given notice to their owner (or their owner tears up the notice upon their request), they may continue on where they currently are staying. No documents are necessary; the owner continues to be paid as if they had never requested the certificate/voucher.

If the family locates another dwelling unit, it will be processed as a new move. This means that another re-examination will be conducted and a new inspection effective date will be set up, even if the last re-examination was conducted less than 12 months ago.

The HA will enter into new contracts only with very low income families.

B. Family Notice to Move

Families are required to give thirty days notice to the owner only after the first term of the lease to be in compliance with the lease.

Briefing sessions will emphasize the family's responsibilities to give the owner and the HA proper written notice of any intent to move.

The family must provide the HA with written notice prior to vacating the unit.

C. Certificate/Voucher Issuance Determination for Split Households

When the household is divided and becomes more than one household (e.g. divorce or legal separation), the HA will determine who is eligible to participate in the program.

The certificate/voucher may be retained by either household, if there is mutual consent or a court stipulated determination of which household retains the certificate/voucher.

Where the HA must make a determination, the certificate will be retained by the household which meets the HA's definition of family.

D. Evictions

The owner may not simply give the tenant a 30 day (or other period) notice to move, as the tenant is allowed to give the owner after the first term of the lease.

Instead, if the owner wants to evict the tenant, she/he must use the means available in the lease and contract:

The owner can institute court action, using the grounds for eviction cited in the lease; or

The owner can try to obtain a mutual rescission from the tenant (signed by both parties).

Other actions may result in the tenant leaving such as:

If the owner wants a rent increase in the certificate program that is unapprovable by the HA, the HA would disapprove the rent increase request and the owner might institute court action because they want a higher rent (only after the first term);

The owner may choose not to make repairs required by the Housing Quality Standards

The unit becomes overcrowded or underoccupied.

The tenant is issued another certificate/voucher to move to another unit, unless there are grounds to deny or terminate assistance (see Termination of Assistance section.)

If the tenant locates another unit, the Annual Recertification Procedures are followed.

E. Owner Notice to Move

Owners must give tenants notice according to the Lease Addendum provisions (incorporated into the Sample Lease used by the HA.)

Owners are required to follow eviction procedures consistent with their contract and must comply with the requirements of Federal, State, and local law.

F. Family Misrepresentation

If the family has committed fraud in connection with the Section 8 Existing Housing Program, the HA may terminate assistance and cancel the contract.

In addition, if the family has misrepresented income, assets, or allowance and deductions which would have caused them to pay more, the HA will make every effort to recover any overpayments made as a result of tenant fraud or abuse.

G. Owner Misrepresentation

If the landlord has committed fraud or misrepresentation in connection with the Section 8 Existing Program, the HA will terminate the contract and review the circumstances and family's involvement to determine if the family is eligible for recertification to relocate to another unit with continuation of assistance.

The HA makes every effort to recover any overpayments made as a result of landlord fraud or abuse.

H. Change in Ownership

The owner may not assign the HAP Contract to a new owner without the prior written consent of the HA.

I. Reasons why Denied

The HA may deny approval to assign the HAP contract if the owner or proposed new owner (including a principal or other interested party):

1. Has violated obligations under a housing assistance payments contract under Section 8;
2. Has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program;

3. Has engaged in drug-trafficking;
4. Has a history or practice of noncompliance with the HQS for units leased under the Section 8 tenant-based programs, or noncompliance with applicable housing standards for units leased with project-based Section 8 assistance or for units leased under any other Federal housing program;
5. Has a history or practice of renting units that fail to meet State or local housing codes; or
6. Has not paid State or local real estate taxes, fines or assessments.

