

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

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# PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004

Annual Plan for Fiscal Year 2000

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

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

## PHA Plan Agency Identification

**PHA Name:** Salina Housing Authority

**PHA Number:** KS038

**PHA Fiscal Year Beginning: (mm/yyyy)** 07/2000

### Public Access to Information

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

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

### Display Locations For PHA Plans and Supporting Documents

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

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

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

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

**5-YEAR PLAN**  
**PHA FISCAL YEARS 2000 - 2004**

[24 CFR Part 903.5]

**A. Mission**

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

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

**B. Goals**

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

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

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

- Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections)
  - Renovate or modernize public housing units:
  - Demolish or dispose of obsolete public housing:
  - Provide replacement public housing:
  - Provide replacement vouchers:
  - Other: (list below)
- 
- PHA Goal: Increase assisted housing choices  
Objectives:
    - Provide voucher mobility counseling:
    - Conduct outreach efforts to potential voucher landlords
    - Increase voucher payment standards
    - Implement voucher homeownership program:
    - Implement public housing or other homeownership programs:
    - Implement public housing site-based waiting lists:
    - Convert public housing to vouchers:
    - Other: (list below)

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

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

**HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals**

- PHA Goal: Promote self-sufficiency and asset development of assisted households  
Objectives:
  - Increase the number and percentage of employed persons in assisted families:

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

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

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing  
Objectives:
  - Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
  - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
  - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
  - Other: (list below)

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

**Annual PHA Plan  
PHA Fiscal Year 2000**

[24 CFR Part 903.7]

**i. Annual Plan Type:**

Select which type of Annual Plan the PHA will submit.

**Standard Plan**

**Streamlined Plan:**

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

**Troubled Agency Plan**

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

**The Salina Housing Authority administrates 163 units of scattered site single family dwellings through the Public Housing program. A portion of this housing is designated for sale to occupants through the Homeownership program. The Section 8 program is comprised of 289 certificates/vouchers that may be utilized within the city of Salina. All plans, policies and procedures have been reviewed and found to be in compliance with Federal Regulation, State Law, and 504 Regulations. This plan was written as a companion in support of the Kansas Department of Housing and Commerce's Consolidated Plan and mission. The needs documentation has been provided by the Census web-site and verifies the KDHC data with regard to needs and income base of the population served. It will continue to be the mission of the Salina Housing Authority to acquire the resources needed to serve the Salina population, as well as maintain the properties entrusted to it by the Federal Government as indicated in this Plan.**

**iii. Annual Plan Table of Contents**

[24 CFR Part 903.7 9 (r)]

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

## Table of Contents

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### Attachments

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

#### Required Attachments:

- Admissions Policy for Deconcentration
- FY 2000 Capital Fund Program Annual Statement
- Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

#### Optional Attachments:

- PHA Management Organizational Chart
- FY 2000 Capital Fund Program 5 Year Action Plan
- Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- Other (List below, providing each attachment name)  
 KS038a01 = Administration Plan for Section 8 tenant based assistance

- KS038a02 = Administration and Continued Occupancy Policy for Public Housing
- KS038a03 = Grievance Policy
- KS038a04 = Organizational Chart
- KS038a05 = Hardship Exemption Policy
- KS038a06 = Homeownership Policy
- KS038a07 = Pet Policy

**Supporting Documents Available for Review**

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

| <b>List of Supporting Documents Available for Review</b> |   |  |
|--|---|--|
| <b>Applicable &amp; On Display</b>                       | <b>Supporting Document</b>  | <b>Applicable Plan Component</b>                             |
| XXX  | PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations  | 5 Year and Annual Plans                                      |
|  | State/Local Government Certification of Consistency with the Consolidated Plan  | 5 Year and Annual Plans                                      |
|  | Fair Housing Documentation:<br>Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement. | 5 Year and Annual Plans                                      |
|  | Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction  | Annual Plan:<br>Housing Needs                                |
|  | Most recent board-approved operating budget for the public housing program  | Annual Plan:<br>Financial Resources;                         |
| XXX  | Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]  | Annual Plan: Eligibility, Selection, and Admissions Policies |
| XXX  | Section 8 Administrative Plan   | Annual Plan: Eligibility, Selection, and Admissions Policies |



