

# **PHA Plans**

## **Streamlined 5-Year/Annual Version**

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

OMB No. 2577-0226  
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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937 that introduced 5-year and annual PHA Plans. The full PHA plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form allows eligible PHAs to make a streamlined annual Plan submission to HUD consistent with HUD's efforts to provide regulatory relief to certain PHAs. Public reporting burden for this information collection is estimated to average 11.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Information in PHA plans is publicly available.

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# **Streamlined 5-Year Plan for Fiscal Years 2005 – 2009**

## **Streamlined Annual Plan for Fiscal Year 2005**

### **LAUREL COUNTY SECTION 8 HOUSING AGENCY**

### **KY169**

**NOTE: This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue. Full reporting for each component listed in the streamlined Annual Plan submitted with the 5-year plan is required.**

## Streamlined Five-Year PHA Plan Agency Identification

**PHA Name:** Laurel County Section 8 Housing Agency

**PHA Number:** KY169

**PHA Fiscal Year Beginning:** (mm/yyyy) 07/2005

**PHA Programs Administered:**

- Public Housing and Section 8**    
  **Section 8 Only**    
  **Public Housing Only**  
 Number of public housing units:                     
 Number of S8 units:330                     
 Number of public housing units:  
 Number of S8 units:

**PHA Consortia: (check box if submitting a joint PHA Plan and complete table)**

Participating PHAs	PHA Code	Program(s) Included in the Consortium	Programs Not in the Consortium	# of Units Each Program
Participating PHA 1:				
Participating PHA 2:				
Participating PHA 3:				

**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 and attachments (if any) 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)

## Streamlined Five-Year PHA Plan

### PHA FISCAL YEARS 2005 - 2009

[24 CFR Part 903.12]

#### 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 **With the decrease in FMR's which went into effect October, 2004, many private sector landlords in Laurel County cannot afford to rent through Section 8 as they can realize a greater income by renting to mainstream tenants. The agency plans to develop a homeownership program that will help us attain this goal.**

Objectives:

- Apply for additional rental vouchers: **If the opportunity arises, the agency plans to apply for additional 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) **The agency strives to maintain 100% scoring on SEMAP**
  - Increase customer satisfaction:

- Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections) **The agency makes every effort to inspect each unit within the specified time, and has purchased a new computer program and is implementing more checkpoints to insure improvement. When the UIV system is in place, we hope to improve the accuracy of tenant income verification.**
- 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: **The agency intends to develop a plan for a homeownership program. We are working on a list of contacts and resources for development of the plan.**
  - 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) **The agency attempts to discourage voucher holders from renting sub-standard dwellings by providing a listing of landlords that have a record of keeping their rental properties well kept and in good repair. Voucher holders are informed that it is ultimately their decision where they choose to live if the unit will pass HQS inspection and the landlord agrees to abide by the regulations and the HAP contract.**

**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: **We hope the Homeownership Program will be an incentive for recipients to seek employment and attain self-sufficiency.**
  - Provide or attract supportive services to improve assistance recipients' employability:
  - Provide or attract supportive services to increase independence for the elderly or families with disabilities.
  - Other: (list below)

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

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing  
Objectives:
  - Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability: **It is the policy of the agency to make accommodation for disabled individuals as much as possible. Every effort is made to ensure non-discrimination in all instances.**
  - 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: **Due to a shortage of handicapped accessible units, we are actively encouraging landlords to build or retro-fit existing units for handicap accessibility.**
  - Other: (list below)

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

## Streamlined Annual PHA Plan PHA Fiscal Year 2005 [24 CFR Part 903.12(b)]

### Table of Contents

Provide the following table of contents for the streamlined Annual Plan submitted with the Five-Year Plan, including all streamlined plan components, and additional requirements, together with the list of supporting documents available for public inspection.

#### A. ANNUAL STREAMLINED PHA PLAN COMPONENTS

<input checked="" type="checkbox"/>	1. Housing Needs	7
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<input type="checkbox"/>	5. Capital Improvements Needs	
<input type="checkbox"/>	6. Demolition and Disposition	
<input type="checkbox"/>	7. Homeownership	25
<input checked="" type="checkbox"/>	8. Civil Rights Certifications (included with PHA Certifications of Compliance)	
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<input checked="" type="checkbox"/>	11. Supporting Documents Available for Review	30
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<input type="checkbox"/>	13. Capital Fund Program 5-Year Action Plan	
<input type="checkbox"/>	14. Other (List below, providing name for each item)	

#### B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

**Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans;**

**Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.**

For PHAs APPLYING FOR CAPITAL FUND PROGRAM (CFP) GRANTS:

**Form HUD-50070, Certification for a Drug-Free Workplace;**

**Form HUD-50071, Certification of Payments to Influence Federal Transactions;**

**Form SF-LLL & SF-LLLa, Disclosure of Lobbying Activities.**

**Executive Summary (optional)**

[903.7(r)]. If desired, provide a brief overview of the contents of the streamlined 5-Year/Annual Plan.

**The Laurel County Section 8 Housing Agency plans to implement a Homeownership Program but will not have accomplished this in the current plan year. The program requirements are not fully defined so are not included in this annual report. The agency plans to meet or exceed the HUD income-targeting requirement. The payment standards for the agency have been set at 110% of FMR's in order to enable families to rent throughout the jurisdiction. We have set a waiting list preference for Homeless and Spousal Abuse Sheltered families. The agency has actively sought to increase our supply of available handicapped units by encouraging landlords to renovate existing units or build accessible units. If a NOFA is announced offering additional units, the agency plans to apply.**

**1. Statement of Housing Needs** [24 CFR Part 903.12 (b), 903.7(a)]

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

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

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one)			
<input checked="" type="checkbox"/>	Section 8 tenant-based assistance		
<input type="checkbox"/>	Public Housing		
<input type="checkbox"/>	Combined Section 8 and Public Housing		
<input type="checkbox"/>	Public Housing Site-Based or sub-jurisdictional waiting list (optional)		
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	247		125
Extremely low income <=30% AMI	156	63.16	
Very low income (>30% but <=50% AMI)	78	31.58	
Low income (>50% but <80% AMI)	13	5.26	
Families with children	171	69.23	
Elderly families	19	7.69	
Families with Disabilities	57	23.08	
Race/ethnicity	244 (White)	98.78	
Race/ethnicity	3 (Hispanic)	1.21	
Race/ethnicity	1 (Black)	.0040	
Race/ethnicity	1 (Pac. Islander)	.0040	

Housing Needs of Families on the PHA's Waiting Lists			
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes: How long has it been closed (# of months)? 5 MONTHS Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

**B. Strategy for Addressing Needs**

Provide a brief description of the PHA's strategy for addressing the housing needs of families on the PHA's public housing and Section 8 waiting lists **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

**Families on the waiting list will be offered a voucher based on date and time of their application. It is the policy of the agency to give preference to families residing in a homeless or spouse abuse shelter at the time of application. In view of the recent change in funding and the reduction of FMR's, the agency plans to monitor carefully the per unit costs but at this time there has been no necessity to implement a minimum rent. A minimum rent would place an undue burden on a large portion of the families served.**

**(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) **Based on 2000 Census data and other sources, 97.7% of this counties population is White, 0.6% is Black, 1.0% is Am. Indian/Alaska native and the remainder is made up of other races.**

**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) **There are no areas of concentrated poverty or minority mostly because this is a rural area.**

**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 903.12 (b), 903.7 (c)]

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

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2005 grants)</b>		
a) Public Housing Operating Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	1,230,959	
f) Resident Opportunity and Self-Sufficiency Grants		
g) Community Development Block Grant		
h) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>		
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>		
<b>Total resources</b>	1,230,959	

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses

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

[24 CFR Part 903.12 (b), 903.7 (b)]

#### **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)

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. Site-Based Waiting Lists-Previous Year

1. Has the PHA operated one or more site-based waiting lists in the previous year? If yes, complete the following table; if not skip to d.

Site-Based Waiting Lists				
Development Information: (Name, number, location)	Date Initiated	Initial mix of Racial, Ethnic or Disability Demographics	Current mix of Racial, Ethnic or Disability Demographics since Initiation of SBWL	Percent change between initial and current mix of Racial, Ethnic, or Disability demographics

2. What is the number of site based waiting list developments to which families may apply at one time? \_\_\_

3. How many unit offers may an applicant turn down before being removed from the site-based waiting list? \_\_\_

4.  Yes  No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

d. Site-Based Waiting Lists – Coming Year

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
- Over-housed
- Under-housed
- 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)

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

- Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

4. Relationship of preferences to income targeting requirements:

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

targeting requirements

**(5) Occupancy**

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

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

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: Does the PHA have any general occupancy (family) public housing developments covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.

b.  Yes  No: Do any of these covered developments have average incomes above or below 85% to 115% of the average incomes of all such developments? If no, this section is complete. If yes, list these developments on the following table:

Deconcentration Policy for Covered Developments			
Development Name	Number of Units	Explanation (if any) [see step 4 at §903.2(c)(1)(iv)]	Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)]

**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):  
 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? **If the local screening shows just cause, we request a Ky state crime report.**
- 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) **Previous landlords if known. If the tenant has previously been on Section 8, we inform the landlord of that history and whether the tenant fulfilled all their family obligations.**

### **(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:

### **(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? **Data for the current Fiscal Year shows that over 83% of our new admissions were 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. **At time of application, if the family is residing in a spousal abuse shelter**
- Substandard housing
- Homelessness **At the time of application, if the family is residing in a homeless shelter.**
- High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

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

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

2 Date and Time

Former Federal preferences:

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

- 1 Victims of domestic violence
- Substandard housing
- 1 Homelessness
- High rent burden

Other preferences (select all that apply)

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

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

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

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

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

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

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

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

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

- The Section 8 Administrative Plan
- Briefing sessions and written materials
- Other (list below) **This agency is not currently administering any Special Purpose Assistance Programs.**

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

- Through published notices
- Other (list below) **All notices are published in the Classified Ads section of the local**

newspaper.

#### **4. PHA Rent Determination Policies**

[24 CFR Part 903.12(b), 903.7(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 of the following two)

- 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))
- The PHA employs discretionary policies for determining income-based rent (If selected, continue to question b.)

b. Minimum Rent

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

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

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

3. If yes to question 2, list these policies below:

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

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

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

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

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

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

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

e. Ceiling rents

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

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

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

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

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

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

f. Rent re-determinations:

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

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

g.  Yes  No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

## **(2) Flat Rents**

a. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

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

## **B. Section 8 Tenant-Based Assistance**

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### **(1) Payment Standards**

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)

- At or above 90% but below 100% of FMR
- 100% of FMR
- Above 100% but at or below 110% of FMR
- Above 110% of FMR (if HUD approved; describe circumstances below)

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

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

Other (list below)

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

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

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

- Annually
- Other (list below)

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

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

## **(2) Minimum Rent**

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

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

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

## **5. Capital Improvement Needs**

[24 CFR Part 903.12(b), 903.7 (g)]

Exemptions from Component 5: Section 8 only PHAs are not required to complete this component and may skip to Component 6.

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

Exemptions from sub-component 5A: PHAs that will not participate in the Capital Fund Program may skip to component 5B. All other PHAs must complete 5A as instructed.

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

a.  Yes  No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 12 and 13 of this template (Capital Fund Program tables). If no, skip to B.

- b.  Yes  No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

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

Applicability of sub-component 5B: 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.

### **(1) Hope VI Revitalization**

- a.  Yes  No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to next component; if yes, provide responses to questions on chart below 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)  
Development name:  
Development (project) number:  
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
- c.  Yes  No: Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year? If yes, list development name/s below:
- d.  Yes  No: 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:
- e.  Yes  No: 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:

## **6. Demolition and Disposition**

[24 CFR Part 903.12(b), 903.7 (h)]



Applicability of component 6: Section 8 only PHAs are not required to complete this section.

- a.  Yes  No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 or 24 (Hope VI) of the U.S. Housing Act of 1937 (42 U.S.C. 1437p) or Section 202/Section 33 (Mandatory Conversion) in the plan Fiscal Year? (If “No”, skip to component 7; if “yes”, complete one activity description for each development on the following chart.)

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

**7. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program**

[24 CFR Part 903.12(b), 903.7(k)(1)(i)]

- (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 the next component; if “yes”, complete each program description below (copy and complete questions for each program identified.) **Although this agency does plan to implement a Homeownership Program, the plans are not finalized and will not be in place by the end of this plan year.**

**(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, what is the maximum number

of participants this fiscal year? \_\_\_

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:

c. What actions will the PHA undertake to implement the program this year (list)?

**(3) Capacity of the PHA to Administer a Section 8 Homeownership Program**

The PHA has demonstrated its capacity to administer the program by (select all that apply):

- a.  Establishing a minimum homeowner downpayment requirement of at least 3 percent of purchase price and requiring that at least 1 percent of the purchase price comes from the family's resources.
- b.  Requiring that financing for purchase of a home under its Section 8 homeownership will be provided, insured or guaranteed by the state or Federal government; comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.
- c.  Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below).
- d.  Demonstrating that it has other relevant experience (list experience below).

**8. Civil Rights Certifications**

[24 CFR Part 903.12 (b), 903.7 (o)]

Civil rights certifications are included in the *PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans*, which is submitted to the Field Office in hard copy—see Table of Contents.

**ATTACHED**

**9. Additional Information**

[24 CFR Part 903.12 (b), 903.7 (r)]

**A. PHA Progress in Meeting the Mission and Goals Described in the 5-Year Plan**

*(Provide a statement of the PHA's progress against the goals and objectives established in the previous 5-Year Plan for the period FY 2000 - 2004.*

**The agency was successful in attracting new landlords and we now have a number of new units available and others currently under construction. There have been two sub-divisions, an elderly complex, and two family complexes constructed locally with the help of tax credit monies. There is also an elderly complex under construction that will be completed by summer. The availability of these units has**

**increased customer satisfaction, maximized the number of affordable units, expanded our landlord base, and assisted the furtherance of fair housing. The agency has been able to attain and maintain 100% lease-up of baseline units and maintain High-Performer status in SEMAP.**

## **B. Criteria for Substantial Deviations and Significant Amendments**

### **(1) Amendment and Deviation Definitions**

24 CFR Part 903.7(r)

PHAs are required to define and adopt their own standards of substantial deviation from the 5-year Plan and Significant Amendment to the Annual Plan. The definition of significant amendment is important because it defines when the PHA will subject a change to the policies or activities described in the Annual Plan to full public hearing and HUD review before implementation.

a. Substantial Deviation from the 5-Year Plan **When the Homeownership Plans are finalized and approved then the 5-Year Plan will be revised to reflect same. Also if any Special Purpose Vouchers are obtained through NOFA, the Plan will be revised to reflect these amendments.**

b. Significant Amendment or Modification to the Annual Plan **The Annual Plan will be revised under the same circumstances as the 5-Year Plan.**

## **C. Other Information**

[24 CFR Part 903.13, 903.15]

### **(1) Resident Advisory Board Recommendations**

a.  Yes  No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?

If yes, provide the comments below:

b. 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)

### **(2) Resident Membership on PHA Governing Board**

The governing board of each PHA is required to have at least one member who is directly assisted by the PHA, unless the PHA meets certain exemption criteria. Regulations governing the resident board member are found at 24 CFR Part 964, Subpart E.

a. Does the PHA governing board include at least one member who is directly assisted by the PHA this year?

Yes  No: **Laurel County Section 8 Housing Agency administers no public**

**housing units. This program consists solely of tenant-based rental assistance.**

If yes, complete the following:

Name of Resident Member of the PHA Governing Board:

Method of Selection:

Appointment

**The term of appointment is (include the date term expires):**

Election by Residents (if checked, complete next section--Description of Resident Election Process)

**Description of Resident Election Process**

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)

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)

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)

b. If the PHA governing board does not have at least one member who is directly assisted by the PHA, why not?

The PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis

The PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.

**Other (explain): The governing board of Laurel County Section 8 Housing consists of the members of the Laurel County Fiscal Court (County Judge**

**Executive and six Elected Magistrates). This agency consists of tenant based Section 8 rental assistance only and administers no public housing units.**

Date of next term expiration of a governing board member: 12-31-2006

Name and title of appointing official(s) for governing board (indicate appointing official for the next available position):

**(3) PHA Statement of Consistency with the Consolidated Plan**

[24 CFR Part 903.15]

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

**Consolidated Plan jurisdiction: COMMONWEALTH OF KENTUCKY**

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

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

**They share the goal of providing access to decent, safe and affordable housing to low-income families. The provision to help homeless persons obtain affordable housing is addressed in the Consolidated Plan and this agency has set a preference for those families residing in homeless or spousal abuse shelters. The shortage of handicap accessible units, and affirmative actions to fill that need, is addressed by both plans. The PHA Plan stating the agency's intention to implement a Homeownership Program is supported by the Consolidated Plan's goal of expanding homeownership opportunities.**

**(4) (Reserved)**

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

### 10. Project-Based Voucher Program

- a.  Yes  No: Does the PHA plan to “project-base” any tenant-based Section 8 vouchers in the coming year? If yes, answer the following questions.
- b.  Yes  No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option?