VI. DENIAL OR TERMINATION OF ASSISTANCE

A. General Policy

The HA may deny or terminate assistance for the following reasons:

1. If the family violates any family obligations under the program (see 982.551).
2. If any member of the family has ever been evicted from public housing.
3. If an HA has ever terminated assistance under the certificate or voucher program for any member of the family.
4. If any member of the family commits drug-related criminal activity, or violent criminal activity (see 982.553).
5. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
6. If the family currently owes rent or other amount to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
7. If 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.
8. If the family breaches an agreement with the HA to pay amounts owed to an HA, or amounts paid to an owner by an HA. (The HA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to an HA or amounts paid to an owner by an HA. The HA may prescribe the terms of the agreement.)
9. If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
10. If the family has engaged in or threatened abusive or violent behavior toward HA personnel.

Income limits are not a consideration for termination of assistance once the family is under lease and contract and already "on the program".

However, an example of a reason for termination of assistance is:

1. If a family did not report an interim change they were required to report, the HA would do a calculation to determine how much they owed in past amount.
2. If a family had unreported income that occurred three or four times during the year, if the HA entered into a Repayment Agreement for each of these amounts and the family is paying on the Repayment Agreement, there is no reason to terminate the family.
3. If the family stops paying on their Repaying Agreement, the family will be under the termination of assistance procedures above.

Because the tenant could also be in violation of a family obligation – not supplying information needed for certification or recertification, the matter will be referred to the HA if repeatedly done, prior to the final notice to the tenant.

If a family does not come into the office to sign the new lease and other lease-up documents, the lease does not become effective until the documents are signed. Assistance will stop at the old unit because the tenant is not living in the unit. Assistance will not start in the new unit prior to the execution of the new lease and contract by the family.

Tenants and owners are encouraged to sign the amendment. However, if the family or owner does not sign the amendment at re-examination, the change will be put into effect without the signatures. The tenant will be offered an opportunity for an informal hearing.

If a HAP Contract termination is necessary, or tenant assistance is terminated (if the tenant requests to go off the program (in writing) or assistance is denied in accordance with the termination of assistance procedures (notice of informal hearing required), tenants and owners need to be notified of termination of assistance.

If the HA refuses to issue a certificate/voucher the tenant must be notified in writing and offered an opportunity for an informal hearing (and hold the hearing if requested) prior to the termination of assistance.

If the HA refuses to issue a new certificate/voucher because the tenant owes the HA money, the tenant may elect to continue in the same unit under assistance. If there has been no notice given to the owner by the tenant or if the owner is willing to tear up the notice, the tenant may continue to be assisted at the old unit.

In any case where the HA decides to terminate assistance to the family, the HA must give both the family and the owner a 30 day written termination notice which states:

The reasons for the termination;

The effective date of the termination;

The household's rights to request an informal hearing; and

The household's responsibility to pay the full rent to the owner if it remains in occupancy.

A. \$0 Assistance Tenants

As stated above, \$0 assistance tenants may remain on the program for six months from the effective date they went to \$0 assistance.

If the family's Total Tenant Payment is sufficient to pay the full gross rent and six months has elapsed since the HA's last HAP payment was made, the family's assistance is terminated.

There are no expiration dates on leases. There is no new lease and contract at re-examination time unless the owner offers the tenant a new lease.

However, if the owner wants a rent increase during this period and the rent increase would cause the HA to resume HAP payments, or if at re-examination time, the tenant had a loss of income and there would be a HAP payment, the payments will be resumed.

If payments are resumed, there will be an interim adjustment and an amendment will be sent out, listing the new amounts.

When the six month period has been reached, the owner will be notified of the termination of the HAP Contract, in accordance with his HAP Contract. The termination of assistance payment is after the six month period has been reached, not the re-examination date.

The HA will perform all the duties and responsibilities normally required, such as re-examination and inspections.

The tenant will be notified of their rights to remain on the program at \$0 assistance for six months.

Also, if the tenant wants to move to another unit during this period, the HA will not execute a new HAP Contract for the unit at \$0 assistance. If there would be assistance, the HA can execute a new HAP Contract. If they move to another unit, the \$0 assistance provisions are no longer in effect, because a HAP is being paid on the new unit.