| <b>List of Supporting Documents Available for Review</b> |   |  |
|--|---|--|
| <b>Applicable &amp; On Display</b>                       | <b>Supporting Document</b>  | <b>Applicable Plan Component</b>                             |
| XXX  | Public Housing Deconcentration and Income Mixing Documentation:<br>1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and<br>2. Documentation of the required deconcentration and income mixing analysis | Annual Plan: Eligibility, Selection, and Admissions Policies |
| XXX  | Public housing rent determination policies, including the methodology for setting public housing flat rents<br><input type="checkbox"/> check here if included in the public housing A & O Policy   | Annual Plan: Rent Determination                              |
| XXX  | Schedule of flat rents offered at each public housing development<br><input type="checkbox"/> check here if included in the public housing A & O Policy   | Annual Plan: Rent Determination                              |
| XXX  | Section 8 rent determination (payment standard) policies<br><input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan   | Annual Plan: Rent Determination                              |
| XXX  | 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                      |
| XXX  | Public housing grievance procedures<br><input type="checkbox"/> check here if included in the public housing A & O Policy   | Annual Plan: Grievance Procedures                            |
| XXX  | Section 8 informal review and hearing procedures<br><input type="checkbox"/> check here if included in Section 8 Administrative Plan  | Annual Plan: Grievance Procedures                            |
|  | The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year  | Annual Plan: Capital Needs                                   |
|  | Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant   | Annual Plan: Capital Needs                                   |
|  | Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)  | Annual Plan: Capital Needs                                   |
|  | Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing   | Annual Plan: Capital Needs                                   |
|  | Approved or submitted applications for demolition and/or disposition of public housing  | Annual Plan: Demolition and Disposition                      |
|  | Approved or submitted applications for designation of public housing (Designated Housing Plans)   | Annual Plan: Designation of Public Housing                   |

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

## **1. Statement of Housing Needs**

[24 CFR Part 903.79 (a)]

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

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

| <b>Housing Needs of Families in the Jurisdiction<br/>by Family Type</b> |                |                            |               |                |                            |             |                       |
|---|----------------|----------------------------|---------------|----------------|----------------------------|-------------|-----------------------|
| <b>Family Type</b>  | <b>Overall</b> | <b>Afford-<br/>ability</b> | <b>Supply</b> | <b>Quality</b> | <b>Access-<br/>ibility</b> | <b>Size</b> | <b>Loca-<br/>tion</b> |
|   |                |                            |               |                |                            |             |                       |

| <b>Housing Needs of Families in the Jurisdiction<br/>by Family Type</b> |         |                |        |         |                |      |           |
|---|---------|----------------|--------|---------|----------------|------|-----------|
| Family Type   | Overall | Afford-ability | Supply | Quality | Access-ibility | Size | Loca-tion |
| Income <= 30% of AMI  | 1646    | 5              | 5      | 5       | 5              | 5    | 5         |
| Income >30% but <=50% of AMI  | 1293    | 5              | 5      | 5       | 5              | 5    | 5         |
| Income >50% but <80% of AMI   | 2846    | 3              | 5      | 3       | 5              | 3    | 3         |
| Elderly   | 9154    | Na             | Na     | Na      | Na             | Na   | Na        |
| Families with Disabilities  | Na      | Na             | Na     | Na      | Na             | Na   | Na        |
| Black   | 1515    | Na             | Na     | Na      | Na             | Na   | Na        |
| American Indian   | 239     | Na             | Na     | Na      | Na             | Na   | Na        |
| Asian or Pac.Islan  | 531     | Na             | Na     | Na      | Na             | Na   | Na        |
| Other   | 744     | Na             | Na     | Na      | Na             | Na   | Na        |
|   |         |                |        |         |                |      |           |

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

- Consolidated Plan of the Jurisdiction/s  
Indicate year:
- U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset
- American Housing Survey data  
Indicate year:
- Other housing market study  
Indicate year:
- Other sources: (list and indicate year of information)  
Census Data 1990

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

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

**Public Housing In Salina Housing Authority**

| Housing Needs of Families on the Waiting List  |               |                     |                 |
|--|---------------|---------------------|-----------------|
| Waiting list type: (select one)  |               |                     |                 |
| <input type="checkbox"/> Section 8 tenant-based assistance                                       |               |                     |                 |
| <input checked="" type="checkbox"/> Public Housing   |               |                     |                 |
| <input type="checkbox"/> Combined Section 8 and Public Housing                                   |               |                     |                 |
| <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) |               |                     |                 |
| If used, identify which development/subjurisdiction:   |               |                     |                 |
|  | # of families | % of total families | Annual Turnover |
| Waiting list total   | 98            |                     | 52              |
| Extremely low income<br><= 30% AMI   | 53            | 54                  |                 |
| Very low income<br>(>30% but <=50% AMI)  | 39            | 40                  |                 |
| Low income<br>(>50% but <80% AMI)  | 6             | 6                   |                 |
| Families with children   | 83            | 85                  |                 |
| Elderly families   | 5             | 5                   |                 |
| Families with Disabilities   | 10            | 10                  |                 |
| White  | 81            | 83                  |                 |
| Black  | 11            | 12                  |                 |
| Hispanic   | 5             | 5                   |                 |
| Other Race/Ethnic  | 0             | 0                   |                 |
| Characteristics by Bedroom Size (Public Housing Only)  |               |                     |                 |
| 1BR  | 26            | 27                  | 0               |
| 2 BR   | 46            | 47                  | 31              |
| 3 BR   | 11            | 11                  | 20              |
| 4 BR   | 14            | 14                  | 1               |
| 5 BR   | 0             | 0                   | 0               |

| Housing Needs of Families on the Waiting List   |  |  |  |
|---|--|--|--|
| 5+ BR   |  |  |  |
| Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes  |  |  |  |
| If yes:   |  |  |  |
| How long has it been closed (# of months)?  |  |  |  |
| Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes   |  |  |  |
| Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes |  |  |  |