If yes, check which circumstances apply:

- Low utilization rate for vouchers due to lack of suitable rental units
- Access to neighborhoods outside of high poverty areas
- Other (describe below:)

- c. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts):

### 11. List of Supporting Documents Available for Review for Streamlined Five-Year/ Annual PHA Plans

PHAs are to 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	Related Plan Component
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans.</i>	Standard 5 Year and Annual Plans; streamlined 5 Year Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan.	5 Year Plans
X	Fair Housing Documentation Supporting Fair Housing Certifications: 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	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA’s public housing and Section 8 tenant-based waiting lists.	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. <input type="checkbox"/> Check here if included in the public housing A&O Policy.	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public housing rent determination policies, including the method for setting public housing flat rents. <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	Schedule of flat rents offered at each public housing development. <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 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
	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
X	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
X	Any policies governing any Section 8 special housing types <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
	Consortium agreement(s).	Annual Plan: Agency Identification and Operations/ Management
	Public housing grievance procedures <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	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
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs <input type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
X	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Pet Policy
X	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Consortium agreement(s), if a consortium administers PHA programs.	Joint PHA Plan for Consortia
	Consortia Joint PHA Plans ONLY: Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection	Joint PHA Plan for Consortia
	Other supporting documents (optional). List individually.	(Specify as needed)



**12. Capital Fund Program and Capital Fund Program Replacement Housing Factor Annual Statement/Performance and Evaluation Report**

<b>Annual Statement/Performance and Evaluation Report</b>					
<b>Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary</b>					
<b>PHA Name:</b>		<b>Grant Type and Number</b> Capital Fund Program Grant No: Replacement Housing Factor Grant No:			<b>Federal FY of Grant:</b>
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: ) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
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### 13. Capital Fund Program Five-Year Action Plan

<b>Capital Fund Program Five-Year Action Plan</b>					
<b>Part I: Summary</b>					
PHA Name				<input type="checkbox"/> <b>Original 5-Year Plan</b> <input type="checkbox"/> <b>Revision No:</b>	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: PHA FY:	Work Statement for Year 3 FFY Grant: PHA FY:	Work Statement for Year 4 FFY Grant: PHA FY:	Work Statement for Year 5 FFY Grant: PHA FY:
	Annual Statement				
CFP Funds Listed for 5-year planning					
Replacement Housing Factor Funds					

**13. Capital Fund Program Five-Year Action Plan**

<b>Capital Fund Program Five-Year Action Plan</b>						
<b>Part II: Supporting Pages—Work Activities</b>						
Activities for Year 1	Activities for Year : ____ FFY Grant: PHA FY:			Activities for Year: ____ FFY Grant: PHA FY:		
	<b>Development Name/Number</b>	<b>Major Work Categories</b>	<b>Estimated Cost</b>	<b>Development Name/Number</b>	<b>Major Work Categories</b>	<b>Estimated Cost</b>
<b>See</b>						
<b>Annual</b>						
<b>Statement</b>						
<b>Total CFP Estimated Cost</b>			\$			\$



# **Laurel County Section 8 Housing Agency**

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## **SECTION 8 ADMINISTRATIVE PLAN**

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Presented for Board Approval February 24, 2005

**This Administrative Plan covers the current requirements for the Section 8 Housing Choice Voucher Program.**

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**SECTION I. INTRODUCTION:**

1. Mission Statement: Our goal is to provide decent, safe, and sanitary rental housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for Section 8 participants.

- ☞ 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, landlords, community, and government leadership
- ☞ Apply limited HA resources to the effective and efficient management and operation of Section 8 programs.

2. Purpose of Policy: The purpose of this plan is to establish guidelines for the HA staff to follow in determining eligibility for the Section 8 programs. The basic guidelines for this plan, is 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 plan and these requirements are binding upon applicants, residents, landlords 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 Section 24 CFR (Code of Federal Regulations)

3. Primary Responsibilities of the HA:

- ☞ Informing eligible families of the availability of Section 8 assistance;
- ☞ Encouraging owners to make their units available for lease by Section 8 participants;
- ☞ Determining the maximum amount of housing assistance payments that can be used for family-paid utilities; and posting the utility allowances annually;
- ☞ Receiving applications from families and determining their eligibility for assistance;
- ☞ Inspecting Section 8 units to determine that they meet or exceed Section 8 Housing Quality Standards;
- ☞ Approving leases;
- ☞ Making Housing Assistance Payments to owners;
- ☞ Perform annual and periodic re-examinations of income, family composition and re-determination of rent;

4. Objectives: The objectives of this plan are to:

- A. Promote the overall goal of decent, safe and sanitary housing by using the Section 8 program to house eligible families in private rental housing; therefore, increasing the housing stock for very low-income families.
- B. Improve the County's housing stock by requiring participating landlords to meet Section 8 Housing Quality Standards for their rental property.
- C. Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the Section 8 program and staff.
- D. 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 occupancy in assisted housing is administered without regard to race, color, religion, sex, handicap, familial status and national origin.

- E. The Housing and Community Development Act of 1974 reflects Congress's intent that, where possible, the nation's existing housing stock should be preserved. The Section 8 Program will allow the HA to utilize existing housing stock and allow a family who qualifies for Section 8 Assistance and lives in substandard housing to remain, if the owner brings the house up to HQS standards and the Section 8 participant decides to remain in that unit.

5. Outreach:

- A. Outreach to Owners: The HA will encourage participation by owners of suitable units located outside areas of low income or minority concentration by distributing and communicating information concerning property owners leasing units under the Section 8 programs through the local media (newspaper, radio, television, etc.).
- B. Outreach to Potential Clients: The HA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for Section 8 rental assistance. The HA shall take affirmative actions to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income, are less likely to apply for Section 8 rental assistance. The HA may hold meetings concerning the Section 8 programs with local social community agencies.

**SECTION II. FAIR HOUSING POLICY AND EQUAL OPPORTUNITY HOUSING PLAN**

- 1. Fair Housing Policy: The Fair Housing Policy of 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 and with the Americans with Disabilities Act.

Specifically, the HA shall not on the basis of race, color, religion, sex, handicap, familial status, and national origin, deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 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 Section 8 participants regarding "discrimination". Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicants/participants file.

For families and/or individuals who report apparent discrimination in obtaining assisted housing, the HA shall assist them by providing the family/individual with a HUD Housing

Discrimination Complaint Form, HUD - 903. The individual can complete this form and report apparent discrimination to the Birmingham HUD Office of Fair Housing and Equal Opportunity. For example, a resident may be trying to obtain other rental housing and/or is attempting to purchase a home and experiences apparent discrimination.

2. Equal Opportunity Housing Plan: The HA is a participant in the tenant-based program and is required to comply with equal opportunity requirements imposed by contract or federal law (Ref: 24 CFR 982.54). This includes applicable requirements under:
  - A. The fair housing act, 42 U. S. C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
  - B. Title VI of the Civil Rights Act of 1964, 42 U. S. C. 2000d (implementing regulations at 24 CFR part1);
  - C. The age discrimination act of 1975, 42 U. S. C. 6101-6107 (implementing regulations at 24 CFR, part 146);
  - D. Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR1253 (1980), as amended, Executive Order 12892, 59FR 2939 (1994) (implementing regulations at 24 CFR, part 107);
  - E. Section 504 of the Rehabilitation Act of 1973, 29 U. S. C. 794 (implementing regulations at 24 CFR, part 8; and
  - F. Title II of the Americans with Disabilities Act, 42 U. S. C.12101, et seq.

3. Equal Opportunity Posting Requirements:

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

- A. Statement of Policies and Procedures Governing the Section 8 Administrative Plan.
- B. Open Occupancy Notice (Applications being Accepted and/or Not Accepted)
- C. Income Limits for Admission.
- D. Utility Allowances.
- E. Informal Review and Hearing Procedure.
- F. Fair Housing Poster.
- G. "Equal Opportunity in Employment" Poster.

### **SECTION III. PRIVACY RIGHTS**

Applicants will be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release information concerning Section 8 participants. 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

Section 24 part 5 and Section 982.4 Definitions effective from time to time are incorporated by reference as if fully set out herein. Copies of this regulation are available in the HA Office.

1. Absorption: In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family.
2. Adjusted 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 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 Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.
    - (2) That has Handicapped Assistance Expenses greater than or equal to three (3%) percent of Total Annual Family Income, an Allowance for Handicapped Assistance computed in accordance with paragraph f 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 Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three (3%) percent of Total Annual Family 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 in 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.

- F. **Child Care Expenses:** Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to *actively seek employment*, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child-care, 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. The reasonable amount of charges is determined by the HA, by conducting surveys of local child care providers. The results are posted in the HA office(s).

*Note:*

*If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.*

3. **Administrative Fee:** Fee paid by HUD to the HA for administration of the program and will include hard-to-house fees paid for moves by families with three or more minors, and extra counseling money that may be authorized by HUD
4. **Administrative Fee Reserve:** (formerly “operating reserve”) Account established by HA from excess administrative fee income. HA administrative fees may only be used to cover costs incurred to perform HA administrative responsibilities for the program in accordance with HUD regulations and requirements.
5. **Administrative Plan:** The administrative plan describes HA policies for administration of the tenant-based programs. This document is the administrative plan for the HA.
6. **Admission:** The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.
7. **Adult:** An adult is:
  - ☞ 18 years of age or older,
  - ☞ A person that has been relieved of the disability of non-age by the juvenile court.

*Note:*

***Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.***

8. **Annual Contributions Contract (ACC):** A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.
9. **Annual Income:** Annual Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period

following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this policy. Annual Income *includes*, but is not limited to, the following: Ref: CFR 5.609

- A. The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses);
- B. Net income from the 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 other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
- C. Interest, dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). All allowance for depreciation is permitted only as authorized in Paragraph "B" 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 \$5,000.00, 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;
- D. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment;
- E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay;
- F. Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that are 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:
  - (1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus
  - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the families' 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;

- G. Periodic and determinable allowances, such as alimony, child support payments, and regular (monthly) contributions gifts, including amounts received from any persons not residing in the dwelling.
- H. 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 (see “hazardous duty pay”).
- I. 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;
- J. Veterans Administration compensation (Service Connected Disability or Death Benefits).

*Note:*

*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 re-determination at the end of the shorter period.*

*Participants that receive lump-sum payments that are included as income and fall in the categories listed above, must report the income to the Section 8 Agency as soon as possible but no later than ten (10) calendar days after receipt of the funds and the applicable portion of the payment that is due as subsidy to the HA is due fourteen (14) days after the HA notifies the family of the amount due.*

- 10. Applicant: (applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.
- 11. Budget Authority: An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.
- 12. Child - A member of the family, other than the family head or spouse, who is under 18 years of age.
- 13. Child Care Expenses: Child Care Expenses are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to *actively seek employment*, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment. The HA will not normally determine child, care expenses as necessary when

the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing child, care.

14. Child Custody: An applicant/participant 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/participant must have primary custody of the child.
  - B. The applicant/participant must provide sufficient evidence that the child would reside with the Section 8 participant.

***Note:***  
***The same child cannot be claimed by more than one applicant/participant.***

15. Citizen: A citizen or national of the United States.
16. Common Space: In shared housing: Space available for use by the assisted family and other occupants of the unit.
17. Congregate Housing : Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.
18. Continuously Assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Section 8 program.
19. Contract Authority: The maximum annual payment by HUD to an HA for a funding increment.
20. Cooperative Housing (Term includes mutual housing): Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.
21. Dependent: A member of the family (except foster children *and foster adults*), other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.
22. Disabled Person: (See “Handicapped Person”)
23. Displaced Family: A person, or family, displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
24. Domicile: The legal residence of household head or spouse as determined in accordance with State and local law.

25. Drug-Related Criminal Activity: Term means:
- A. Drug-trafficking, which is: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the controlled substances act (21 U. S. C. 802), or
  - B. Illegal use, or possession for personal use, of a controlled substance (as defined in Section 102 of the controlled substances act (21 U. S. C. 802)
26. Elderly Family: A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, or disabled, or handicapped and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.
27. Elderly Person: A person who is at least sixty-two (62) years of age.
28. Evidence of Citizenship or Eligible Immigration Status - The documents which must be submitted to evidence citizenship or eligible immigration status (Reference CFR 5.508(b)).
29. Extremely Low Income Family: A family, whose Annual Income does not exceed 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. (Section 982.201(b) describes when a low-income family is income-eligible for admission to housing choice voucher program).
30. Fair Market Rent (FMR): The rent, including the cost of utilities (except telephone and or cable TV), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the Federal Register in accordance with 24 CFR, part 888.
31. Familial Status - A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons (Reference Federal Register published February 13, 1996, pages 5,662 and 5,663). In Section II “Reinventing Parts 812 and 912 of the Federal Register states:

“The April 10, 1992 proposed revisions to parts 812 and 912, which concern section 5(b) of the Fair Housing Amendments Act of 1988 (FHAA) and the treatment of single, pregnant women obtaining custody, are not included in this final rule. The statutory prohibition against housing discrimination towards such persons is sufficiently clear and enforceable. Since the percentage limit for occupancy by single persons (which could have been used to mask instances of discrimination against persons in these protected classes) has been eliminated, it is no longer necessary to distinguish persons in the FHAA-protected classes from other single persons.”



Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons and only entitled to a zero or one-bedroom family unit size.

32. Family - (See Below) The term "family" as used in this policy means:

- A. Two or more persons with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size); who live regularly together as a single household in the dwelling unit. By definition, a family must contain a competent adult of at least 18 years of age to enter into a contract and capable of functioning as the head of the household. If a second adult lives in the household they must be a party to the lease.
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family (Refer Definition No. 101); and
- G. A single person who is not elderly, displaced or a person with disabilities, or the remaining member of a tenant family.

***Note:***

***Housing assistance limitation for single persons. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided (for tenant-based assistance) housing assistance for which the family unit size exceeds the one bedroom level (Ref. 982.207 Housing assistance limitation for single persons, published in the Federal Register on 2/13/96).***

***The rule requires a single person to reside in either a zero or one bedroom subsidy size.***

33. Family Self-Sufficiency (FSS) Program: The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services (42 U. S. C. 1437u). Reference 24 CFR, part 984.

34. Family Share: The portion of rent and utilities paid by the family.

Note: Maximum Initial Rent Burden: On or after the merger date (10/01/99), a family must not pay more than 40% of adjusted annual income for rent when the family first receives assistance for occupancy of a particular unit. This requirement is applicable each time a participant moves to a new unit. However, it is not applicable if the family stays in the same unit where the family initially received voucher assistance for occupancy of the unit before the merger date.

35. Family Unit Size: The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.
36. FMR: The Section 8 Existing Housing fair market rent published by HUD Headquarters. For a tenancy in the voucher program the HA may adopt a payment standard up to 110% the FMR.
37. Foster Children: With the prior written consent of the HA, a foster child may be added as a Section 8 participant. The factors considered by the HA in determining whether or not consent is granted may include:
  - A. Whether the addition of a new occupant may require the issuance of a new Housing Choice Voucher with a larger subsidy standard.
  - B. The Section 8 landlord's obligation to allow reasonable accommodation for handicapped persons.
38. Full-Time Student: A member of a family (other than the head of household or spouse) who is carrying a subject load which 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 diploma, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.
39. Funding Increment: Each commitment of budget authority by HUD to an HA under the consolidated ACC for the HA program.
40. Gross Rent: The sum of the rent to owner plus any utility allowance.
41. Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-aid).
42. Handicapped Assistance Expense: Reasonable expenses that are anticipated, during the period for which Total Annual Family 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.
43. Handicapped Person and/or Disabled Person: A person having a physical or mental impairment which:
  - 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 a nature that such disability could be improved by more suitable housing conditions.