VI. MOVE-OUT INSPECTIONS

Move-out inspections are done after the tenant moves out of the unit and will not be done while the tenant is still cleaning the unit.

The HA will attempt to get both parties, the tenant and the owner, to attend the move-out inspection. Both will be notified as to when the inspection will take place.

For HAP contracts executed prior to 10/1/95, the HA will conduct a move-out inspection to substantiate the damage claim unless the owner states in writing that there are no damages to the unit and the inspection is not necessary.

The owner must request an inspection in order to submit a claim. If the HA cannot schedule the inspection prior to re-rental of the unit, the owner may submit the claim with pictures.

The HA is still obligated to process the claim if the owner made the unit available for inspection but the inspection was not conducted by the HA.

VII. OWNER CLAIMS

HAP Contracts Executed Prior to 10/1/95

As part of the HAP Contract, owners can make “special claims” for damages, unpaid rent, and vacancy loss after the tenant has vacated the unit. All claims must be submitted within 60 days of the move out inspection, with proper documentation per A., B., C., and D. below.

Owner claims for payment for unpaid rent, damages or vacancy loss under the Section 8 Existing Program are reviewed for accuracy and completeness and compared with internal records on the unit such as initial inspection report and on-site move-out inspection (or pictures if a move-out inspection cannot be scheduled before the next tenant moves in.)

The HA checks tenant files to ascertain if the family gave proper notice of its intent to move.

Although the HA will make payments on behalf of the tenant, the tenant is ultimately responsible for any damages, unpaid rent, or vacancy loss pay by the HA to the owner.

A. Unpaid Rent

To claim unpaid rent, the landlord must have informed the HA that the tenant has not paid their portion of rent in the month the payment has been omitted and taken action provided under the Contract and Lease to remedy the situation. Unpaid rent claims for the months prior to the month in which move-out occurs will not be approved unless this notification has been received and is part of the file records.

B. Damages

All claims for damages must be supported by the actual bills for repairs and materials and labor. Estimates for repairs or replacement of items are acceptable, only when an owner can document hardship. Bills from individuals providing labor must include their name, address and phone number. The owner may not bill himself for labor since that is not considered by the HA to be an “actual cost.” However, the actual cost of the owner’s personnel (such as the caretaker) to make repairs may be included. As an exception, if the owner can provide estimates from a reliable business, and can show a savings if the work is provided by the owner, his labor may be included.

C. Vacancy Loss

To claim vacancy loss, the landlord must meet the minimum requirements of having notified the HA of the vacancy and must have advertised the vacancy by placing an ad in the local newspaper offering the unit “For Lease” and specifying “Section 8 Families Welcome.” A copy of the advertisement and the dates advertised at the time of submission of damage/vacancy loss claim will be submitted to the HA.

No eligible tenant may have been denied housing in order for an owner to claim vacancy loss except for good cause.

D. Processing Claims

When the HA receives a claim for unpaid rent, damages, or vacancy loss, it will be reviewed and the prior tenant will be informed that such a claim is pending (notice sent to their last known address.)

The notification will state the amount and type of claim made and advise participants of their right to dispute the claim within the time specified in the notice (usually ten working days).

If the claim is disputed, the HA will set up an informal settlement conference and inform both the family and the owner of the meeting (to be held at a time convenient to both parties).

Failure on the part of either an owner or tenant to attend the meeting will necessitate the HA making the decision based on the evidence submitted and the inspection reports.

Subsequent to the settlement conference, the HA will submit the written determination to both parties.

Any amount owed by the tenant to the owner for unpaid rent or damages will first be deducted from the security deposit (including any interest accrued under State or local law) which an owner could have collected under the program rules. The balance will be calculated using HUD methodology.