## SECTION 8

| Housing Needs of Families on the Waiting List  |               |                     |                 |
|--|---------------|---------------------|-----------------|
| 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   | 222           |                     | 82              |
| Extremely low income<br><=<br>30% AMI  | 210           | 94                  |                 |
| Very low income<br>(>30% but <=50%<br>AMI)   | 12            | 5                   |                 |
| Low income<br>(>50% but <80%<br>AMI)   | NA            | NA                  |                 |
| Families with children   | 146           | 65                  |                 |
| Elderly families   | 15            | 6                   |                 |
| Families with<br>Disabilities  | 61            | 27                  |                 |
| White  | 199           | 90                  |                 |
| Black  | 19            | 9                   |                 |
| Asian/Indian   | 4             | 2                   |                 |
| Hispanic   | 7             | 3                   |                 |
| Non Hispanic   | 215           | 97                  |                 |

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

### **C. Strategy for Addressing Needs**

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

#### **(1) Strategies**

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

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

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed finance development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction

- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other (list below)

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

**Need: Specific Family Types: Families with Disabilities**

**Strategy 1: Target available assistance to Families with Disabilities:**

Select all that apply

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

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

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

Select if applicable

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

**Strategy 2: Conduct activities to affirmatively further fair housing**

Select all that apply

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



Other: (list below)

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

**(2) Reasons for Selecting Strategies**

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

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

**2. Statement of Financial Resources**

[24 CFR Part 903.7 9 (b)]

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

| <b>Financial Resources:<br/>Planned Sources and Uses</b> |                   |                     |
|--|-------------------|---------------------|
| <b>Sources</b>   | <b>Planned \$</b> | <b>Planned Uses</b> |
| <b>1. Federal Grants (FY 2000 grants)</b>                |                   |                     |
| a) Public Housing Operating Fund                         | 27,677            |                     |
| b) Public Housing Capital Fund                           | 329,343           |                     |
| c) HOPE VI Revitalization                                | 0                 |                     |
| d) HOPE VI Demolition                                    | 0                 |                     |

| <b>Financial Resources:<br/>Planned Sources and Uses</b>                              |                   |                     |
|---|-------------------|---------------------|
| <b>Sources</b>  | <b>Planned \$</b> | <b>Planned Uses</b> |
| e) Annual Contributions for Section 8 Tenant-Based Assistance                         | 840,732           |                     |
| f) Public Housing Drug Elimination Program (including any Technical Assistance funds) | 0                 |                     |
| g) Resident Opportunity and Self-Sufficiency Grants                                   | 0                 |                     |
| h) Community Development Block Grant  | 0                 |                     |
| i) HOME   | 0                 |                     |
| Other Federal Grants (list below)   |                   |                     |
|   |                   |                     |
| <b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>             | 0                 |                     |
|   |                   |                     |
|   |                   |                     |
| <b>3. Public Housing Dwelling Rental Income</b>                                       | 286,416           |                     |
|   |                   |                     |
| <b>4. Other income (list below)</b>   |                   |                     |
|   |                   |                     |
|   |                   |                     |
| <b>4. Non-federal sources (list below)</b>  |                   |                     |
|   |                   |                     |
|   |                   |                     |
| <b>Total resources</b>  | 1,484,168         |                     |
|   |                   |                     |
|   |                   |                     |

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

[24 CFR Part 903.7 9 (c)]

## A. Public Housing

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

### (1) Eligibility

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

- When families are within a certain number of being offered a unit: (state number) 5  
TIMES THE AVAILABLE UNITS
- 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. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

2.  Yes  No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?  
If yes, how many lists?

3.  Yes  No: May families be on more than one list simultaneously  
If yes, how many lists?

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?

- PHA main administrative office
- All PHA development management offices
- Management offices at developments with site-based waiting lists
- At the development to which they would like to apply
- Other (list below)

### **(3) Assignment**

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

- One
- Two
- Three or More

b.  Yes  No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

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

a. Income targeting:

- Yes  No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

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

c. Preferences

1.  Yes  No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If “no” is selected, skip to subsection **(5) Occupancy**)
  
2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

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

Other preferences: (select below)

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

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.

### 3 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  
      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  
 2. 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) Staff Counseling

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

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

**(6) Deconcentration and Income Mixing**

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

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

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

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

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

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

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

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

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

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

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

## B. Section 8

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

### (1) Eligibility

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

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

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

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



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

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

Criminal or drug-related activity

Other (describe below) RENTAL HISTORY As associated with SHA

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

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

None

Federal public housing

Federal moderate rehabilitation

Federal project-based certificate program

Other federal or local program (list below)

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

PHA main administrative office

Other (list below)

### **(3) Search Time**

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

If yes, state circumstances below:

IF CLIENT HAS SHOWN DILLIGENCE IN AN ATTEMPT TO PROCURE A UNIT AND HAS BEEN UNSUCCESSFUL OR HAS SPECIAL NEEDS.