*Note:*  
*All three conditions must be met to qualify as handicapped.*

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6001(7)), or is handicapped as defined below:

- D. Section 223 of the Social Security Act defines disability as:
- (1) "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or
  - (2) in the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in Section 416(I)1 of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
- E. Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970 defines, disability as:
- "A disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary (of Health and Human Resources) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual."
44. Hazardous Duty Pay: Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
45. 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 held of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
46. Homeless Family: Any individual or family who:
- A. 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; or
  - 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 as defined in 83 below.
  - (3) Any individual who is currently living or residing with another individual or family.
47. Housing Agency (HA): Housing Agency (formerly Public Housing Agency (PHA), PHA and HA are the same thing) A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.
  48. Housing Assistance Payment (HAP): The monthly assistance payment by the HA. The total assistance payment consists of:
    - A. A payment to the owner for rent to owner under the family's lease.
    - B. An additional payment to the family if the total assistance payment exceeds the rent to owner. This is referred to as the Utility Assistance Payment in the Housing Choice Voucher Program. The HA may elect to pay the appropriate amount directly to the utility provider.
  49. Housing Assistance Payment (HAP) Contract: A written contract between an HA and an owner, in the form prescribed by HUD, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.
  50. Housing Choice Voucher: A document issued to a family selected for admission to the program. The voucher describes the program, and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.
  51. Housing Quality Standards (HQS): The HUD minimum quality standards for housing assistance under the tenant-based programs.
  52. HUD - Housing & Urban Development: The U. S. Department of Housing and Urban Development.
  53. HUD Requirements: HUD requirements for the Section 8 programs are issued by HUD headquarters as regulations, Federal Register notices or other binding program directives.
  54. Income Exclusions: (These amounts may be posted as exclusions in the family income to verify disclosure by the family). Annual Income does not include such temporary, non-recurring or sporadic income as the following:
    - A. Temporary: Casual, sporadic, temporary, nonrecurring income, including gifts.
    - B. Medical Reimbursements: Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical care.
    - C. 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 or property losses.

- D. Scholarships: Full amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States government to a veteran for use in meeting the cost of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student.
- E. Relocation payments: Made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).
- F. Food Stamps: 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)].
- G. Domestic Volunteers Service Act: Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044(g), 5058].
- H. Income of a live-in aide: (as defined in this policy).
- I. Job Training Partnership Act: Payments received from the Job Training Partnership Act [29 USC 1552(b)].
- J. Hazardous Duty Pay: For a family member in the Armed Forces away from home and exposed to hostile fire.
- K. Minor Income: Annual income from employment of children, including foster children, under the age of 18 in excess of \$480.
- L. Foster Care: Payment received for the care of foster children.
- M. Alaska Native Claims Settlement Act: Payments received under the Alaska Native Claims Settlement Act [43 U.S.C. 1626(a)], or reparation payments made by foreign governments in connection with the Holocaust.
- N. Sub-marginal Land Income: Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes [25 U.S.C. 459(e)].
- O. Home Energy Assistance Program: Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program [42 U.S.C. 8624(f)].
- P. Grand River band of Ottawa Indians: Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
- Q. Indian Claims Commission or the Court of Claims: 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 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior [25 U.S.C. 117(b), 1407].

- R. Older Americans Act: Payments from Programs under Title V of The Older Americans Act of 1965 [42 U.S.C. 3056(f)].
- S. HUD Training: Amounts received under training programs funded by the Department of Housing and Urban Development.
- T. Plan to Attain Self-Sufficiency: 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).
- U. Other Publicly Assisted Programs: 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.
- V. Earned Income Tax Credit Refund: For taxable years after December 31, 1990, the earned income tax credit refund. Effective Date: July 25, 1994.
- W. A Resident Service Stipend: A resident stipend is a modest amount (i.e., \$200 or less per month), received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and resident management. No resident may receive more than one such stipend during the same period of time. The exclusion exempts resident service stipends from annual income, but only if the resident service stipend does not exceed \$200 per month, compensation from state or local employment training programs and the 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.
- X. Adoption Assistance Payments: Income payments received for the care of adopted children to the extent that the payments exceed \$480 per adopted child.
- Y. Student Financial Assistance: This exclusion exempts from annual income all amounts received from student financial assistance. Student financial assistance is interpreted broadly to include various scholarships, educational entitlements, grants, work-study programs and financial aid packages.
- Z. Earned Income of Full-Time Students: This exclusion exempts earnings in excess of \$480 for each full-time student eighteen years old or older, except for the head of household and spouse. The exemption only applies to earnings in excess of \$480 since the family already receives a \$480 deduction from income for any full-time student.

- AA. Adult Foster Care Payments: This exclusion removes from the computation of annual income payments for the care of foster adults, usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone. Currently, only payments for the care of foster children are excluded from annual income. In adding this exclusion, the Department is not requiring that housing authorities or owners permit foster adults in assisted housing.
  - BB. Compensation from state or local Job Training Programs and Training of Resident Management Staff: this exclusion exempts compensation received from qualifying employment training programs and the training of resident management staff. To qualify under this exclusion, the compensation received must be a component of a state or local Employment Training Program with clearly defined goals and objectives. Moreover, only the compensation received incident to the training program is excluded, (i.e., any additional income received during the training program, such as welfare benefits, will continue to be counted as income). In addition, this exclusion only covers compensation received while the resident participates in the Employment training program and the duration of participation must be for a limited period of time determined in advance. An example of compensation which falls under this exclusion is compensation received from on-the-job training and during apprenticeship programs.
  - CC. Property Tax Rebates: This provision excludes state rent credits and rebates for property taxes paid on a dwelling unit.
  - DD. Home Care Payments for Developmentally Disabled Children or Adult Family Members: This exclusion exempts amounts paid by a state agency to families who have developmentally disabled children or adult family members living at home. States that provide families with home care payments do so to offset the cost of services and equipment needed to keep a developmentally disabled family member at home.
  - EE. Deferred periodic payments: Of supplemental security income and social security benefits that are received in a lump sum payment.
- 55. Infant: A child under the age of two years.
  - 56. Initial Contract Rent: The contract rent at the beginning of the initial lease term.
  - 57. Initial HA: In portability, the term refers to both:
    - A. An HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.
    - B. An HA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing HA.
  - 58. Initial Lease Term: The initial term of the assisted lease. The initial lease term must be for at lease one year.

59. Initial Payment Standard: The payment standard at the beginning of the HAP contract term.
60. Initial Rent to Owner: The rent to owner at the beginning of the initial lease term.
61. Interim Re-determination of Rent: Changes of rent between admissions and reexaminations and the next succeeding reexamination.
62. INS - The U. S. Immigration and Naturalization Service.
63. Jurisdiction: The area in which the HA has authority under State and local law to administer the program.
64. Lease:
- A. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA. The lease must contain terms that are consistent with State and local law, and that apply generally to unassisted tenants in the same property. The HAP contract and the lease must contain the HUD prescribed tenancy addendum.
  - B. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement established the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of part 982, the cooperative is the Section 8 "owner" of the unit, and the cooperative member is the Section 8 "tenant".
65. Lease Addendum: In the lease between the tenant and the owner, the lease language required by HUD.
66. Live-in-Aide: A person who resides with an Elderly, Disabled, or Handicapped person or persons 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),
  - C. Would not be living in the unit except to provide supportive services. The income of a Live-in-aide that meets these requirements is not included as income to the tenant family; and,
  - D. A Live-in-Aide must be approved, in advance, by the HA.
67. Low-Income Family: A family whose, Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD with adjustments for



smaller and larger families. (Section 982.201(b) describes when a low-income family are income-eligible for admission to the housing choice voucher program).

68. Manufactured Homes: A Manufactured structure that is built on a permanent chassis that is designed for use as a principal place of residence, and meets the HQS.
69. Medical Expense: Those necessary medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only.
70. 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.
71. Minimum Rent: Families assisted under the Public Housing program can be required to 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. The minimum rent established by this HA is \$0.00
72. 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:
    - B. The family has lost eligibility for, or is awaiting an eligibility determination for 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.
    - C. The family would be evicted as a result of the implementation of the minimum rent.
    - D. The income of the family has decreased because of changed circumstance, including loss of employment.
    - E. A death in the family has occurred which affects the family circumstances.
    - F. Other circumstances which may be decided by the HA on a case by case basis.
      - (1) All of the above must be proven by the Resident providing verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.
      - (2) 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.

73. Minor: A "minor" is a person under eighteen years of age. Provided, that a married person 18 years of age or older shall be considered to be of the age of majority.
74. Mixed Family - A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
75. Monthly Adjusted Income: One-twelfth of Adjusted Annual Income.
76. Monthly Income: One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as monthly income.
77. Mutual Housing: See definition of "cooperative housing," above.
78. 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.
79. Net Family Assets: Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks, bonds, cash on hand, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD home ownership 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 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.) In determining Net Family Assets, this HA shall include the value of any business or family assets disposed of by an applicant or Tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or Tenant receives important consideration not measurable in dollar terms.
80. Non-citizen - A person who is neither a citizen nor national of the United States.
81. Notice of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the federal register document that invites applications for funding. The document explains how to apply for assistance and the criteria for awarding the funding.

82. Over-FMR Tenancy: In the Certificate program: the tenancy for which the initial gross rent exceeds the FMR/exception rent limit.
83. Owner: Any person or entity with the legal right to lease or sublease a unit to a participant.
84. Participant: A family that has been admitted to the HA program, and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family.
85. Payment Standard: In a voucher or over-FMR tenancy, the maximum subsidy payment for a family before deducting the family contribution, for a Voucher tenancy the HA sets a payment standard in the range from 90 percent to 110 percent of the current FMR/exception rent limit. The HA has set its payment standard at 110 percent of the current FMR.
86. Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.
87. Preference: At the option of the HA, a preference system can be used to select among applicant families.
88. Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.
89. Private Space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.
90. Program: The tenant-based housing voucher or housing choice voucher program.
91. Reasonable Rent: A rent to owner that is not more than either:
  - A. Rent charged for comparable units in the private unassisted market; or
  - B. Rent charged by the owner for a comparable unassisted unit in the building or premises.
92. Receiving HA: In portability, an HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher, and provides program assistance to the family.
93. Re-certification: Re-certification is sometimes called reexamination. The process of securing documentation, which indicates that tenants meet the eligibility requirements for continued occupancy.
94. Re-examination Date: The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent.
95. Regular Tenancy: A tenancy other than an over-FMR tenancy.

96. Remaining Member of the Tenant Family: The person(s) of legal age remaining in the subsidized unit after the person(s) who signed the certificate, housing voucher or housing choice voucher 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 have received housing subsidy under the program to which he/she claims head of household status for one year before becoming eligible for Section 8 subsidy as a remaining family member. This person must complete forms necessary for Section 8 assistance within ten calendar days from the departure of the leaseholder and may remain in the unit for a reasonable time (not more than 60 calendar days from the date individual request head of household status) pending the verification and hearing process. This person must, upon satisfactory completion of the verification process, then execute all required Section 8 subsidy documents and cure any monetary obligations in order to maintain assistance. 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 an informal hearing. The informal hearing process is described in Section XI of this policy.
97. Rent to Owner: The total monthly rent payable to the owner under the lease for the unit. Rent to Owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.
98. Residency Preference: An HA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area.
99. Residency Preference Area: The specified area where families must reside to qualify for a residency preference.
100. Shared Housing: A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family.
101. 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.
102. Single Room Occupant (SRO): Single Room Occupancy (SRO) Housing is a unit which does not contain sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and is suitable for occupancy by an eligible individual who is capable of independent living. SRO Housing is not substandard solely because it does not contain sanitary facilities or food preparation facilities, or both.
103. Special Admission: Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.
104. Spouse: A spouse is the legal husband or wife of the head of the household.
105. Subsidy Standards: Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and composition.
106. Suspension: Stopping the clock on the term of a family's housing choice voucher on the

date that the HA receives the request for lease approval by the family (See also Section XIII. 3, E ,(1).

107. 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.
108. Tenant: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.
109. Tenant-Based: Rental assistance that is not attached to the structure.
110. Tenant Rent: The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. The tenant payment is the amount the tenant pays toward rent and allowance for utilities. To arrive at tenant rent, the utility allowance is subtracted from total tenant payment or minimum rent. If the utility allowance is greater than the total tenant payment or minimum rent, the tenant rent is zero and there is a utility reimbursement payment (URP). The URP is the difference between the total tenant payment or minimum rent and the utility allowance.
111. Total Tenant Payment (TTP): The TTP for families participating in the housing choice voucher program must be at least \$0.00, which is the minimum rent established by the HA.
  - A. For the Housing Choice Voucher Program, the TTP must be the greater of:
    - (1) 30 percent of family monthly adjusted income;
    - (2) 10 percent of family monthly income; or
    - (3) \$0.00, which is the minimum rent set by the HA.

The utility allowance is applicable for the Voucher Program. Voucher families will pay the owner the difference between the monthly rent to owner and the housing assistance payment. Voucher families will also pay the cost of tenant-furnished utilities under the lease (Reference Notice 96-7 (HA) for Section 8 Voucher Program Minimum Rent Calculation Worksheet).

If the payment standard exceeds the gross rent and the family remains in the same unit or complex the gross rent will be used as the payment standard.

112. Utilities: Utilities may include water and sewage services, electricity (including air conditioning if applicable), [See (CFR 982.517)], gas, oil or coal and trash and garbage collection.
113. Utility Allowance: The utility allowance, if any, determined for the Section 8 program for tenant purchased utilities (except telephone) that are normally included in rent.
114. Utility Hook-Up Charge: In a manufactured home space rental: costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical or sewer line.
115. Utility Reimbursement Payment (URP) Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant

Payment or minimum rent for the family occupying the unit.

116. Very Low-Income Family: A lower Income Family means a family whose annual income does not exceed fifty (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.
117. Violent Criminal Activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use, of physical force against the person or property of another.
118. Voucher: A document issued by an HA to a family selected for admission to the voucher program. The voucher describes the program, and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.
119. Voucher Holder: A family holding a voucher.
120. 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.
121. Waiting List Admission: An admission from the HA waiting list.
122. 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. (This may include funds from TANF, WIN, KTAP, etc.)

## **SECTION V. APPLYING FOR ASSISTANCE**

1. How to Apply:
  - A. Families wishing to apply for housing assistance shall come to the office on the posted application day to apply for assistance.
  - B. Applications are taken at 194 County Extension Road, London, KY 40741 on the second Thursday of the month from 8:00 a.m. to 10:00 a.m. only. (Unless the length of the waiting list is such that the process is temporarily suspended.)
  - C. Applications are taken to compile a waiting list. Due to the demand for housing in the HA's jurisdiction, the HA takes applications on posted dates only.
  - D. Applications will be completed and accepted for all applicants and the information will be verified by the HA, at which time eligibility will be determined.

- E. Applications may be made in person at the HA during specified dates and business hours posted at the HA's Office.
- F. The application will be entered into the computer database, which dates and time-stamps the application. The print-out is then signed by the applicant verifying the accuracy of the information given.
- G. 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. A Telecommunication Device for the Deaf (TDD) is available for the deaf. If the applicant is visually impaired, all notices must be in a format understandable by applicant.

**NOTE:**

**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 date applications will be accepted and the location where applications will be taken.**

- 2. Closing of Application Taking: The HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to be housed within the next 12 month period.

**NOTE:**

**The HA will make known to the public through publication in a newspaper of general circulation, minority media, and/or other suitable means the suspension of application acceptance. The Notice will contain the dates of acceptance and closing of applications.**

- 3. Opening of Application Taking: When the Ha reaches a point on the waiting list such that a majority of the applicants on the current waiting list could be housed within the following 12 month period, the application process will be re-opened by advertisement in a Public Notice in the newspaper of general circulation, or other suitable means.

- A. The HA will publish the date and location that applications will be accepted.
- B. Advise families that applications will be taken at the designated office of the housing agency.
- C. Briefly describe the Housing Assistance program; and
- D. State that applicants for Section 8 assistance must specifically apply for Section 8 assistance and that applicants for Section 8 assistance may also apply for to Public Housing and they will not lose their place on the Section 8 Housing waiting list if they also apply for Public Housing.
- E. 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.

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 Section 8 Housing Choice allocated.