Proof or verification that the owner has attempted to collect any monies owed directly from the tenant must be submitted with the damage/vacant loss claims. Landlords are to mail said request for payment by Certified Mail – Return Receipt Requested to tenant’s last known address with a request for the Post Office to “Please Forward.”

Costs of filing eviction and forcible detainer to remove tenant from premises when they have violated their lease shall not be considered a “damage” to said unit and should not be included in the listing of said damages for reimbursement.

If the Security Deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts which the family owes under the lease, the owner may request reimbursement from the HA up to the limits for each program.

Once the payment is made to the owner, the HA will inform the family of the payment and of the family’s responsibility to reimburse the HA for payment made on their behalf.

The participant will be informed of the possible effect on transfer rights and future program participation if payment is not made within the time specified by the HA.

The HA may or may not enter into a Repayment Agreement with the participant for repayment of the amount owed, rather than request total payment, depending on the tenant’s past history of Repayment Agreements with the HA.

Nonpayment of monies owed to the HA may result in termination from the Section 8 Program and the possibility of participating in the Section 8 subsidy program in the future.

When a HAP Contract is terminated and the family does not continue in the program, the HA will promptly issue a Certificate/Voucher of a Family Participation to the family next in line on the waiting list. The HA will also make prompt referrals of Certificate holders to units still under contract which have become vacant, so as to reduce vacancy loss claims.

HAP Contracts Executed After 10/1/95

Security Deposits

The HAP contract does not specify a maximum amount of Security Deposit the landlord can collect. The lease and the Kansas State Landlord-Tenant Act determines the amount allowed. However, the landlord must not collect a larger deposit from a program participant than he does from an unassisted tenant.

If the security deposit is insufficient to cover unpaid rent, damages or other amounts the family owes under the lease, the owner may collect the balance from the tenant. The owner may not claim reimbursements from the Housing Authority for unpaid rent, damages or other amount owed by the tenant under the lease.

VI. COMPLAINTS AND APPEALS

The agency will respond promptly to complaints by families or owners and investigate. Each complaint regarding physical condition of the units may be reported by phone to the HA. Anonymous complaints are checked whenever possible.

A. Appeals by Applicants

Appeals by applicants concerning the HA determination denying assistance (including denying listing on the waiting list and participation in the program for issuance of a certificate) are handled by Informal Review as outlined in 24 CFR 982.554.

Request for a review must be made within ten days of the date of the written notification of denial of assistance.

The review may be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of this person.

The applicant will be given the option of presenting oral or written objections to the decision in question. A notice of the Review Findings shall be provided in writing to the applicant and shall include a brief explanation of the reasons for the final decision.

B. Appeals by Participants

Appeals by participants of the HA's Section 8 Existing Housing Program shall be handled as outlined in 24 CFR 882.216 (b) by Informal Hearings.

All requests for informal hearings must be made within ten days from the date of the notification letter. The informal hearing may be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of that person. The participant shall be given an opportunity to present written or oral objections to the HA's decision.

The HA shall promptly notify the participant in writing of the final decision of the informal review, which will include a brief statement of the reasons for the decision.

VI. MISSED APPOINTMENTS

It is the obligation of the applicant/tenant to keep all appointments with the HA for the purpose of supplying information concerning their family status, income, and any other information needed for their participation in the program, or for signatures on contracts, or to allow the HA to perform HQS inspections as required.

If the applicant/tenant cannot keep the appointment, it is his/her responsibility to notify the HA and set up a new time. The HA will not make more than three different appointments with any one applicant/tenant. If the third appointment is missed the HA will offer the assistance to the next qualified applicant.

If the missed appointment was with a participant, the HA will notify them that their assistance will be terminated with the proper 30 day notice.

The applicant/tenant will be offered the chance for an informal hearing if they are denied, or have their assistance terminated. The request for a hearing must come from the applicant/tenant in writing within 10 days of their notice of denial or termination of benefits.

VII. REPAYMENT AGREEMENTS

Repayment Agreements may be executed by families who owe the HA money.