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

a. Income targeting

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

b. Preferences

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

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

Former Federal preferences

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

Other preferences (select all that apply)

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

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

3 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

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

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

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

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

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

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

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

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

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

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

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

- Through published notices  
 Other (list below)

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

[24 CFR Part 903.7 9 (d)]

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

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

##### **(1) Income Based Rent Policies**

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

- The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

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

b. Minimum Rent

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

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

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

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

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

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

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below: In accordance with the flat rent policy.

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

For the earned income of a previously unemployed household member

For increases in earned income

Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

Fixed percentage (other than general rent-setting policy)

If yes, state percentage/s and circumstances below:

For household heads

For other family members

For transportation expenses

For the non-reimbursed medical expenses of non-disabled or non-elderly families

Other (describe below)

e. Ceiling rents

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

Yes for all developments

Yes but only for some developments

No

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

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

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

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

f. Rent re-determinations:

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

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

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

## **(2) Flat Rents**

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

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

Fair Market Rents as assigned by HUD

## **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) Annually & At Assignment of FMRs By HUD

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)

See CFR.

## **5. Operations and Management**

[24 CFR Part 903.79 (e)]

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

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

Describe the PHA's management structure and organization.

(select one)



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

**B. HUD Programs Under PHA Management**

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

| <b>Program Name</b>                             | <b>Units or Families Served at Year Beginning</b> | <b>Expected Turnover</b> |
|---|---|--------------------------|
| Public Housing                                  | 154   | 75                       |
| Section 8 Vouchers                              | 88  | 50                       |
| Section 8 Certificates                          | 145   | 75                       |
| Section 8 Mod Rehab                             | Na  | Na                       |
|   | Na  | Na                       |
| Public Housing Drug Elimination Program (PHDEP) | Na  | Na                       |
|   |   |                          |
| Other Federal Programs(list individually)       | Na  | Na                       |
|   |   |                          |
|   |   |                          |

**C. Management and Maintenance Policies**

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

- (1) Public Housing Maintenance and Management: (list below)  
Public Housing Assessment System Guidelines
- (2) Section 8 Management: (list below)  
Housing Quality Standards

**6. PHA Grievance Procedures**

[24 CFR Part 903.7 9 (f)]

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

**A. Public Housing**

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

If yes, list additions to federal requirements below: See Attached Policy

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

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

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

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

If yes, list additions to federal requirements below:  
See Attached Policy.

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

- PHA main administrative office  
 Other (list below)

**7. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

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

## **A. Capital Fund Activities**

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

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

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

Select one:

The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name) CIAP99

-or-

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

### **(2) Optional 5-Year Action Plan**

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

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

b. If yes to question a, select one:

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

-or-

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

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

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

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

1. Development name:
2. Development (project) number:
3. Status of grant: (select the statement that best describes the current status)
  - Revitalization Plan under development
  - Revitalization Plan submitted, pending approval
  - Revitalization Plan approved
  - Activities pursuant to an approved Revitalization Plan underway

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

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

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

## **8. Demolition and Disposition**

[24 CFR Part 903.7.9 (h)]

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

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

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

2. Activity Description

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

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

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

[24 CFR Part 903.7 9 (i)]

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

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

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

2. Activity Description

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

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

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

[24 CFR Part 903.7 9 (j)]

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

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

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

**2. Activity Description**

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

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

5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)

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

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

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

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

[24 CFR Part 903.7 9 (k)]

### **A. Public Housing**

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

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



PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

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

| <b>Public Housing Homeownership Activity Description</b><br>(Complete one for each development affected) |  |
|--|--|
| 1a. Development name:  | Salina Housing Authority   |
| 1b. Development (project) number:  | KS038P16002-003  |
| 2. Federal Program authority:  | <input type="checkbox"/> HOPE I<br><input checked="" type="checkbox"/> 5(h)<br><input type="checkbox"/> Turnkey III<br><input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)     |
| 3. Application status: (select one)  | <input checked="" type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program<br><input type="checkbox"/> Submitted, pending approval<br><input type="checkbox"/> Planned application |
| 4. Date Homeownership Plan/Program approved, submitted, or planned for submission:                       | <u>(27/03/1992)</u>  |
| 5. Number of units affected:   | 70   |
| 6. Coverage of action: (select one)  | <input checked="" type="checkbox"/> Part of the development<br><input type="checkbox"/> Total development  |

**B. Section 8 Tenant Based Assistance**

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

2. Program Description:

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

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

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

[24 CFR Part 903.7 9 (l)]

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

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

1. Cooperative agreements:

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

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

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

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

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

**(1) General**

a. Self-Sufficiency Policies

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

(select all that apply)

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

b. Economic and Social self-sufficiency programs

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

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

a. Participation Description

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

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

**C. Welfare Benefit Reductions**

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

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

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

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

[24 CFR Part 903.7 9 (m)]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes  No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?

Yes  No: Has the PHA included the PHDEP Plan for FY 2000 in this PHA Plan?

Yes  No: This PHDEP Plan is an Attachment. (Attachment Filename: \_\_\_\_)

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

The Salina Housing Authority has a Pet Policy and is compliant with the Regulations outlined. The Pet policy is attached.