**SECTION VI. MISSED APPOINTMENTS FOR APPLICANT OR PARTICIPANT**

1. Missed Appointment-Applicant: An applicant who fails to keep an appointment shall be sent a notice of termination of the process in the following situations:
- A. Failure to attend Program Briefing
  - B. Failure to Complete Application
  - C. Failure to Supply Information for Verification
  - D. Failure to complete Leasing Documentation
  - E. Failure to lease up before expiration of Voucher
  - F. Failure to attend other appointments or meet other requirements or to Bring in Documentation as Listed in this Plan.
  - D. Failure to attend required Counseling Sessions

**NOTE:**

**The applicant will be given an opportunity for an informal review pursuant to Section XI.**

2. Missed Appointment-Participant: A person receiving assistance who fails to keep an appointment is subject to termination. If the tenant fails to meet the first appointment, a second letter will be sent scheduling a second appointment. If this appointment is missed, the HA may begin the termination process. The tenant will be sent a notice of termination of assistance 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:
- A. Failure to Complete Application for Continued Occupancy
  - B. Failure to Supply Information for Verification
  - C. Failure to comply with requested HQS Inspections
  - D. Failure to complete Re-certification paperwork



- E. Other Appointments or Requirements to Bring in Documentation as Listed in this Plan
- F. Failure to attend scheduled counseling sessions

*Process when Appointment(s) are Missed: The participant shall be allowed to reschedule one (1) appointment, based upon a valid excuse which shall be limited to a doctor's appointment hospital confinement, death in the family or a court appearance, after which time, the HA may begin the termination of assistance procedure. The participant will be given an opportunity for an informal review or hearing, pursuant to Section XI.*

***Note: If the applicant/participant's failure to respond to the HA's request for information or updates are due to the applicant/participant's disability, the HA must reinstate the applicant to his/her former position on the waiting list or reinstate the participant's housing assistance.***

If the representative of the HA makes a determination in favor of the applicant or participant, the HA will comply with decision unless the HA is not bound by a hearing decision concerning a matter for which the HA is not required to provide an opportunity for a hearing pursuant to 24 CFR 982.554(c) and 982.555(b).

- 3. Letters Mailed to Applicants by the HA: If an applicant claims they did not receive a letter mailed by the HA, that requested the applicant to provide information or to attend an interview, the HA will determine whether the letter was returned to the HA. If the letter was not returned to the HA, the applicant will be assumed to have received the letter.

If the letter was returned to the HA and the applicant can provide evidence that they were living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the application in effect at the time the letter was sent.

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

## **SECTION VII. MISREPRESENTATION BY THE APPLICANT OR PARTICIPANT**

If an applicant or Section 8 participant is found to have made willful misrepresentations at any time which resulted in the applicant or Section 8 participant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and the Section 8 participant will be terminated because of the act of fraud by the applicant/Section 8 participant. If such misrepresentation resulted in the Section 8 participant paying a lower rent than was appropriate, the Section 8 participant shall be required to pay the difference between the actual payments and the amount that should have been paid. In justifiable instances, the HA may take such other actions as it deems appropriate, including referring the Section 8 participant to the proper authorities for possible criminal prosecution. If the HA determines that an overpayment was made and the participant agrees to re-pay the HA for all over paid subsidies, the HA has the discretion to allow such repayment with the understanding that a missed payment will cause immediate termination of assistance.

## **SECTION VIII. SECTION 8 ELIGIBILITY CRITERIA**

1. **Eligibility:** All individuals who are admitted to the Section 8 Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant must meet the following requirements:
  - A. The applicant family must qualify as a family as defined in Section IV.
  - B. The applicant family's Annual Income as defined in Section IV, must not exceed income limits established by HUD for the Section 8 Programs. The HA sets the income limits at 80% of median income. Therefore, any of following limits are income eligible;
    - (i) Extremely Low Income Limit: 30% of area median
    - (ii) Very-Low Income Limit: 50% of area median.
    - (iii) Low Income Limit: 80% of area median
  - C. Head of Household must be:
    - (1) 18 years of age or older,
    - (2) A person that has been relieved of the disability of non-age by a juvenile court.
2. **Ineligible:** Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on a waiting list or offered Section 8 assistance under the following circumstances:
  - If the applicant's annual family income exceeds the Income Limits established by HUD and published in the Federal Register, the applicant will be declared ineligible.
  - If the applicant does not meet the age requirement as set out in 1.C. above.
3. **Informed of Ineligibility:** 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 calendar 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 must be submitted in writing.
4. **Single Person:** In addition, under Section 24 CFR 5.405, the HA is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family (Ref CFR 5.403). Single persons are only eligible for a zero or one bedroom housing choice voucher.
5. **Declaration of Citizenship:** Section 214 of the Housing and Community Development Act of 1980 prohibits HAs from making financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible non-citizens in HUD's assisted housing programs. This law is referred to as the "Non-citizens Rule" and is effective June 19, 1995.
6. **Adding a Person to the Program:** Once an applicant becomes a participant in the HA's

tenant-based program, the head of household must request permission to add another person to the program (Except for birth, adoption or court-awarded custody of a child). The person being added must meet all eligibility requirements before the HA will approve any addition to the tenant-based program.

## **SECTION IX. VERIFICATION AND DOCUMENTATION**

Families are required to provide Social Security Numbers 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 supply either:

1. Social Security Number (SSN): Submit SSN; or 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 participating 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 temporary verification (a Social Security card must be provided within 60 days of the HA request). He or she may be required by the HA to provide one or more of the following alternative temporary documents to verify his or her SSN, until a valid Social Security card can be provided (within the 60 day time limit);

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

*Note:*

*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. Applicants may not become participants 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, requires an extension. The decision will be made by a HA representative and documented, in writing, and placed in the applicant's file.*

2. Employer Identification Number (EIN) and applicable consent form.

3. 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)
- ☞ Employer's Verification
- ☞ Landlord Verification
- ☞ Social Security Benefits
- ☞ Assets Verification
- ☞ Bank Accounts: Checking Accounts - \$500 + Balance
- ☞ Savings Accounts - \$100 + Balance
- ☞ 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.
- ☞ The couple also certifies in their application for housing that they are married.
- ☞ Personal References: Personal references (other than from family members) may be used when an applicant cannot produce prior - rental history records. Personal References must be notarized.
- ☞ Police Report(s)
- ☞ Current reports from drug treatment centers or facilities
- ☞ Supplemental Social Security Income (SSI) Benefits
- ☞ Unemployment Compensation
- ☞ VA Benefits
- ☞ Documentation to support medical expenses
- ☞ Any other reasonable information needed to determine eligibility may be requested by the HA.

***Note:***

***For the purposes of this plan, if a member of the current family has committed acts of fraud or has an arrest record, including a drug related arrest, that reflects that the family member may be a danger to the health, safety, or welfare of the community then that person will not be***

*allowed to be a participant on the program. The HA shall prohibit assistance to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.*

*Individuals who have been evicted from any housing complex for engaging in criminal activities, including drug-related criminal activities may be denied assistance.*

4. Separation with Children: Separation means the ending of co-habitation by mutual agreement. If an applicant is separated from a person and has children by that person or former spouse, applicant must provide at least one of the verifications listed below:
  - A. A FINAL divorce decree. Applies to individuals who are divorced and 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 KTAP through the Department of Human Resources for former spouse's children.
  - F. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and they filed from different addresses.
  - G. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.
  - H. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
  - I. Food stamp verification. If no other documentation is available.
  
5. Separation - No Children: If applicant is separated from a person and has no children by that person, applicant must provide at least one of the verifications listed below:
  - A. A FINAL divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.
  - B. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
  - C. Written statement from Lawyer that applicant has filed suit for divorce because of

physical abuse.

- D. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
- E. Food Stamp Verification. If no other documentation is available.

Note:  
This section also applies to program participants.

- 6. U. S. Citizenship Verification and Appeal Procedures: The HA must follow the verification procedures provided by HUD and verify the person or persons declaration of U. S. citizenship through the INS SAVE system.

Once the verification is completed and verification from the INS SAVE system confirms the declaration of U. S. Citizenship and the applicant meets all other conditions for occupancy, as outlined in the Section 8 Administrative plan.

If the INS SAVE system does not confirm U. S. citizenship, the HA must request that a manual search be conducted of INS records. The HA must request the secondary verification by manual search by INS within ten calendar days of receipt of the initial failed verification. INS will issue a decision within 30 days of its receipt of the request for a secondary verification. If the secondary verification fails to confirm eligible immigration status, the HA shall notify the family of the right of appeal to INS. If INS is unable to issue a decision within 30 days, the INS will inform the family and the HA of the reasons for the delay. When the HA receives a copy of the INS decision and the decision does not confirm the declaration of U. S. citizenship, the HA will notify the family of its right to request an informal hearing. The informal hearing will be conducted in accordance with Section XI.

- A. Assistance to an applicant may not be delayed, denied, or terminated, if:
  - (1) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
  - (2) The family member of whom required evidence has not been submitted has moved;
  - (3) The family member who is determined not to be in an eligible immigration status following INS verification has moved;
  - (4) The INS appeals process has not been concluded;
  - (5) For a participant, the HA hearing process has not been concluded;
  - (6) Assistance is prorated;
  - (7) *Assistance for a mixed family is continued.*
- B. Assistance to an applicant shall be denied, and a participant's assistance shall be terminated, upon the occurrence of any of the following:
  - (1) Evidence of citizenship, i.e., the declaration, is not timely submitted;
  - (2) Evidence of citizenship and eligible immigration status is timely submitted but INS primary and secondary verification does not verify eligible immigration status;
  - (3) The participant does not pursue INS appeal or HA informal hearing rights;

- (4) INS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against a member of the participant's family..

C. Notice must be given to the family and shall advise:

- (1) That financial assistance or housing will be denied or terminated, and provide a brief explanation of the reasons;
- (2) That they may be eligible for pro-ration of assistance;
- (3) In the case of a participant, the criteria and procedures for obtaining relief for mixed families and other families; and,
- (4) Any future appeal rights have been exercised.

7. Criminal Records Management Policy: For the purpose of screening applicants, lease enforcement and eviction, the HA will obtain crime reports from local law enforcement agencies for all household members 18 years and older. If the local report shows reasonable cause, a more extensive report will be obtained from the administrative office of the courts Frankfort, KY. The HA may also request this information for juveniles, to the extent that the release of such information is not prohibited by state, local or tribal laws.

Before the HA takes any adverse action based on a criminal record, the HA must provide the applicant or participate with a copy of the criminal record and allow an opportunity to dispute the accuracy of the record. An opportunity for a hearing is afforded to each applicant that is denied admission and provides the applicant the opportunity to dispute any information used to deny housing assistance. For participants, a copy will be provided in accordance with the HA'S informal review or hearing procedure.

The HA, will keep all criminal records received confidential and not misuse or improperly disseminate the information. Criminal records, of any adult/applicant/tenant, which are used as the basis of denying occupancy, are confidential and shall not be disclosed to any person or entity other than official use or used in court proceedings.

## **SECTION X. GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE**

1. Denied Admission/Participation: The HA may deny an applicant admission to participate in the Section 8 Program or, with respect to a current participant, may refuse to issue another Housing Choice Voucher for a move to another unit, approve a new lease, or execute a new Contract for the Section 8 participant, if the applicant or participant: (Ref: 24 CFR 982.552).

A. Owes rent, other amounts, or judgements to any HA or any other federally subsidized housing program, the applicant/participant will be declared ineligible. At the HA's discretion, the applicant/participant may be declared eligible upon payment of the debt, with the date and time of application being the time of payment and meeting other criteria.

*Note:*

*Applicants that owe a HA or any other federally subsidized program funds will not be processed for receiving assistance. The applicant must pay the funds owed prior to the application being*

*processed. Re-paying funds that are due does not necessarily qualify an applicant for housing assistance. 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. As a previous applicant/participant in the Section 8 Program or as a applicant/participant in the Public Housing Program, the applicant/participant has not reimbursed the HA or another HA for any amounts paid to an owner under a housing assistance contract for rent or other amounts owed by the Family under its lease and for a vacated unit.
- C. Has violated any Family obligation listed on the certificate, housing voucher or housing choice voucher.
- D. Has engaged in drug-related criminal activity or violent criminal activity, including criminal activity by the Family member. (Reference 24 CFR 982.553(a)(1)(2).
- E. Breaches a repayment agreement to the HA and/or owner.
- F. Committed acts which would constitute fraud in connection with and/or has been evicted from any federally assisted housing program.
- G. Did not provide information required within the time frame specified (the applicable dates are contained in the letters from the HA to the applicant/participant) during the application/re-certification process.
- H. The HA shall deny the admission/participation of a Family, if the applicant/participant, or any member of the applicant's/participant's family does not sign and submit consent forms that are provided by the HA for the purpose of verifying employment and income information.
- I. The applicant/participant family must have properly completed all application requirements, including verifications. 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 assistance will be terminated for such misrepresentation.
- J. If the applicant/participant is a former Public Housing or Section 8 participant who vacated the unit in violation of program requirements, the applicant/participant may be declared ineligible.
- K. If the HA determines that a applicant/participant 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. See Exhibit "B". 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.
  - (5) if any household includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- L. Unauthorized absence from the unit in excess of 14 days.
- M. If the applicant/tenant acts in a threatening or abusive manner toward HA personnel or commits any acts of violence or vandalism of HA property.
2. Notification of Denial/Termination: If an applicant is denied admission or a participant is proposed to be terminated from receiving assistance, the HA will notify the applicant/participant, in writing, of its determination and inform the applicant that he/she has an opportunity for an informal review/informal hearing on such determination. The denial letter will allow the applicant/participant 10 calendar days from the date of the HA's letter to request an informal review/formal hearing with the HA. (Reference Section XI)
3. Time Frames for Denial: As a general rule, applicants/participants may be denied admission/participation to/in the Section 8 Programs for the following time frames, which shall begin on the date of conviction unless otherwise provided for herein below..
- A. Denied admission/participation for one (1) year after leaving the program because of being at zero subsidy for a period of six (6) months; or, leaving the program upon giving 30 days written notice after occupying a unit for at least twelve months.
  - B. Denied admission/participation for three (3) years for the following:
    - (1) 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.
    - (2) Failure to comply with Federal, HA's or other PHA regulations and rules regarding family obligations; said time period being calculated from the date the HA discovers the violation.
    - (3) For violation of housing choice voucher and illegal use, or possession for personal use, of a controlled substance or alcohol.
    - (4) For moving out of an assisted unit without giving the requisite 30 day written notice, or moving out of the unit before the twelve month occupancy has been fulfilled.
  - C. Denied admission/participation for five (5) years for the following:
    - (1) Fraud (giving false information on the application is considered fraud).
    - (2) An arrest or conviction record that indicates that the applicant/participant 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.

- D. Denied admission/participation for ten (10) years for a conviction of Drug Trafficking.
- E. Denied admission/participation 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/participation for life to any applicant who has been convicted of *manufacturing or producing methamphetamine* (commonly referred to as “speed”) on the premises of the assisted housing, premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The HA may waive these above time frame denial requirements 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.

**SECTION XI. APPLICANT DENIED ASSISTANCE AND PROVIDED OPPORTUNITY FOR INFORMAL REVIEW OR PARTICIPANT ASSISTANCE IS TERMINATED AND PROVIDED OPPORTUNITY FOR INFORMAL HEARING**

1. Applicant Informal Review: The HA must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the HA decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review. The request must be in writing and presented to the HA within ten days of the notice of denial.
  - A. Informal Review Process: The HA must give an applicant an opportunity for an informal review of the HA decision denying assistance to the applicant. 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 must be given an opportunity to present written or oral objections to the HA decision. The HA must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision.
  - B. Informal Review Not Required: An informal review is not required to be given by the HA in the following circumstances:
    - (1) Discretionary administrative determinations by the HA.
    - (2) General policy issues or class grievances.
    - (3) A determination of the family unit size under the HA subsidy standards.
    - (4) An HA determination not to approve the suspension or extension of a voucher term.
    - (5) A determination not to grant approval to lease a unit under the program, or to approve a proposed lease.
    - (6) A determination that a unit selected by the applicant is not in compliance with HQS.

- (7) A determination that the unit is not in accordance with HQS because of the family size or composition.

2. Participant Informal Hearing: The HA must give an opportunity to the participant for an informal hearing to consider whether the HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and HA policies. Under the following circumstances:

- ☞ A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- ☞ A determination of the appropriate utility allowance for tenant-paid utilities from the HA utility allowance schedule.
- ☞ A determination of the family unit size under the HA subsidy standards.
- ☞ A determination that the family is receiving subsidy for a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.
- ☞ A determination to terminate assistance for a participant family because of the family's action or failure to act.
- ☞ A determination to terminate assistance because the participant family has been absent from the assisted unit for more than fourteen days in a calendar year.

**Note:**

In the cases described hereinabove, the HA must give the opportunity for an informal hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract

- A. The HA is not required to give an informal hearing for any of the following:
- ☞ Discretionary administrative determinations by the HA.
  - ☞ General policy issues or class grievances.
  - ☞ Establishment of the HA schedule of utility allowances for families in the program.
  - ☞ A HA determination not to approve an extension or suspension of a voucher term.
  - ☞ A HA determination not to approve a unit or lease.
  - ☞ A HA determination that an assisted unit is not in compliance with HQS. Provided, however, that the HA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in the Voucher/Lease Addendum, or in other HUD rules and regulations or HA policies.
  - ☞ A HA determination that a unit is not in accordance with HQS because of the family size.
  - ☞ A HA determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.
- B. Notice to the Family: The HA must notify the family that the family may ask for an explanation of the basis of the HA determination, and if the family does not agree with the determination, the family may request an informal hearing on the decision. The housing authority must give the family prompt written notice that the family may request a hearing, and this notice must contain a brief statement of the reasons for the

decision, state that if the family does not agree with the decision, the family may request an informal hearing on the decision. The family has ten days from the date of the notice to request in writing an informal hearing. The hearing will be scheduled by the HA within ten days from the date of the request.