The family may be required to sign a Repayment Agreement as a condition of continued assistance. Assistance to the family will not be terminated simply because the family has an outstanding debt with the HA.

If the HA has entered into Repayment Agreement and the family is paying on the Repayment Agreement, the HA will not terminate the family.

If the tenant enters into a Repayment Agreement and does not pay, the termination of assistance procedures identified in this document go into effect (but only if the tenant wants another certificate to move.)

If the family starts paying on their Repayment Agreement and then stops paying on their Repayment Agreement, the family will be under the termination of assistance procedures above.

The HA will deny the family issuance of a new certificate/voucher to move to another dwelling unit if the family has an outstanding debt.

If the family has signed a Repayment Agreement to pay money owed to the HA and they breach the agreement, the HA may terminate assistance to the family for the breach of the agreement, but only if the family is at one of these points in time:

- Admission
- Issuance of Certificate/Voucher
- Approval of Lease and/or Execution of Contract

The HA will notify the family of the amount of its liability and inform them that they will not issue a new Certificate/Voucher should the family want to move unless the family repays or enters agreement to repay.

If they refuse to sign a Repayment Agreement for changes they were required to report and didn't, in effect, repayment was required and the tenant refused. In this case, the HA would terminate assistance for fraud, and the amount will be verified. The HA would also forward the case to the Regional Inspector General for Investigation.

This will be discussed with the HUD Field Office first and the tenant should be given an opportunity for informal hearing prior to the termination of assistance.

If the tenant refuses to enter into a Repayment Agreement because of a claim paid for unpaid rent, damages, or vacancy loss, the HA will continue paying HAP in their current unit, but if the tenant wants a certificate/voucher or wishes to enter into a new lease or contract, the HA will refuse unless the amount owed is paid in full.

Families who are in default of an executed Repayment Agreement by missing two payments must pay their outstanding balance prior to the issuance of a certificate/voucher or execution of a HAP Contract.

VIII. MONITORING PROGRAM PERFORMANCE

Monthly statistical reports are maintained and monitored for reviewing the waiting list, the outstanding certificates and the HAP Register to assure achievement of the outreach goal and the leasing schedule.

Change in approach are initiated on an as-needed basis, subject to program regulations and funding limitations.

IX. SHARED HOUSING

In order to meet local and area needs and circumstances to provide additional choices in living arrangement, shared housing assistance will be included in the voucher program. The HA will not set aside vouchers for shared housing but will use the waiting list already implemented as a tool for deciding eligibility according to preferences and date of application.

A. Definitions

For the purpose of Shared Housing the following definitions will apply:

1. Shared Housing is a housing unit occupied by two or more families, consisting of a common space for shared use by the occupants of the units and (except in the case of a shared one bedroom unit) separate private space for each assisted family.
2. Common Space is space available for use by the assisted family (families) and other occupants of the unit.
3. Individual Lease Shared Housing is the type of shared housing in which the HA enters into a separate housing voucher contract for each assisted family residing in a shared housing unit.
4. Private Space is the portion of the dwelling that is for the exclusive use of an assisted family.

A. Rent Calculations

For the purposes of computing the minimum rent, the HA will prorate the rent to owner attributable to the family on the basis of a ratio that is equal to the number of bedrooms indicated on the housing voucher divided by the number of bedrooms in the unit.

B. Payment Standard

The payment standard for the entire unit will be an amount equal to the published Fair Market Rent for that size unit.

The payment standard for a family in a shared housing unit will be determined by multiplying the dollar amount of the payment standard for the entire unit by a ratio that is equal to the number of bedrooms indicated on the family's housing voucher divided by the number of bedrooms in the unit.

C. Housing Quality Standards (24 CFR 982.401)

The entire unit must comply with Housing Quality Standards and acceptability criteria as established in Subsidy Standards, Inspection and Maintenance (24 CFR 982.401).