## **15. Civil Rights Certifications**

[24 CFR Part 903.7 9 (o)]

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

## **16. Fiscal Audit**

[24 CFR Part 903.7 9 (p)]

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

## **17. PHA Asset Management**

[24 CFR Part 903.7 9 (q)]

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

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

- Comprehensive stock assessment
- Other: (list below)

3.  Yes  No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

## **18. Other Information**

[24 CFR Part 903.7 9 (r)]

### **A. Resident Advisory Board Recommendations**

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

2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)

- Attached at Attachment (File name)
- Provided below:

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

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

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

1.  Yes  No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)

2.  Yes  No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

a. Nomination of candidates for place on the ballot: (select all that apply)



- Candidates were nominated by resident and assisted family organizations
- Candidates could be nominated by any adult recipient of PHA assistance
- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- Other: (describe)

b. Eligible candidates: (select one)

- Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance
- Any adult member of a resident or assisted family organization
- Other (list)

c. Eligible voters: (select all that apply)

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

**C. Statement of Consistency with the Consolidated Plan**

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

1. Consolidated Plan jurisdiction: Kansas Consolidated Plan, Revised 1999-2002
2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

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

Focus expenditures upon upgrading Public Housing scattered site developments  
 Review optional applications for additional Section 8 Vouchers as NOFAs are published.

- Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: Due to the substantial housing shortage in Kansas and the high level of households which exist in a below poverty income status, the State has through the Consolidated Plan attempted to assist builders, investors and service providers through a variety of plans focused on each respective industry. The Consolidated Plan reports 11.3 % vacancy rate in older housing, which the state appears to validate the high vacancy rate experienced by the Salina Housing Authority with it's older stock. The attitude of repairing and upgrading this older stock has been the successful focus of the Salina Housing Authority current administration. The Salina Housing Authority has also constructed new homes in order to offer a Homeownership program in the community, which again addresses a priority of the Kansas Department of Housing and Commerce. The Consolidated Plan of the Department of Housing and Commerce illustrates many issues that the Salina Housing Authority will continue an all out effort to address. Focusing on growth in housing stock or subsidies, which may be used in the private sector with those landlords willing to provide safe, adequate, affordable housing.

#### **D. Other Information Required by HUD**

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

## **Attachments**

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

Salina Housing Authority Administration Policy  
Admissions and Continued Occupancy Policy  
Grievance Policy  
Organizational Chart  
Hardship Exemption Policy  
Homeownership Policy  
Pet Policy

## PHA Plan Table Library

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

#### Annual Statement

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

Capital Fund Grant Number KS16P038823-99 FFY of Grant Approval: (12/1999)

Original Annual Statement

| Line No. | Summary by Development Account                            | Total Estimated Cost |
|----------|---|----------------------|
| 1        | Total Non-CGP Funds                                       |                      |
| 2        | 1406 Operations   | 32900                |
| 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                                     | 37200                |
| 10       | 1460 Dwelling Structures                                  | 239570               |
| 11       | 1465.1 Dwelling Equipment-Nonexpendable                   |                      |
| 12       | 1470 Nondwelling Structures                               |                      |
| 13       | 1475 Nondwelling Equipment                                | 21100                |
| 14       | 1485 Demolition   |                      |
| 15       | 1490 Replacement Reserve                                  |                      |
| 16       | 1492 Moving to Work Demonstration                         |                      |
| 17       | 1495.1 Relocation Costs                                   |                      |
| 18       | 1498 Mod Used for Development                             |                      |
| 19       | 1502 Contingency  |                      |
| 20       | <b>Amount of Annual Grant (Sum of lines 2-19)</b>         | 329343               |
| 21       | Amount of line 20 Related to LBP Activities               |                      |
| 22       | Amount of line 20 Related to Section 504 Compliance       |                      |
| 23       | Amount of line 20 Related to Security                     |                      |
| 24       | Amount of line 20 Related to Energy Conservation Measures |                      |

**Annual Statement**

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

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

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

| Development<br>Number/Name<br>HA-Wide Activities                    | All Funds Obligated<br>(Quarter Ending Date) | All Funds Expended<br>(Quarter Ending Date) |
|---|--|---|
| <p style="text-align: center;">Pha-wide<br/>002<br/>003<br/>004</p> | <p>9/30/2000</p>                             | <p>12/30/2000</p>                           |

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

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

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

## Optional Public Housing Asset Management Table

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

| Public Housing Asset Management |                          |  |   |  |  |                                   |  |   |
|---------------------------------|--------------------------|--|---|--|--|-----------------------------------|--|---|
| Development Identification      |                          | Activity Description   |   |  |  |                                   |  |   |
| Name, Number, and Location      | Number and Type of units | Capital Fund Program Parts II and III<br><i>Component 7a</i> | Development Activities<br><i>Component 7b</i> | Demolition / disposition<br><i>Component 8</i> | Designated housing<br><i>Component 9</i> | Conversion<br><i>Component 10</i> | Home-ownership<br><i>Component 11a</i> | Other (describe)<br><i>Component 17</i> |
|                                 |                          |  |   |  |  |                                   |  |   |
|                                 |                          |  |   |  |  |                                   |  |   |
|                                 |                          |  |   |  |  |                                   |  |   |
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## SECTION 1. INTRODUCTION:

1. Mission Statement: Offers a hand to those in need by providing affordable adequate housing by using limited federal dollars, empowering clients to improve their quality of life.