- C. **Hearing Procedures:** The HA must give the participant an opportunity for an informal hearing of the HA decision terminating assistance to the participant. The 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 this person. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA hearing procedures. The HA and the participant shall each have the right to review any and all relevant documents which may be used in the hearing. If these documents are not made available for review, they may not be used in the hearing. Any fees for copying or procuring the documents shall be at the expense of the requesting party. A lawyer or other representative may represent the participant at the hearing. Costs of representation shall be the responsibility of the participant. The participant must be given an opportunity to present written or oral objections to the HA decision. The HA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The HA must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision. Factual determination relating to the individual circumstances of the family shall be based upon a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

## **SECTION XII. SECTION 8 APPLICANT SELECTION PROCESS**

### **1. Housing Choice Voucher Selection and participation process:**

- A. **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 any family the opportunity of applying for a Housing Choice Voucher.
- B. **Types of Selection:** The HA may admit an applicant for participation in the program either:
- (1) as a special admission (see definition below), or
  - (2) as a waiting list admission. Also, a Section 8 Participant is responsible for finding an existing housing unit suitable to the holder's needs and desires (Reference 24 CFR 982.353, Where family can lease a unit).
  - (3) As a port-in from another Housing Choice Voucher Program.
- C. **Special Admissions:** If HUD awards the HA program funding that is targeted for families living in specified units:
- (1) The HA must use the assistance for the families living in these units.
  - (2) The HA may admit a family that is not on the HA waiting list, or without considering the family's waiting list position. The HA must

maintain records showing that the family was admitted with HUD-targeted assistance.

(3) For housing covered by the Low-Income Housing Preservation and Resident Home ownership Act of 1990 (41 U.S.C. 4101 et seq.):

(4) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and

(5) A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

2. Organization of the Waiting List: The HA waiting list must contain the following information for each applicant listed:

A. Applicant name;

B. Family unit size (number of bedrooms for which family qualifies under HA occupancy guidelines);

C. Date and time of application;

C. Local Preferences:

- A family currently residing in a homeless or spouse abuse shelter, who has been in the shelter no less than 14 days at the time of application will automatically be moved to the top of the waiting list and will be called in for the next scheduled briefing.

3. Order of Selection from the Waiting List:

A. When a Housing Choice Voucher is available, the HA will select the family at the top of the waiting list in accordance with Section XII., 2. above. The order of admission from the waiting list MAY NOT be based on family size, or on the family unit size for which the family qualifies under the HA occupancy guidelines. If the HA does not have sufficient funds to subsidize the family unit size of the family at the top the waiting list, the HA MAY NOT skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

B. Provided, however, families who fit the Local Preference criteria of this policy, shall supercede the selection of applicants based on date and time, and allow the HA to skip families on the waiting list to house families based on Local Preference.

4. Maintaining the Waiting List: The HA will remove an applicants name from the waiting list for the following:

A. The HA will remove names of applicants who do not respond to HA request for information or updates.

B. The HA will remove the names of applicants who refuse the HA'S offer of tenant based assistance.

5. Procedure for Removing an Applicants Name from the Waiting List. The applicant will be notified by the HA, in writing, of the date of Briefing. The correspondence will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The HA'S system of removing applicants names from the waiting list WILL NOT violate the rights of a disabled person(s). If an applicant's failure to respond to a request from a HA for information or updates was caused by the applicant's disability, the HA will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to allow an applicant to be reinstated on the waiting list based on the original date and time of their application, if the applicant provides proof that they did not respond due to a disability. If the disability is not apparent, the HA may request the applicant to have a doctor submit a written statement indicating that the applicant did not respond due to their disability.
6. Purging the Waiting List: To ensure that the HA's waiting list reflects the most current applicant information the waiting list will be updated and purged annually.
7. Verification of Preference (timing), 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. Preference must be verified by a written statement from the Homeless or Spousal Abuse Shelter within 24 hours of the application or the Preference will not be given to the applicant.

### **SECTION XIII. ORIENTATION OF FAMILIES AND ISSUANCE OF HOUSING CHOICE VOUCHER**

1. Briefing: The purpose of the briefing is to go over the Housing Choice Voucher holders packet in order to fully inform the participant about the program so that he/she will be able to discuss it with potential landlords.
2. Briefing Attendance Requirement: All families (head of household) are required to attend the briefing when they are initially issued Housing Choice Voucher. No Housing Choice Voucher will be awarded unless the household representative has attended a briefing.

Failure to attend a scheduled briefing will result in the family's application being placed in the inactive file and the family shall be required to reapply for assistance. Applicants who provide proof of prior commitment (i.e. court appearance, doctor's appointment, scheduled surgery, death of an immediate family member-mother, father, brother, sister, child, spouse, grandmother, grandfather) for the date and time of the scheduled briefing, attesting to their inability to attend the briefing will be scheduled for the next briefing. An individual who misses a briefing due to hospitalization, upon providing proof of said hospital stay will be placed back on the waiting list under their original application date and time. Failure of an applicant, without good cause, to participate in a scheduled briefing 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 as outlined in Section XI above.

3. Format of the Briefing: When a Family initially receives its Housing Choice Voucher, a full explanation (oral) of the following shall be provided to assist the Family in finding a

suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions depending on the circumstances). Also, families will be given adequate opportunity to raise questions and to discuss the information listed below: (Reference 24 CFR 982.301).

- A. A description of how the program works;
- B. Family and Owner Responsibility; and
- C. Where the family may lease a unit, including renting a dwelling unit inside or outside the HA jurisdiction.

**NOTE:**

*For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing must include an explanation of how portability works. The HA may not discourage the family from choosing to live anywhere in the HA jurisdiction, or outside the HA jurisdiction under portability procedures. If the family wants to port outside the HA jurisdiction and the receiving HA cannot absorb the family into their program, the HA can deny the port if the receiving HA has a payment standard in excess of 5% of this HA's .*

- D. If the family is currently living in a high poverty census tract in the HA jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.
- E. *When issuing a Housing Choice Voucher, the HA shall give the Family a Section 8 Participant's Packet, which includes: (Reference 24 CFR 982.301).*
  - (1) *The term of the housing choice voucher is 60 days. The housing choice 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 Lease Approval within the 60-day period. The HA will not use the suspension rule*
  - (2) Requesting extensions of the term. **No extensions are granted by this agency.**
  - (3) How the HA determines the housing assistance payment for a family for the housing choice voucher, information on the payment standard and the housing authority utility allowance schedule.
  - (4) How the HA determines the maximum rent for an assisted unit;
  - (5) What the family should consider in deciding whether to lease a unit, including:
    - (a) The condition of the unit;
    - (b) Whether the rent is reasonable;
    - (c) The cost of any tenant-paid utilities and whether the unit is energy-efficient; and
    - (d) The location of the unit, including proximity to public transportation (if applicable), centers of employment, schools and shopping.
  - (6) Where the family may lease a unit. For a family that qualifies to lease a

- unit outside the HA jurisdiction under portability procedures, the information packet must include an explanation of how portability works;
- (7) The HUD-required “lease addendum” (The lease addendum is the language that must be included in the lease).
  - (8) The form of request for lease approval, and an explanation of how to request HA approval to lease a unit;
  - (9) A statement of the HA policy on providing information about a family to prospective owners (See Section XV. 3 below);
  - (10) The HA subsidy standards, including when the HA will consider granting exceptions to the standards;
  - (11) The HUD brochure on how to select a unit;
  - (12) The HUD lead-based paint (LBP) brochure;
  - (13) Information on federal, state and local equal opportunity laws, and a copy of the housing discrimination complaint form;
  - (14) A list of landlords or other parties known to the HA who may be willing to lease a unit to the family, or help the family find a unit;
  - (15) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the HA that may be available;
  - (16) Family obligations under the program;
  - (17) The grounds on which the HA may terminate assistance for a participant family because of family action or failure to act; and
  - (18) The informal hearing procedures. This information must describe when the HA is required to give a participant family the opportunity for an informal hearing, and how to request a hearing.

4. Approval of Lease and Execution of Related Documents: Reference: 24 CFR 982.302 and 982.305.

When a family finds a unit, and the owner is willing to lease the unit under the program, the family may request the HA to approve the lease and unit.

*Note:*

*Property Owners cannot participate in the program if they are disapproved by the HA as outlined in Section XIV below.*

- A. If the HA determines that a unit which an Eligible Family wishes to lease meets HQS and the proposed Lease is approval, the HA shall notify the Owner and the Family of its determination of Lease approval.
- B. After receiving notification from the HA, the Owner and HA representative shall schedule a meeting and execute and sign the Contract. After the contract is executed, the Owner and Family shall execute and sign the Lease and provide a copy to the HA.
- C. The HA shall retain the following in its files:
  - (1) The Request for Lease Approval;
  - (2) The approved Lease;
  - (3) Inspection report;
  - (4) HA certification that the current rent being charged for comparable units in



- the private unassisted market, taking into account the location, size, type, quality, amenities, facilities and management and maintenance service of such unit. This certification will be maintained for three years to comply with HUD regulations and HUD inspections; and,
- (5) Executed Contract.

#### **SECTION XIV. HA DISAPPROVAL OF OWNER**

1. Owner Debarred: The HA shall not approve a unit if the HA has been informed by HUD or otherwise, that the owner is debarred, suspended, or subject to a limited denial of participation. Also, when directed by HUD, the HA shall not approve a unit if:
  - A. The Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and the action is pending, or
  - B. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
  
2. HA Administrative Discretion: The HA may deny, on a case by case basis, approval to lease a unit from an owner for any one (1) of the following:
  - A. Owner has violated obligations under a HAP contract.
  - B. Owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
  - C. The owner has engaged in any drug-related criminal activity or any violent criminal activity.
  - C. The owner has a history or practice on non-compliance with the HQS requirements, State or local housing codes.
  - D. The owner has not paid State or local real estate taxes, fines or assessments.
  - E. The owner has a history or practice of failing to terminate tenancy of participants of units assisted under Section 8 or any other Federally assisted housing program for activity by the participant, any member of his/her household, a guest or another person under the control of any member of the household that:
    - (i) Threatens the right to peaceful enjoyment of the premises by other residents:
    - (ii) Threatens the health or safety of other residents, of employees of the HA, or of owner employees or other persons engaged in management of the housing:
    - (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
    - (iv) Is engaged in drug-related criminal activity or violent criminal activity.

*Note:*

**After May 18, 1998, if the owner is a parent, child, grandparent, grandchild, sister, or brother of any member of the participant family, the HA shall not approve the unit. However, if the HA determines that approval of the unit would provide reasonable accommodation for a family member who is a disabled person, the unit may be approved.**

**SECTION XV. OWNER RESPONSIBILITY FOR SCREENING TENANTS**

1. Suitability for Tenancy: The HA does not apply its option of screening family behavior or suitability for tenancy. The HA will inform the owner that the HA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility.
2. Family's Background: An owner may consider a family's background with respect to such factors as:
  - A. Payment of rent and utility bills.
  - B. Caring for a unit and premises.
  - C. Respecting the rights of others to the peaceful enjoyment of their housing.
  - D. Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others and compliance with other essential conditions of tenancy.
3. Information Provided Owner Concerning Tenancy: The HA must give the owner the family's current address (as shown in the HA records) and the name and address of the landlord at the family's current and prior addresses, if known to the HA. The HA will provide information to an owner for all participants when the HA possesses the following:
  - A. The tenancy history of family members, or
  - B. Drug-trafficking by family members.

Information Provided Owner Concerning Criminal/Sex Offender Activity:

- A. Owner access to criminal records.
  - (1) General.

The PHA must not disclose the household member's criminal conviction record or the content of that record to the owner.

**SECTION XVI. WHERE A FAMILY CAN LEASE A UNIT WITH TENANT-BASED ASSISTANCE AND PORTABILITY PROCEDURES**

1. Assistance in the Initial HA'S Jurisdiction: The family may receive tenant-based

assistance to lease a unit located anywhere in the jurisdiction of the initial HA.

2. Portability - Assistance Outside the Initial HA Jurisdiction: Families living in the jurisdiction of the initial HA may receive tenant-based assistance to lease a unit in the jurisdiction of an HA anywhere in the United States that is administering a tenant-based program as long as the Payment Standard for the family in the receiving jurisdiction does not exceed this agency's Payment Standard by 5% or more.

*Note:*

Nonresident applicants (applicants that do not live in the legal jurisdiction of the initial HA) that apply for tenant-based assistance do not have any right to lease a unit outside the initial HA'S jurisdiction during the twelve (12) month period from the time the family is admitted to the program.

3. Income Eligibility:

- A. For admission to the housing choice voucher program, a family must be income eligible in the area where the family initially leases a unit with assistance in the housing choice voucher program.
- B. A portable family transferring must be income eligible for the new program in the area where the family leases an assisted unit. This requirement applies if the family is transferring from the initial HA'S voucher program to the receiving HA'S housing choice voucher program.

4. Leasing in Place: If the dwelling unit is approvable, a family may select the dwelling unit occupied by the family before selection for participation in the program.

5. Freedom of Choice: When the family selects eligible housing that meets all program requirements the HA may not directly or indirectly reduce the family's opportunity to select among available units.

6. Portability - Administration by the Receiving HA:

- A. When a family moves under portability to an area outside the initial HA jurisdiction, another HA (the receiving HA) must administer assistance for the family. When this situation exists, the receiving HA must inform the initial HA whether the family is being absorbed into the Receiving HA's program or if the initial HA will be billed for the assistance paid on behalf of the family. If there is more than one tenant-based HA in the area to which the family wants to port, the initial HA may choose the receiving HA. If the receiving HA absorbs the family into their program, the initial HA has no further responsibility in administering the family's voucher and the initial HA may then re-issue said voucher per program requirements.
- B. If the receiving HA is unable or unwilling to absorb the family but decides to bill the initial HA, then the family remains in the program of the initial HA and retains the initial HA voucher. The initial HA has the same responsibilities for administration of assistance for the family living outside the HA'S jurisdiction as for other families assisted by the HA within the HA'S jurisdiction.

8. Portability Procedures: An applicant must have lived in the initial HA jurisdiction for the immediate prior twelve month period for the HA to consider a request for Portability. The initial HA must determine whether the family is income-eligible in the area where the family wants to lease a unit. The initial HA must advise the family how to contact and request assistance from the receiving HA. The initial HA must promptly notify the receiving HA to expect the family. The family must promptly contact the receiving HA, and comply with receiving HA procedures for incoming portable families. The initial HA must give the receiving HA the most recent HUD Form 50058 for the family, and related verification information. If the receiving HA opts to conduct a new reexamination, the receiving HA may not delay issuing the family a housing choice voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility. When the portable family requests assistance from the receiving HA, the receiving HA must promptly inform the initial HA whether the receiving HA will bill the initial HA for assistance on behalf of the portable family, or will absorb the family into its own program. The receiving HA must determine whether to extend the housing choice voucher term. The family must submit a request for lease approval to the receiving HA during the term of the receiving HA housing choice voucher. The receiving HA must determine the family unit size for the portable family. The family unit size is determined in accordance with the subsidy standards of the receiving HA. The receiving HA must promptly notify the initial HA if the family has leased an eligible unit under the program, or if the family fails to submit a request for lease approval for an eligible unit within the term of the housing choice voucher. To provide tenant-based assistance for portable families, the receiving HA must perform all HA functions, such as reexamination of family income and composition, HQS inspections, etc.
9. Absorption by the Receiving HA: If funding is available for the receiving HA, when a certificate or voucher is received, the receiving HA may absorb the family into the receiving HA'S housing choice voucher program.

*Note:*

*HUD may require a receiving HA to absorb all or a portion of the portable families.*

10. Portability Billing: The receiving HA may bill the initial HA for housing assistance payment and administrative fees. The initial HA must promptly reimburse the receiving HA for the full amount of the housing assistance payments (HAP) made by the receiving HA for the portable family. The amount of the HAP for a portable family in the receiving HA'S program is determined in the same manner as for other families in the receiving HA program. The initial HA must promptly reimburse the receiving HA for 80 percent of the initial HA'S on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving HA. HUD may reduce the administrative fee to an initial HA, if the HA does not promptly reimburse the receiving HA for housing assistance payments or fees on behalf of portable families.