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 redetermination 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 City'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 11. 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 I 00, et seq.);
- B. Title VI of the Civil Rights Act of 1964, 42 U. S. C. 2000d (implementing regulations at 24 CFR part I);
- 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 FRI253 (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 11 of the Americans with Disabilities Act, 42 U. S. C. 121 0 1, 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 111. 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.

- I. 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, or
  - 16 years of age and married (not common law), or previously married, or
  - an emancipated minor, or
  - 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. Amortization Payment: In a manufactured home space rental, the monthly debt service payment by the family to amortize the purchase price of the manufactured home.
9. 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.
10. 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 redetermination 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 worker 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.**

**Unreported Income: If a Section 8 participant fails to report changes in income, as required, the Section 8 assistance will be terminated.**

- 11. Applicant: (applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.
- 12. 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.



13. Certificate: A document issued by a HA to a family selected for to the rental certificate program. The certificate describes the program, and the procedures for HA approval of a unit selected by the family. The certificate also states the obligation of the family under the program.
14. Certificate or Voucher Holder: A family holding a certificate or voucher with unexpired search time.
15. Certificate Proaram: Rental Certificate program.
16. Child - A member of the family, other than the family head or spouse, who is under 18 years of age.
17. 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.

18. 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.

19. Citizen: A citizen or national of the United States.
20. Common Space: In shared housing: Space available for use by the assisted family and other occupants of the unit.

21. Congregate Housing : Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.
22. Contiguous Metropolitan Statistical Area (MSA): In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.
23. 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.
24. Contract Authority: The maximum annual payment by HUD to an HA for a funding increment.
25. 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.
26. 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.
27. Disabled Person: (See "Handicapped Person")
28. 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.
29. Domicile: The legal residence of household head or spouse as determined in accordance with State and local law.
30. 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)
31. Elderly Family: A family whose head or spouse or whose sole member is at least sixtytwo (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.

32. Elderly Person: A person who is at least sixty-two (62) years of age.
33. 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)).
34. Exception Rent: In the certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. For certificates, exception rent is approved by HUD, and is used in determining the initial contract rent. In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.
35. Fair Market Rent (FMR): The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. 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.
36. 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 11 "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 subsidy for a zero or one-bedroom family unit size.

37. Family - (See Below) The term "family" as used in this policy means:
  - A. Two or more persons related by blood, marriage, or by operation of law. A family 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 19 years of age or 18 years of age and

married (not common law) to enter into a contract and capable of functioning as the head of the household.

**Note:**

If an individual is 18 and qualifies under the definition of family by being married, the head of household and the spouse must be parties to the lease. There must be some concept of family living beyond the mere sharing or intention to share housing accommodations by two or more persons to constitute them as a family within the meaning of this policy. Some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

- 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. IO 1); and
- G. A single person who is not elderly or displaced person, 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 does not prohibit a single person from residing in a larger unit (2 or more bedrooms) with the amount of subsidy for a zero or one-bedroom family unit size. The limit is on the amount of subsidy paid NOT the SIZE of the UNIT!**

- 38. 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.
- 39. Family Share: The portion of rent and utilities paid by the family.
- 40. Family Unit Size: The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.

41. FMR/Exception Rent Limit: The Section 8 Existing Housing fair market rent published by HUD Headquarters, or any exception rent. For a regular tenancy in the Certificate program, the initial rent to owner plus any utility allowance may not exceed the FMR/exception rent limit (for the selected dwelling unit or for the family unit size). For a tenancy in the voucher program the HA may adopt a payment standard up to the FRM/exception limit. For an over-FMR tenancy in the Certificate program, the payment standard is the FMR/exception rent limit.
42. 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 certificate or voucher, and whether such documents are available.
  - B. The Section 8 landlord's obligation to allow reasonable accommodation for handicapped persons.
43. 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.
44. Fundin Increment: Each commitment of budget authority by HUD to a HA under the consolidated ACC for the HA program.
45. Gross Rent: The sum of the rent to owner plus any utility allowance.
46. Grou12 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).
47. 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.
48. 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(1)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."

- 49. Hazardous Duty Pay: Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
- 50. Head of Household - The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
- 51. Homeless Family. Any individual or family who:
  - A. Lacks a fixed, regular, and adequate nighttime residence;

- B. Has a primary nighttime residence that is:
  - (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);
  - (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
  
- C. A homeless family does not include:
  - (1) Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or
  - (2) Any individual who is a Single Room Occupant that is not considered substandard housing as defined in 83 below.
  
- 52. 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.
  
- 53. 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. In the certificate program, the additional payment is called a "utility reimbursement". The HA may elect to pay the appropriate amount directly to the utility provider.
  
- 54. 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.
  
- 55. Housing Quality Standards (HOS): The HUD minimum quality standards for housing assistance under the tenant-based programs.
  
- 56. HUD - Housing & Urban Development: The U. S. Department of Housing and Urban Development.
  
- 57. HUD Requirements: HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

58. Income Exclusions:

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: Income from employment of children (including foster children) under the age of eighteen (18).
- 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. Submarginal Land Income: Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 U.S.C. 459(e)].
- 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. II 7(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 fulltime 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 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.
59. Infant: A child under the age of one year.
60. Initial Contract Rent: In the certificate program, the contract rent at the beginning of the initial lease term.
61. Initial HA: In portability, the term refers to both:
- A. A HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.
- B. A HA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing HA.
62. Initial Lease Term: The initial term of the assisted lease. The initial lease term must be for at least one year.
63. Initial Payment Standard: The payment standard at the beginning of the HAP contract term.
64. Initial Rent to Owner: The rent to owner at the beginning of the initial lease term.
65. Interim Redetermination of Rent: Changes of rent between admissions and reexaminations and the next succeeding reexamination.
66. INS - The U. S. Immigration and Naturalization Service.
67. Jurisdiction: The area in which the HA has authority under State and local law to administer the program.
68. Lease: 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.

69. Lease Addendum: In the lease between the tenant and the owner, the lease language required by HUD.
70. 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.
71. 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 certificate or voucher program).
72. 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.
73. Manufactured Home Space: In manufactured home space rental: a space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space.
74. 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.
75. 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.
76. Minimum Rent: Families assisted under the Public Housing program pay a monthly "minimum rent" of not more than \$50.00 per month. The HA has the discretion to establish the "minimum rent" from \$0 up to \$50. The minimum rent established by this HA is \$50.
77. Minimum Rent Hardship Exemptions: The Policy established by the HA which provides exceptions to the minimum rent in special instances.

78. Minor: A "minor" is a person under eighteen years of age. Provided, that a married person 16 years of age or older shall be considered to be of the age of majority. (An unborn child may not be counted as a minor.)
79. Mixed Family - A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
80. Monthly Adjusted Income: One-twelfth of Adjusted Annual Income.
81. 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.
82. 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.
83. 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.
84. Noncitizen - A person who is neither a citizen nor national of the United States.
85. 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.
86. Over-FMR Tenancy: In the Certificate program: the tenancy for which the initial gross rent exceeds the FMR/exception rent limit.
87. Owner: Any person or entity with the legal right to lease or sublease a unit to a participant.

88. 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.
89. Payment Standard: In a voucher or over-FMR tenancy the maximum subsidy payment for a family (before deducting the family contribution). For a Voucher tenancy, the HA sets a payment standard in the range from 80 percent to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.
90. Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.
91. Preference: At the option of the HA, a preference system can be used to select among applicant families.
92. Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.
93. Private Space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.
94. Program: The tenant-based certificate or voucher program.
95. Project Based: Rental assistance that is attached to the structure.
96. Project Based Certificate Program: Project-based assistance under 24 CFR, part 983, using funding under the consolidated ACC for the HA certificate program.
97. 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.
98. 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.
99. Recertification: Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.

100. 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.
101. Regular Tenancy: In the certificate program: a tenancy other than a over-FMR tenancy.
102. 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 or 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 (note more than 60 calendar days for 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.
103. 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.
104. Residency Preference: A 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.
105. Residency Preference Area: The specified area where families must reside to qualify for a residency preference.
106. Set-Up Charges: In a manufactured home space rental: charges payable by the family for assembling, skirting and anchoring the manufactured home.
108. 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.
109. Special Admission: Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.
110. Spouse: A spouse is the legal husband or wife of the head of the household. This includes common law marriage.

112. 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.
113. Suspension: Stopping the clock on the term of a family's certificate or voucher on the date that the HA receives the request for lease approval by the family (See also Section X111. 3, E (I)).
114. 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.
115. Tenant: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.
116. Tenant-Based: Rental assistance that is not attached to the structure.
117. 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 \$50 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.
118. Total Tenant Payment (TTP): The TTP for families participating in the certificate and moderate rehabilitation programs must be at least \$50, which is the minimum rent established by the HA.
  - A. For the Certificate and Moderate Rehabilitation Programs, the TTP must be the greater of-
    - (1) 30 percent of family monthly adjusted income;
    - (2) 10 percent of family monthly income;
    - (3) Welfare rent (if applicable) in as-paid states; or
    - (4) \$50 which is the minimum rent set by the HA.

Note:

It is possible for certificate and moderate rehabilitation families to qualify for a utility reimbursement despite the requirement of a minimum rent.

- B. For the Voucher Program.
  - (1) the TTP is the same as A (1), (2) and (3) above. The utility allowance is applicable for the Voucher Program. Voucher families will pay the owner the difference between the monthly rent 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).