**NOTE:**

**Portability procedures and payments must be followed as set out in HUD Notice 2005-1**

Absence means that no member of the family is residing in the unit. Families participating in the program may be absent for a period of 14 calendar days without notifying the HA. If the family anticipates being absent for more than 14 consecutive calendar days, the Head of Household must request written permission from the HA prior to leaving the assisted unit. The written request must be submitted 30 calendar days in advance of the anticipated absence. The HA may approve absences in excess of 14 consecutive calendar days for vacation, hospitalization or other good cause as presented to the HA by head of household. The HA will respond in writing within 10 calendar days of the receipt of the request for approved absence. The HA will not approve any request for absence for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

**Note:**

***If an emergency situation exists, such as hospitalization, the head of household must notify the HA by telephone as soon as possible and request a determination via the telephone. Verbal request for determination may only be made in emergency situations. The HA will respond verbally and follow-up its verbal determination in writing within ten calendar days of the verbal request.***

**SECTION XVIII. CONTINUED ASSISTANCE AFTER FAMILY BREAK-UP**

The HA shall determine which family members will continue to receive assistance after a family break-up. The head of household, spouse or any adult member of the household must notify the HA that there has been a family break-up and continued assistance is being requested. The assisted family member making the request must submit the request in writing to the HA and request a determination. The request must be made within 10 calendar days of the break-up. The HA will consider the following factors in making this determination:

1. Assisted Unit: Whether the assistance should remain with family members remaining in the original assisted unit.
2. Interest of Family Members: The interest of minor children or of ill, elderly or disabled family members.
3. Physical Violence: Whether family members are forced to leave the unit as a result of actual or threatened physical violence against family members by a spouse or other member of the household.

The HA will issue a determination within 10 calendar days of receipt of the request for a determination. The person requesting the determination may request an Informal Hearing in accordance with the HA established procedures if they disagree with the determination of the HA.

**Note:**

***If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the HA is bound by the court's determination of which family members continue to receive assistance in the program.***

**SECTION XIX. SUBSIDY STANDARDS**

The following subsidy standards shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing:

**Subsidy Standard Chart**

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

Section 8 participants shall be issued a Housing Choice Voucher based on the subsidy standard listed above. In determining family unit size for a particular family, the HA may grant an exception to the above subsidy standard if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. The family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, unless a live in aide resides with the family. Any live in aide must be approved by the HA, in advance, and reside in the unit to care for a family member who is disabled or is at least 50 years of age. A live in aide must be counted in determining the family unit size.

A family that consists of a pregnant woman (with no other persons) must be treated as a one-person family.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

**SECTION XX. INSPECTIONS OF PRIVATE LANDLORD'S PROPERTY:**

When the HA receives a Request for Lease approval the HA shall inspect the unit for compliance with its housing quality standards (HQS). The HA will conduct the initial HQS inspection within 15 days after receipt of the inspection request from the family and owner. If there are defects or deficiencies which must be corrected in order for the unit to comply with HQS standards, the Owner shall be advised, in writing, by the HA of the work required to be done before a Contract can be executed. The unit will be re-inspected to ascertain that the necessary work has been performed and the unit meets HQS standards for occupancy.

*Note:*

*It is the policy of the HA to perform an initial inspection and one (1) re-inspection at no cost to the Owner. If the Owner fails to correct the identified deficiencies and an additional re-*

*inspection is required, the Owner may be charged \$25 for each additional re-inspection that is required because the Owner has not corrected the identified deficiencies in the County and \$15 will be charged for each additional re-inspection in the city of London.*

**Note:**

***The HA shall not be required to perform an HQS inspection if the housing conditions are such that its inspector may be exposed to an unreasonable risk of harm.***

The HA will maintain a copy of every inspection and re-inspection report for three years, with one exception. If the unit inspected requires testing for Lead Based Paint and/or the unit requires treatment of chewable surfaces based on the testing, the HA shall keep indefinitely the test results and, if applicable, the Owner certification of the treatment. The inspection reports will specify the defects or deficiencies, which must be corrected in order for the unit to be corrected for the unit to meet HQS standards. The inspection report will also reflect any other defects or deficiencies, that do not cause the unit to fail, in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

## **SECTION XXI. INSPECTION STANDARDS:**

Before a unit can be approved for Occupancy under the Section 8 program, the unit must meet the performance requirements set forth in 24 CFR 982.401, which are the Housing Quality Standards (HQS) adopted by the HA. The HA does not elect to substitute, any state or local housing codes, for HQS. Further the HA does not elect to enforce any state or local codes in conjunction with HQS.

1. HQS Inspection Areas: The following areas are included in HQS inspections:

- ☞ Sanitary facilities;
- ☞ Food preparation and refuse disposal;
- ☞ Space and security;
- ☞ Thermal environment;
- ☞ Illumination and electricity;
- ☞ Structure and materials;
- ☞ Interior air quality;
- ☞ Water supply;
- ☞ Lead based paint;
- ☞ Access;
- ☞ Site and neighborhood;
- ☞ Sanitary condition; and
- ☞ Smoke Detectors.

**Note:**

The HA's inspection only certifies that the unit meets HQS federal regulations and the HA is not responsible for items not included in the HQS inspection. The HA will use HUD approved inspection forms to perform Section 8 Inspections.

2. Types of HQS Inspections:

- A. Initial Inspections: Performed by the HA staff **within 15 days** after receiving the Request for Lease Approval from the applicant.
- B. Yearly inspections (annual inspections) as required by HQS for tenants continuing to receive assistance and remaining in the same unit.
- C. Re-Inspections: Inspections that are performed by HA staff for the purpose of verifying that deficiencies noted in the previous inspection have been corrected and meet HQS.
- D. Quality Control Inspections: The management staff will re-inspect the required HUD percentage (based on a random sample) of the total number of Section 8 units under HAP contract to insure that inspections are being performed in compliance with HQS standards. The Executive Director may perform some or all of the re-inspections, as necessary.
- E. Special Inspections: These types of inspections may be necessary when a Federal Official visits the HA to perform a compliance review of the HA and/or the Owner may request a special inspection be performed to document the condition to the unit.
- F. Move-out Inspections: These inspections are performed after the tenant moves out of the unit and the Owner and/or the Owner's representative will be required to attend the move-out inspection. If the tenant plans to remain in the unit and the HAP contract is going to be canceled, the inspection can be performed with the tenant in place. Move-out inspections substantiate possible damage claim/violation of family obligations. The Owner may write the HA and indicate that there are damages and request a move-out inspection. If an Owner requests a move out inspection to substantiate a damage claim/violation of family obligation the inspection must be completed prior to the work being done that will correct the damage. The Owner must request an inspection within 5 business days of the move-out. The HA may use this evidence to terminate the continuing assistance to the participant because of a family violation.

***Note:***

***The HA is not responsible for any damage claim for HAP contracts. The tenant is liable for any damages above and beyond reasonable wear and tear on the unit.***

**SECTION XXII. DETERMINATION OF PARTICIPANT RENT AND RE-EXAMINATION OF INCOME AND FAMILY CIRCUMSTANCES**

Rent as initially determined or at annual reexamination will remain in effect for the period between regular reexamination of family income and composition unless the following changes in family circumstances occur. Also, Section 8 participant agrees to report, in writing, and provide certification following any change in annual income within ten (10) calendar days of the occurrence.

- A. Change in family composition by loss or addition of any family member through birth,



death, divorce, removal or 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 at least 18 years of age; or
- C. To correct errors made when determining eligibility or at reexamination.

**Note:**

***If an error results in a retroactive rent payment due to the participant not providing correct information concerning annual income, the Section 8 participant may request the HA representative to approve a repayment schedule. The Section 8 participant must make the request, in writing, to the HA representative. The amount of the repayment will be the higher of \$10.00 per month or 10 percent of the monthly adjusted income. The HA representative will provide the Section 8 participant with a written response to their request and if approved the written notification will include the amount of the monthly repayment plus the due date of the first payment.***

The final estimate of Family Income will be made by the HA on the basis of verified information regarding income.

There is no minimum income requirement to receive a voucher, but the staff should use good interviewing skills to determine whether there is income (as defined in Section IV) 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 a verification form to verify that no income is being received. No participant will be allowed to claim zero income for more than 90 days. If at the end of 90 days, the family shows no income from wages, TANF, child support, SSI, etc. they will be required to fill out an imputed income form which will be annualized and used to determine the families TTP.

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 is received. Families with zero income may be requested to re-certify monthly.

1. Annual Re-examination:

- A. Once each year, or as required by this HA, the HA must reexamine the income and family composition of all families participating the Section 8 Program in accordance with 24 CFR 5.617. Verifications acceptable to the HA shall be obtained and determinations made. In the event of failure or refusal of the family to report the necessary information, the HA may terminate the assistance.
- B. Records shall be maintained by the HA to insure that every participant's income and family composition has been reexamined within a twelve month period.
- C. Upon completion of reexamination and verification, the participant 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 participant's file.)

- (1) Any change in rent and the date on which it becomes effective.
- (2) Any change required because of a change in the composition of the family.

2. Interim Re-determination of Rent: Rent as set at admission or Annual Re-examination will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. The participant 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 participant.
- 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, Aid for Dependent Children, 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 next re-examination and re-determination of rent.
- E. Errors of omission made at admission or re-examination shall be corrected by the HA. Retroactive payments will be made to the participant if the error is in his/her favor.
- F. A participant who has had a rent reduction/increase after initial occupancy or after annual re-examination must report all changes in income within ten (10) calendar days regardless of the amount or source.

3. The Effective Dates of Interim Re-determination 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 participant 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 to report such increase in family income.

- (1) Any interim change in rent will require re-verification of all family income that has not been verified within ninety (90) calendar days of the previous rent determination.
- (2) Participant 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 United States Department of Housing and Urban Development.
- (3) Temporary employment/unemployment or increases and decreases in wages "for any reason" of less than 30 days will not constitute a rent adjustment.
- (4) If it is found that a participant has misrepresented or failed to report facts upon which rent is based so that the participant is paying less than they should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the participant may be subject to civil and criminal penalties. Misrepresentation is a serious program violation, which may result in termination.

4. Reduction of Welfare Benefits: If the Section 8 participant requests an income re-examination and the rent reduction is predicated on a reduction in tenant income from welfare, the request will be denied, but only after obtaining written verification from the welfare agency that the participant's family benefits, have been reduced because of:

- A. Noncompliance with economic self-sufficiency program or;
- B. Work activities requirements or;
- C. Because of fraud.

5. Exception to Rent Reductions: 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 affect their Section 8 tenant-based assistance.

### **SECTION XXIII. ADJUSTMENT TO UTILITY ALLOWANCES, CONTRACT RENTS, MONTHLY HOUSING ASSISTANCE PAYMENTS AND FAMILY SHARE**

1. Utility Allowance Schedule.

A. Maintaining schedule.

- (1) The HA must maintain a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).

- (2) The HA must give HUD a copy of the utility allowance schedule. At HUD's request, the HA also must provide any information or procedures used in preparation of the schedule.
- B. Revisions of utility allowance schedule. The Utility Allowance schedules are reviewed and, if necessary, revised effective October 1 of each year.
  - (1) An HA must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The HA must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.
  - (2) At HUD's direction, the HA must revise the utility allowance schedule to correct any errors, or as necessary to update the schedule.
- C. Use of utility allowance schedule.
  - (1) The HA must use the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the HA subsidy standards).
  - (2) At reexamination, the HA must use the HA current utility allowance schedule.
- D. Higher utility allowance as reasonable accommodation for a person with disabilities. On request from a family that includes a person with disabilities, the HA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

**Note:**

The HA, at its discretion, has the option of paying the UAP to the program participant or the utility company. The participant's consent is **NOT** needed for this action.

2. **Contract Rents:** Contract Rents may be adjusted as provided below:

- A. The rent to owner may not be increased during the first term of the lease.
- B. The owner may increase the family's rent at any time after the initial term of the lease, subject to the HA's approval based on rent reasonableness, with a 60 days written notice to the family and the HA.

**Overall Limitation of Adjustments:** Notwithstanding any other provisions of this part, adjustments as provided for in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units.

2. **Monthly Housing Assistance Payment (HAP) Payments:** Monthly payments will be made to an owner on behalf of a family participating in the Section 8 Program. Payments will be issued in accordance with the Housing Assistance Payment Contract. The checks will be

issued on a monthly basis and mailed directly to the participating owner (due on the fifth (5) day of each month for the current month.) A copy of the check stub will be kept and serve as a record of payment.

If the housing assistance payment exceeds the rent to owner, the HA may pay the balance of the housing assistance payment either to the family or directly to the utility supplier to assist in paying utilities on behalf of the family.

3. Family Share: (Family responsibility).

- A. The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.

Note: Maximum Initial Rent Burden: A family must not pay more than 40% of adjusted income for rent when the family first receives assistance for occupancy of a particular unit. This requirement is applicable each time a participant moves to a new unit. However, it is not applicable if the family stays in the same unit where the family initially received housing choice voucher assistance for occupancy of the unit before the merger date.

- B. The HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the family share. Payment of the family share is the responsibility of the family.

**SECTION XXIV. FAIR MARKET RENT (FMR), PAYMENT STANDARD FOR VOUCHERS AND RENT REASONABLENESS LIMITATION**

1. Negotiating Rent to Owner. The owner and the family negotiate the rent to owner. At the family's request, the HA must help the family negotiate the rent to owner.

2. Rent to Owner: Reasonable Rent:

- A. HA determination.

- (1) The HA may not approve a lease until the HA determines that the initial rent to owner is a reasonable rent.
- (2) The HA must re-determine the reasonable rent:
- (3) Before any increase in the rent to owner;
- (4) 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
- (5) If directed by HUD.
- (6) The HA may also re-determine the reasonable rent at any other time.
- (7) 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.

- B. Comparability. The HA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units.

Note:  
The rent reasonableness methodology used by this HA is attached to this document as Appendix "A"

- C. Owner certification of rents charged 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.
3. Maximum Subsidy: FMR/Exception Rent Limit.
- A. Purpose.
    - (1) Fair market rents (FMRs) are published by HUD. In the voucher program, the FMR/exception rent limit is used to determine the payment standards.
    - (2) The payment standard must be between 90% and 110% of the FMR/exception rent limit and is the maximum subsidy for a family. **This agency uses 110% of the FMR.**
  - B. Determining exception rent.
    - (1) Area exception rent: HUD approval.
      - (a) At HUD's sole discretion, HUD may approve an area exception rent for all units, or all units of a given size (number of bedrooms), leased by program families in a part of the fair market rent area that is designated as an "exception rent area." A HUD-approved area exception rent applies to all HAS with jurisdiction of the exception rent area.
      - (b) An area exception rent may not exceed 120% of the FMR.
      - (c) HUD will determine the area exception rent by either of the two following methods:
        - (i) Median rent method. In the median rent method, HUD determines the area exception rent by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception rent area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception rent area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census data products.
        - (ii) 40<sup>th</sup> percentile rent method. In this method, HUD determines that the area exception rent equals the 40<sup>th</sup> percentile of rents to lease standard quality rental housing in the exception rent area. HUD determines the 40<sup>th</sup> percentile rent in accordance with the methodology described in 24 CFR 888.113 for determining fair market rents. An HA that asks HUD to approve an area exception rent determined by the 40<sup>th</sup> percentile rent method must present statistically representative rental housing survey data that justify exception rent approval by HUD.

- (d) An area exception rent will not be approved unless HUD determines that an exception rent is needed either:
    - (i) To help families find housing outside areas of high poverty; or
    - (ii) Because voucher holders have trouble finding housing for lease under the program within the term of the voucher.
  - (e) The total populations of exception rent areas in an FMR area may not include more than 50 percent of the population of the fair market rent area.
  - (f) At any time, HUD may withdraw or modify any approved area exception rent.
- (2) Exception payment standard rent as reasonable accommodation for person with disabilities: HA approval. On request from a family that includes a person with disabilities, the HA may approve an exception payment standard of up to 110% 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. Also, HUD may approve an exception payment standard from 110% to 120% of the published FMR for a reasonable accommodation.
4. Voucher Tenancy (How to calculate housing assistance payment).
- A. Payment Standard. A payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard is the maximum monthly subsidy payment for a family. **This agency uses 110% of the FMR as the payment standard.**
- B. Amount of assistance.
- (1) Voucher payment standard: Maximum and Minimum.
    - (a) The HA must adopt a payment standard schedule that establishes payment standards for the HA voucher program. For each FMR area and for each exception rent area, the HA must establish voucher payment standard amounts by unit size (zero-bedroom, one-bedroom, and so on).
    - (b) For a voucher tenancy, the payment standard for each unit size may not be:
      - (i) More than 110% of the current FMR/exception rent limit; or
      - (ii) Less than 90 percent of the current FMR/exception rent limit, unless a lower percent is approved by HUD.
  - (2) Formula.
    - (a) The housing assistance payment for a family equals the lesser of:
      - (i) The applicable payment standard minus 30 percent of monthly adjusted income; or
      - (ii) The monthly gross rent minus the minimum rent.
    - (b) The minimum rent is the higher of:
      - (i) 10 percent of monthly income (gross income); or
      - (ii) The HA's established minimum rent.
  - (3) Voucher payment standard schedule.

- (a) The voucher payment standard schedule establishes a single payment standard for each unit size in an FMR area and, if applicable, in a HUD-approved exception rent area within an FMR area.
  - (b) Payment standard amounts on the payment standard schedule must be within the maximum and minimum limits stated in paragraph 1(b) of this section. Within these limits, payment standard amounts on the schedule may be adjusted annually, at the discretion of the HA, if necessary to assure continued affordability of units in the HA jurisdiction.
  - (c) To calculate the housing assistance payment for a family, the HA must use the applicable payment standard from the HA payment standard schedule for the fair market rent area (including the applicable payment standard for any HUD-approved exception rent area) where the unit rented by the family is located.
- C. Payment standard for family.
- (1) The payment standard for a family is the lower of:
    - (a) The payment standard for the family unit size; or
    - (b) The payment standard for the unit size rented by the family; or
    - (c) The gross rent for the unit.
  - (2) If the unit rented by a family is located in an exception rent area, the HA must use the appropriate payment standard for the exception rent area.
  - (3) During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
    - (a) The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
    - (b) The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
  - (4) If there is a change in family size or composition during the HAP contract term, paragraph (d)(4)(i) of this section does not apply at the next regular reexamination following such change, or thereafter during the term.

5. Rent to Owner: (Effect of rent control).

In addition to the rent reasonableness limit under this subpart, the amount of rent to owner also may be subject to rent control limits under State or local law.

6. Other Fees and Charges.

- A. The cost of meals or supportive services may not be included in the rent to owner, and the value of meals or supportive services may not be included in the calculation of reasonable rent.
- B. The lease may not require the participant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.
- C. The owner may not charge the participant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.



7. Distribution of Housing Assistance Payment.

The monthly housing assistance payment is distributed as follows:

- A. The HA pays the owner the lesser of the housing assistance payment or the rent to owner.
- B. If the housing assistance payment exceeds the rent to owner, the HA may pay the balance of the housing assistance payment either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

8. Family Share: (Family responsibility).

- A. The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.
- B. The HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the family share. Payment of the family share is the responsibility of the family.

9. Family Income and Composition: (Regular and interim examinations).

- A. HA responsibility for reexamination and verification.
  - (1) The HA's responsibilities for reexamining family income and composition are specified in 24 CFR part 5, subpart F.
  - (2) The HA must obtain and document in the participant file third party verification of the following factors, or must document in the participant file why third party verification was not available:
    - (a) Reported family annual income;
    - (b) The value of assets;
    - (c) Expenses related to deductions from annual income; and
    - (d) Other factors that affect the determination of adjusted income.
- B. When HA conducts interim reexamination.
  - (1) At any time, the HA may conduct an interim reexamination of family income and composition.
  - (2) At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The HA must make the interim determination within a reasonable time after the family request.
  - (3) Interim examinations must be conducted in accordance with policies in the HA administrative plan.
- C. Family members income. Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The HA must conduct a reexamination to determine such additional income, and must make appropriate adjustments in the housing assistance payment and family unit size.

**SECTION XXV. AFFORDABILITY ADJUSTMENTS AND RENT PROVISIONS-  
VOUCHERS & HOUSING CHOICE VOUCHER ONLY**

1. Annual Increases of Payment Standards. The HA, in its discretion, may adopt annual increases of payment standards amounts (up to 110% of the HUD published FMR's) on the payment standard schedule so that families can continue to afford to lease units with assistance under the Housing Voucher Program (Reference 24 CFR 982.617). In determining when an adjustment to the payment is necessary the HA will consider,
  - A. Rent burden (number of families paying more than 30% of income for rent)
  - B. Success rate in leasing, and
  - C. Percentage of FMR
2. Rent Negotiation. Under the Housing Voucher Program and Housing Choice Voucher Program, the rent to the owner is a matter of negotiation between the owner and the family. The rent must be within the guidelines of "rent reasonableness", and this rental amount must be certified by the HA as falling within the guidelines of "rent reasonableness". If requested by the family, the HA must also assist the family in negotiating a reasonable rent with the owner. (Reference 24 CFR 982.309)
3. Rent Increase: The rent to owner may not be increased during the first year of the lease. The lease may provide that the owner may increase the rent at any time after the first anniversary of the lease, but the owner must give the tenant and the HA 60 days written notice of any increase before it takes effect. (Reference 982.309)
4. HA Disapproval of Lease: The HA may disapprove a lease for a rent that is not reasonable, based on rents charged for comparable rental units. HAs may exercise this authority in communities where the market is not functioning normally or where some families are not able to negotiate reasonable rent on their own. For example, where there is a concentration of ownership by a small number of landlords, or where rents charged to voucher holders are greater than rents charged to certificate holders living in comparable units. A HA must document each case in which it disapproves a lease because the rent is not reasonable. (Reference 982.309)

**SECTION XXVI. SECURITY DEPOSIT**

The owner establishes the amount of the security deposit to be charged. The security deposit should be consistent with private market practice, or security deposits for the owner's unassisted units. When the tenant moves out of the dwelling unit, the owner, subject to State and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease. The owner must give the tenant a written list of all charges against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

*Note:*

*IF THE SECURITY DEPOSIT IS NOT SUFFICIENT TO COVER AMOUNTS THE TENANT OWES UNDER THE LEASE, THE OWNER MAY SEEK TO COLLECT THE BALANCE FROM THE TENANT.*

*Note:*

*The HA is not responsible for any damages to the unit and will not process any damage claims for HAP contracts signed after October 2, 1995.*

## **SECTION XXVII. TERMINATION OF TENANCY BY OWNER**

1. Reasons for Termination: The Owner shall not terminate the tenancy of the Family except for:
  - A. Serious or repeated violation of the terms and conditions of the Lease;
  - B. Criminal Activity by the tenant, any member of the household, a guest or another person under the tenant's control shall be cause for termination of tenancy. Criminal activity is defined as, criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises.
  - C. Violation of Federal , State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
  - D. Other good cause, which may include, but not be limited to: failure by the family to accept the offer of a new lease or revision; a family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to lease the unit at a higher rental).
2. Eviction by Court Action: The Owner may evict the Family from the Contract unit only by instituting a court action. The Owner must notify the HA, in writing, of the commencement of procedures for termination of tenancy, at the same time that the Owner gives notice to the Family under State law.
3. Written Notice: Owners must provide written notice of not less than 1 year before termination of a project-based certificate or moderate rehabilitation HAP contract because of an owner opt-out or expiration of the HAP contract. Copies of these notices must be provide to the HA. (Reference HUD Notice PIH 93-54, issued October 19, 1993 and 24 CFR 982.455).

4. Termination During First Year: During the first year of the lease term, the owner may not terminate the tenancy for “other good cause”, unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for “other good cause”, based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of tenancy (See 1 D above).

## **SECTION XXVIII. TERMINATION OF HOUSING ASSISTANCE PAYMENT (HAP) CONTRACT**

1. Termination of HAP Contract When the Unit is to Big or Too Small: If the HA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the HA must issue the family a new certificate or voucher, and the family and HA must try to find an acceptable unit as soon as possible. When the subsidy is to big for the family size, for the tenant-based certificate program only, the HA must issue the family a new certificate, and the family and the HA must try to find and acceptable unit as soon as possible. If the family is residing in a dwelling unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standard and the gross rent for the unit(sum of the contract rent plus any utility allowance for the unit size leased) exceeds the FMR or exception rent, the HA must notify the family that exceptions to the subsidy standard may be granted, and the circumstances in which the HA may grant and exception. If an acceptable unit is available for rental by the family within the FMR/exception rent limit, the HA must terminate the HAP contract in accordance with its terms.
2. Breach of Contract: Termination of HAP contract for owner breach of contract. Breaches of the contract of outlined in the contract.
3. Automatic Termination of HAP Contract: The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

## **SECTION XXIX. PROGRAM MANAGEMENT PLAN - Organization Plan (See attached Exhibit “C”)**

1. Executive Director: Responsible for all aspects of the Section 8 Programs.
2. Housing Coordinator: Performs certifications and re-certifications, prepares housing assistance payments, and assists in application and issuing process.
3. Assistant Coordinator: Performs same duties as the Housing Coordinator.
4. Receptionist/Secretary: Performs receptionist and Secretarial duties.

## **SECTION XXX. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REVIEW OF CONTRACT COMPLIANCE**

HUD will review program operations at such intervals as it deems necessary to insure that the owner and the HA are in full compliance with the terms and conditions of the contract and the ACC. Equal opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

## **SECTION XXXI. ADMINISTRATIVE FEE RESERVE EXPENDITURES**

Expenditures from the administrative fee reserve of the Section 8 programs in excess of \$2,500.00 will be approved by the board of the Laurel County Fiscal Court.

## **SECTION XXXII. SPECIAL HOUSING TYPES**

### **1. Overview**

- A. Special housing types. This subpart describes program requirements for special housing types. The following are the special housing types:
  - (1) Single room occupancy (SRO) housing;
  - (2) Congregate housing;
  - (3) Group home;
  - (4) Shared housing;
  - (5) Cooperative (including mutual housing);
  - (6) Manufactured home.
  
- B. HA choice to offer special housing type.
  - (1) The HA may permit a family to use any of the following special housing types in accordance with requirements of the program: single room occupancy housing, congregate housing, group home, shared housing or cooperative housing.
  - (2) In general, the HA is not required to permit use of any of these special housing types in its program.
  - (3) The HA must permit use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part8.
  - (4) For occupancy of a manufactured home, see Sec. 982.620(a).
  
- C. Family choice of housing and housing type. The HA may not set aside program funding for special housing types, or for a specific special housing type. The family chooses whether to rent housing that qualifies as a special housing type under this subpart, or as any specific special housing type, or to rent other eligible housing in accordance with requirements of the program. The HA may not restrict the family's freedom to choose among available units in accordance with Sec. 982.353.
  
- D. Applicability of requirements. Except as modified by this subpart, requirements in the other subparts of this part apply to the special housing types. Provisions in this subpart only apply to a specific special housing type. The housing type is noted in the title of each section.

### **2. Single Room Occupancy (SRO)**

#### **A. SRO: General. Sec. 982.602**

- (1) Who may reside in an SRO? A single person may reside in an SRO housing unit.

- (2) When may a person rent an SRO housing unit? A single person may rent a unit in SRO housing only if:
  - (a) HUD determines there is significant demand for SRO units in the area;
  - (b) The HA and the unit of general local government approve providing assistance for SRO housing under the program; and (3) The unit of general local government and the HA certify to HUD that the property meets applicable local health and safety standards for SRO housing.
  
- B. SRO: Lease and HAP contract. Sec. 982.603
 

For SRO housing, there is a separate lease and HAP contract for each assisted person.
  
- C. SRO: Rent and housing assistance payment. Sec. 982.604
  - (1) Payment standard. The HA must adopt a payment standard for persons who occupy SRO housing with assistance under the voucher program. The SRO payment standard may not exceed the FMR/exception rent limit for SRO housing. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.
  - (2) Utility allowance. The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.
  
- D. SRO: Housing quality standards. Sec. 982.605
  - (1) (a) HQS standards for SRO. The HQS in Sec. 982.401 apply to SRO housing. However, the standards in this section apply in place of Sec. 982.401
    - (b) (sanitary facilities), Sec. 982.401(c) (food preparation and refuse disposal), and Sec. 982.401(d) (space and security). Since the SRO units will not house children, the housing quality standards in Sec. 982.401(j), concerning lead-based paint, do not apply to SRO housing.
  - (2) Performance requirements.
    - (a) SRO housing is subject to the additional performance requirements in this paragraph (b).
    - (b) Sanitary facilities, and space and security characteristics must meet local code standards for SRO housing. In the absence of applicable local code standards for SRO housing, the following standards apply:
      - (i) Sanitary facilities.
        - (A) At least one flush toilet that can be used in privacy, lavatory basin, and bathtub or shower, in proper operating condition, must be supplied for each six persons or fewer residing in the SRO housing.
        - (B) If SRO units are leased only to males, flush urinals may be substituted for not more than one-half the required number of flush toilets. However, there must be at least one flush toilet in the building.
        - (C) Every lavatory basin and bathtub or shower must be supplied at all times with an adequate quantity of hot and cold running water.
        - (D) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of

human waste. The facilities must utilize an approvable public or private disposal system.

- (E) Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them. These facilities may not be located more than one floor above or below the SRO unit. Sanitary facilities may not be located below grade unless the SRO units are located on that level.

ii) Space and security.

(A) No more than one person may reside in-an SRO unit.

(B) An SRO unit must contain at least one hundred ten square feet of floor space.

(C) An SRO unit must contain at least four square feet of closet space for each resident (with an unobstructed height of at least five feet). If there is less closet space, space equal to the amount of the deficiency must be subtracted from the area of the habitable room space when determining the amount of floor space [[Page 23866]] in the SRO unit. The SRO unit must contain at least one hundred ten square feet of remaining floor space after subtracting the amount of the deficiency in minimum closet space.

(D) Exterior doors and windows accessible from outside an SRO unit must be lockable.

3) Access.

(a) Access doors to an SRO unit must have locks for privacy in proper operating condition.

(b) An SRO unit must have immediate access to two or more approved means of exit, appropriately marked, leading to safe and open space at ground level, and any means of exit required by State and local law.

(c) The resident must be able to access an SRO unit without passing through any other unit.

(4) Sprinkler system. A sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as State or local law may require must be installed in each building. The term ``major spaces" means hallways, large common areas, and other areas specified in local fire, building, or safety codes.

3. Congregate Housing

A. Who may reside in congregate housing. Sec. 982.606

(1) An elderly person or a person with disabilities may reside in a congregate housing unit.

(a) If approved by the HA, a family member or live-in aide may reside with the elderly person or person with disabilities.

(b) The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in aide.

B. Lease and HAP contract. Sec. 982.607

For congregate housing, there is a separate lease and HAP contract for each assisted family.

- C. Rent and housing assistance payment; FMR/exception rent limit. Sec. 982.608
  - (1) Unless there is a live-in aide:
    - (a) The FMR/exception rent limit for a family that resides in a congregate housing unit is the zero-bedroom FMR/exception rent limit.
    - (b) However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the FMR/exception rent limit for a family that resides in a congregate housing unit is the one-bedroom FMR/exception rent limit.
  - (2) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.
- D. Housing quality standards. Sec. 982.609
  - (1) HQS standards for congregate housing. The HQS in Sec. 982.401 apply to congregate housing. However, the standards in this section apply in place of Sec. 982.401(c) (food preparation and refuse disposal). Congregate housing is not subject to the HQS acceptability requirement in Sec. 982.401(d)(2)(i) that the dwelling unit must have a kitchen area.
  - (2) Food preparation and refuse disposal: Additional performance requirements. The following additional performance requirements apply to congregate housing:
    - (a) The unit must contain a refrigerator of appropriate size.
    - (b) There must be central kitchen and dining facilities on the premises. These facilities:
      - (i) Must be located within the premises, and accessible to the residents;
      - (ii) Must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner;
      - (iii) Must be used to provide a food service that is provided for the residents, and that is not provided by the residents; and (iv) Must be for the primary use of residents of the congregate units and be sufficient in size to accommodate the residents.
    - (c) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

#### 4. Group Home

- A. Who may reside in a group home. Sec. 982.610
  - (1) An elderly person or a person with disabilities may reside in a State-approved group home.
  - (2)
    - (a) If approved by the HA, a live-in aide may reside with a person with disabilities.
    - (b) The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in aide.
  - (3) Except for a live-in aide, all residents of a group home, whether assisted or unassisted, must be elderly persons or persons with disabilities.
  - (4) Persons residing in a group home must not require continual medical or nursing care.



- (5) Persons who are not assisted under the tenant-based program may reside in a group home.
  - (6) No more than 12 persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.
- B. Lease and HAP contract. Sec. 982.611

For assistance in a group home, there is a separate HAP contract and lease for each assisted person.

- C. State approval of group home. Sec. 982.612

A group home must be licensed, certified, or otherwise approved in writing by the State(e.g., Department of Human Resources, Mental Health, Retardation, or Social Services) as a group home for elderly persons or persons with disabilities.

- D. Rent and housing assistance payment. Sec. 982.613

(1) Meaning of pro-rata portion. For a group home, the term “pro-rata portion,” means the ratio derived by dividing the number of persons in the assisted household by the total number of residents(assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any HA-approved live-in aide.

(2) Rent to owner: Reasonable rent limit.

- (a) The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.
- (b) The reasonable rent for a group home is determined in accordance with Sec. 982.503. In determining reasonable rent for the group home, the HA must consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private facilities.

(3) Maximum subsidy.

(a) Family unit size.

- (i) Unless there is alive-in aide, the family unit size is zero or one bedroom.
- (ii) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

(b) Voucher tenancy: The payment standard for a person who resides in a group home is the lower of:

- (i) The payment standard for the family unit size; or
- (ii) The pro-rata portion of the payment standard for the group home size.

(c) Over-FMR tenancy: Payment standard. For an over-FMR tenancy, the payment standard for a person who resides in a group home is the lower of:

- (i) The FMR/exception rent limit for the family unit size; (ii) The pro-rata portion of the FMR/exception rent limit for the group home size.

- E. Utility allowance. The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.
  
- F. Housing quality standards. Sec. 982.614
  - (1) Compliance with HQS. The HA may not give approval to reside in a group home unless the unit, including the portion of the unit available for use by the assisted person under the lease, meets the housing quality standards.
  - (2) Applicable HQS standards.
    - (a) The HQS in Sec. 982.401 apply to assistance in a group home. However, the standards in this section apply in place of Sec. 982.401(b) (sanitary facilities), Sec. 982.401(c) (food preparation and refuse disposal), Sec. 982.401(d) (space and security), Sec. 982.401(g) (structure and materials) and Sec. 982.401(l) (site and neighborhood).
    - (b) The entire unit must comply with the HQS.
  - (3) Additional performance requirements. The following additional performance requirements apply to a group home:
    - (a) Sanitary facilities.
      - (i) There must be a bathroom in the unit. The unit must contain, and an assisted resident must have ready access to:
        - (A) A flush toilet that can be used in privacy;
        - (B) A fixed basin with hot and cold running water; and
        - (C) A shower or bathtub with hot and cold running water.
      - (ii) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.
      - (iii) The unit may contain private or common sanitary facilities. However, the facilities must be sufficient in number so that they need not be shared by more than four residents of the group home.
      - (iv) Sanitary facilities in the group home must be readily accessible to and usable by residents, including persons with disabilities.
    - (b) Food preparation and service.
      - (i) The unit must contain a kitchen and a dining area. There must be adequate space to store, prepare, and serve foods in a sanitary manner.
      - (ii) Food preparation and service equipment must be in proper operating condition. The equipment must be adequate for the number of residents in the group home. The unit must contain the following equipment:
        - (A) A stove or range, and oven;
        - (B) A refrigerator; and
        - (C) A kitchen sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.
      - (iii) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.
      - (iv) The unit may contain private or common facilities for food preparation and service.
    - (c) Space and security.

- (i) The unit must provide adequate space and security for the assisted person.
- (ii) The unit must contain a living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space. The unit must contain at least one bedroom of appropriate size for each two persons.
- (iii) Doors and windows that are accessible from outside the unit must be lockable.
- (d) Structure and material.
  - (i) The unit must be structurally sound to avoid any threat to the health and safety of the residents, and to protect the residents from the environment.
    - (ii) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other significant damage. The roof structure must be firm, and the roof must be watertight. The exterior or wall structure and exterior wall surface may not have any serious defects such as serious leaning, buckling, sagging, cracks or large holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., must not present a danger of tripping or falling. Elevators must be maintained in safe operating condition.
  - (iii) The group home must be accessible to and usable by a resident with disabilities.
- (e) Site and neighborhood. The site and neighborhood must be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the residents. The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mud slides, abnormal air pollution, smoke or dust, excessive noise, vibrations or vehicular traffic, excessive accumulations of trash, vermin or rodent infestation, or fire hazards. The unit must be located in a residential setting.

## 5. Shared Housing

### A. Shared housing: Occupancy. Sec. 982.615

- (1) Sharing a unit. An assisted family may reside in shared housing. In shared housing, an assisted family shares a unit with the other resident or residents of the unit. The unit may be a house or an apartment.
- (2) Who may share a dwelling unit with assisted family?
  - (a) If approved by the HA, a live-in aide may reside with the family to care for a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in-aide.
  - (b) Other persons who are assisted under the tenant-based program, or other persons who are not assisted under the tenant-based program, may reside in a shared housing unit.

- (c) The owner of a shared housing unit may reside in the unit. A resident owner may enter into a HAP contract with the HA. However, housing assistance may not be paid on behalf of an owner. An assisted person may not be related by blood or marriage to a resident owner.

B. Lease and HAP contract. Sec. 982.616

For assistance in a shared housing unit, there is a separate HAP contract and lease for each assisted family.

C. Rent and housing assistance payment. Sec. 982.617

- (1) Meaning of pro-rata portion. For shared housing, the term “pro-rata portion,” means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.
- (2) Rent to owner: Reasonable rent.
  - (a) The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.
  - (b) The reasonable rent is determined in accordance with Sec. 982.503.
- (3) Maximum subsidy.
  - (b) Voucher Tenancy: The payment standard is the lower of:
    - (i) The payment standard for the family unit size; or
    - (ii) The pro-rata portion of the payment standard for the shared housing unit size.
  - (c) Live-in aide. If there is a live-in aide, the live-in aide must be counted in determining the family unit size.
- (3) Utility allowance. The utility allowance for an assisted family residing in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

D. Housing quality standards. Sec. 982.618

- (1) Compliance with HQS. The HA may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.
- (2) Applicable HQS standards. The HQS in Sec. 982.401 apply to assistance in shared housing. However, the HQS standards in this section apply in place of Sec. 982.401(d) (space and security).
- (3) Facilities available for family. The facilities available for the use of an assisted family in shared housing under the family's lease must include (whether in the family's private space or in the common space) a living room, sanitary facilities in accordance with Sec. 982.401(b), and food preparation and refuse disposal facilities in accordance with Sec. 982.401(c).
- (4) Space and security: Performance requirements.
  - (a) The entire unit must provide adequate space and security for all its residents(whether assisted or unassisted).
  - (b) Each unit must contain private space for each assisted family, plus common space for shared use by the residents of the unit. Common space must be appropriate for shared use by the residents.

- (ii) The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family may not be less than the family unit size.
- (iii) A zero or one bedroom unit may not be used for shared housing.

6. Cooperative Housing. Sec. 982.619

- (1) When cooperative housing may be used. A family may reside in cooperative housing if the HA determines that:
  - (a) Assistance under the program will help maintain affordability of the cooperative unit for low-income families; and
  - (b) The cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).
- (2) Rent to owner.
  - (a) The reasonable rent for a cooperative unit is determined in accordance with Sec. 982.503. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.
  - (b) The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. The carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose.
  - (c) Gross rent is the carrying charge plus any utility allowance.
  - (d) The occupancy agreement/lease and other appropriate documents must provide that the monthly carrying charge is subject to Section 8 limitations on rent to owner.
- (3) Housing assistance payment. The amount of the housing assistance payment is determined in accordance with subpart K of this part.

- (4) Live-in aide.
  - (a) If approved by the HA, a live-in aide may reside with the family to care for a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in aide.
  - (b) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

Note:

This Housing Authority has elected not to permit use of any of SRO'S, Congregate housing, Group homes, Shared housing and Cooperative housing types in its program unless a special housing type 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 part8

**SECTION XXXIII. FAMILY SELF-SUFFICIENCY PROGRAMS:**

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and assistance under the Section 8 rental certificate program with public and private resources, to enable families eligible to receive assistance under these programs, and to achieve economic independence and self sufficiency.

***NOTE:***

***This agency is not funded for and does not administer a FSS program.***

**SECTION XXXIV. DECONCENTRATION RULE**

The objective of the deconcentration rule for Section 8 tenant-based assistance is to admit no less than 75% of its new admissions to the program to families that have income at or below 30% of the area median income. The HA will track the status of all new admissions monthly by utilizing income reports generated by the HA's computer system. The goal will be tracked monthly and if the HA is not reaching its goal, families will be skipped on the waiting list to admit a family that has income that is at or below 30% of area median income. The practice will continue until the HA achieves its goal. The HA's section 8 applicant selection process, which is contained in the Section 8 administrative plan provides for the skipping of families on the waiting list to accomplish this goal.

**SECTION XXXV. CLOSING OF FILES AND/ PURGING INACTIVE FILES**

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

During the term of each assisted lease and for three years thereafter the HA will keep the lease, HAP Contract and the application from the family. In addition, the HA must keep for at least three years the following records:

- ☞ Records with racial, ethnic, gender and disability status data for applicants and participants.
- ☞ 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 participants for audit purposes. No information shall be removed which may affect an accurate audit.

**ATTACHMENT "A"**  
**Laurel County Section 8 Housing**

## **RENT REASONABLENESS METHODOLOGY**

Upon passing HQS inspection, the unit is compared in age, upkeep, amenities, neighborhood conditions, etc. with other similar unassisted units to determine if the rent being charged is reasonable. Most comparisons are made to units pictured in the “Rent Comparable Book”.

1. One section in the book for apartments and duplexes.
2. A section for manufactured homes.
3. A section for houses.

Each page within the book has a picture of an unassisted unit, the address of the unit, the Landlords name, the available utilities, the monthly rent, and any other data pertinent to the unit.

In apartment complexes where some of the units are assisted and others are not, the comparison is made to the unassisted units.

## **ATTACHMENT “B” Laurel County Section 8 Housing One Strike Policy**



Decisions regarding termination or denial of assistance for “Drug and/or Alcohol Charges” will be based on “Preponderance of Evidence”. This means a conviction is not necessary for a person to lose their eligibility, a charge of involvement in drug/alcohol would be enough evidence for the HA to terminate or deny rental assistance.

1. **Violations:**
  - A. Drug related Criminal Activity.
  - B. Alcohol abuse that interferes with peaceful enjoyment of property. Or, 3 alcohol related charges within a three-year period.
  - C. Act of violence, including but not limited to domestic abuse.
  - D. Sex Offenders who are required to register with local law enforcement are strictly prohibited from participating in the program.
2. **Procedures:**
  - A. Criminal records may be reviewed at the Laurel County Circuit Court Clerks Office, London, KY. Current Police records may be requested from the Laurel County Sheriff’s office or the London City Police. If current records indicate a need for further information to be obtained, a criminal history report will be ordered from the Ky. State Office of the Courts.
    - a) Ky. State crime reports are reviewed specifically for the past three years in regards to alcohol/drug charges.
  - B. The Circuit and District Court Dockets for Laurel and all surrounding counties are checked daily for the listing of current or pending tenants. If the name and social security matches, we then request a copy of the incident report from the law enforcement agency.
  - C. Local newspapers are also used as a source of information for drug/alcohol arrests, charges, etc.
  - D. We consider arrests made by Law Enforcement Officers, and do not consider Citizen’s arrests for EPO’s (Emergency Protection Orders).
  - E. Fees related to Bench Warrants must be paid in full with proof of payment provided to the HA.
  - F. Alcohol related charges:
    - a) One (1) incident in a three year period – continue assistance or admit to the program.
    - b) Two (2) incidents – If participating or willing to participate in a counseling program, continue assistance or admit to the program. If counseling is refused or discontinued – assistance is denied or terminated.
    - c) Three (3) incidents – assistance is denied or terminated.
  - G. Controlled substance use or charge – assistance is denied or terminated.
  - H. Violent criminal activity – assistance is denied or terminated.
3. **Production of methamphetamine or trafficking in a controlled substance – automatic termination of benefits for participants and/or automatic denial of assistance.**

## **PROGRAM MANAGEMENT PLAN-Organization Plan**

### **Executive Director**

**The director is responsible for all aspects of the Section 8 Program and has authority over all personnel in the local office; Oversees and directs all employees, answers for all actions and decisions made by the personnel in the office; Assigns duties and enforces disciplinary actions; Reviews job performance, determines pay raises, calculates payroll deductions, prepares semi-monthly payroll, prepares monthly, quarterly and annual payroll reports; Balances payments at year-end and prints 1099's for mailing; Approves purchases of supplies, and arranges for maintenance of building; Handles tenant/landlord complaints, schedules hearings and informal reviews as necessary; Investigates reports of fraud; Calculates and sets up re-payment schedules for Fraud Repayment; Handles public relations with landlords and other agencies as required; Conducts briefings of applicants who are being offered a voucher; Handles all portability paperwork; Communicates with and handles queries from Louisville field office; Submits lease-up data, reports, etc. to Louisville, FMC, as required; Keeps track of EID tenant worksheets; Keeps abreast of 50058 reporting rate, TASS, VMS in HUD online computer systems; Prepares for annual audits; Prepares monthly cash disbursement journal for Fee Accountants; Enters all accounts payable invoices, prints payroll and Accts. Payable checks and takes all checks including HAP and UAP to County Judges' office for signatures; Revises and submits Administration Plans, Annual Plans, etc.; Takes tenant applications, signs vouchers, performs certifications and/or re-certifications when Coordinators are behind on paperwork or absent; Performs supervisory HQS inspections on 5% of baseline units annually, and when necessary also does annual and/or initial HQS inspections; Does annual update to Utility Schedules; calculates annual payment standards based on FMR's provided by HUD; schedules training for personnel at annual and mid-year KHA conferences and with Nan McKay as needed. Administers UIV paperwork and keeps files/records in secured location.**

### **Section 8 Program Coordinator**

**The duties of the Coordinator are: Takes tenant applications and signs vouchers; Performs certification and or re-certification of tenants on the computer; If the landlord resides outside Laurel County, the paperwork is sent by her to the landlord for signing; If the landlord lives locally, the tenant is told to tell the landlord to come in and sign the paperwork; The file is given to the Receptionist to type a Tenant Card and a rolodex card and then it is placed in the Pending file cabinet; When all signatures are acquired, the paperwork is then assembled in proper order and secured in the tenant file for review by the other Coordinator before being placed in the Tenant file cabinet; Does initial and annual HQS inspections; Reviews tenant files prepared by the other Section 8 personnel for accuracy and completeness; Checks the Court Dockets daily for tenant criminal activity; transmits 50058 files to PIC on a monthly basis, then reviews and corrects reporting errors and re-submits; schedules annual re-exams and HQS inspections; prints monthly HAP and UAP checks and helps prepare for mailing; Answers phone-calls from tenants/landlords/persons on waiting list.**

## **Section 8 Assistant Program Coordinator**

**Assistant Program Coordinator Duties:** Takes tenant applications and does move-ins and signs vouchers; Performs certification and or re-certification of tenants on the computer; If the landlord resides outside Laurel County, the paperwork is sent by her to the landlord for signing; If the landlord lives locally, the tenant is told to tell the landlord to come in and sign the paperwork; The file is given to the Receptionist to type a Tenant Card and rolodex card and then is placed in the Pending file cabinet; When all signatures are acquired, the paperwork is assembled in proper order and secured in the tenant file for review by the other Coordinator before being placed in the Tenant file cabinet; Schedules all inspections-uploading and downloading into the Inspection program; Does initial and annual HQS inspections; Reviews tenant files prepared by the other Section 8 personnel for accuracy and completeness; Answers queries regarding waiting list position and or calls from tenants/landlords; Prepares letters to tenants requesting information; Helps in mailing HAP and UAP checks monthly.

## **Secretary/Receptionist**

**Secretary's Duties:** Answers telephone and directs calls to appropriate office personnel; Takes applications; Makes all necessary copies for new tenants and re-certifications; Types Tenant Cards from information contained on the 50058 and keeps all office rolodex files updated with tenant and landlord information; Records HAP and UAP checks on the tenant cards, checking for accuracy of payments by comparing to the amount posted on the tenant card. Calls landlords to come sign paperwork before leases expire; Keeps a monthly list of cards made (both re-certifications and new tenants). This is cross-referenced by the Secretary against the re-certification list printed out on the computer. This ensures that when the number twelve HAP payment is made, the paperwork and inspection for each tenant has been completed before the contract expiration date.

## **Inspector**

**Due to funding constraints this agency does not have a full time inspector, instead the Coordinators usually perform the inspections. In the absence of one or both Coordinators, the Executive Director and/or the Secretary fulfill the role of inspector.**