- (2) For families admitted to the program after 12/20/1998, and when the HA adopted 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
119. **Utilities:** Utilities may include water, electricity (including air conditioning if applicable. See CFR 982.517), gas, garbage, and sewage services and, where applicable, trash and garbage collection.
120. **Utility Allowance:** The utility allowance, if any, determined for the Section 8 program for tenant purchased utilities (except telephone and cable) that are normally included in rent.
121. **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.
122. **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.
123. **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.
124. **Violent Criminal Activity:** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use, attempted use, or threatened use of physical force against the person or property of another.
125. **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.
126. **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.
127. **Waiting List Admission:** An admission from the HA waiting list.

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

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

1. How to Apply:
  - A. Families wishing to apply for housing assistance shall complete an application for public assistance.
  - B. Applications will be accepted at the following location: 469 S. 5<sup>th</sup> Street, Salina, Kansas
  - C. Applications are taken to compile a waiting list. Due to the demand for housing in the HA's jurisdiction. The HA may take applications on an "open enrollment" basis, depending on the length of the waiting list.
  - D. Completed applications will be accepted for all applicants and the information will be verified by the HA.
  - 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 must be dated, and time-stamped.
  - 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.
2. Closing of Application Taking: If the HA is taking applications, the HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to be housed within the next 12 month period.
3. Opening of Application Taking: When the HA decides to start taking applications the following procedures will be followed:

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 following:

- A. The HA will publish the date applications will be accepted and the location where applications can be completed.
  - B. Advise families that applications will be taken at the designated office;
  - 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 Certificates or Housing Vouchers allocated.

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

1. Missed Appointment Without Notification: An applicant or person receiving assistance who fails to keep an appointment without notifying the HA and without re-scheduling the appointment shall be sent a notice of termination of the process or 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. Complete Application
  - B. Bringing in Verification Information
  - C. Program Briefing
  - D. Leasing Signature Briefing
  - E. HQS Inspections
  - F. Recertification
  - G. Interim Adjustment

H. Other Appointments or Requirements to Bring in Documentation as Listed in this Plan

2. Process when Appointment(s) are Missed: For most of the functions above, the family may be given two appointments. If the family does not appear or call to reschedule the appointment(s) required, the HA may begin the termination process. The applicant or participant will be given an opportunity for an informal review or hearing .
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 which 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.'

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

I 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.
  - C. Head of Household must be:
    - (1) 18 years of age or older,
    - (2) 16 years of age and married, or
    - (3) A person that has been relieved of the disability of non-age by a juvenile court (known as emancipation).
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.

- 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.
- 4. Single Person: Single persons are only eligible for a one bedroom certificate or 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 noncitizens in HUD's assisted housing programs. This law is referred to as the Noncitizens 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 SSN by the Social Security Administration. All members of the family defined above must 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 verification. He or she may be required by the HA to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided;

These documents include:

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

**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 Families (TAF)  
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  
Saving Accounts  
Marriage Certificate: If a marriage certificate is not available the following information is acceptable  
Drivers License that displays the same address and last names  
Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax reporting period.  
Other acceptable forms of documentation of marriage would include any document that has been issued by a Federal, State, City or County Government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple.

The couple also certifies in their application for housing that they are married.

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 TAF through the Department of Human Resources for former spouse's children.
  - F. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
  - G. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
  - H. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.
  - I. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
  - J. Food stamp verification. If no other documentation is available.

NOTE: Only if none of the above varification can be supplied, may a notarized declaration by the client be used.

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. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
- C. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
- D. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.
- E. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
- F. 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 housing authority (HA) must follow the verification procedures (to be 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(s) meets all other conditions for occupancy, as outlined in the Admissions and Continued Occupancy Policy (ACOP), Section VIII Admission Eligibility Criteria, or the Section 8 Administrative Plan, Section VIII Section 8 Eligibility Criteria (as appropriate), the application will be processed for assistance.

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 (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 tenant, 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 tenant'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 family 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 the family member.
- 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 proration of assistance;
  - (3) In the case of a tenant, 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: All adult applicants and tenants shall complete an "Authorization for Release of Police Record." The HA shall request a check for criminal history for an applicant or tenant.

Before the HA takes any adverse action based on a criminal conviction record, the HA or its Agents must provide the applicant or tenant with a copy of the criminal record and an opportunity to dispute the accuracy or relevancy of the record. Grievance Procedure as posted will be followed if applicable.

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 tenancy or eviction are confidential and shall not be disclosed to any person or entity other than for official use or for use in court proceedings. The term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law. Said records shall be maintained in separate files and shall be kept in

a locked, secure location. Access shall be limited to those employees approved by the Executive Director.

Records shall be destroyed once action is taken and any grievance procedure, or court proceeding is completed. A notice of record destruction shall be maintained in a separate file.

The HA will work through their local law enforcement agencies to obtain information.

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

1. Denied Admission: 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 Certificate or 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 will be declared ineligible. At the HA's discretion, the applicant may be declared eligible upon payment of the debt, with the date and time of application being the time of original receipt.

### **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 participant in the Section 8 Program or as a participant in the Public Housing Program, the applicant 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 or voucher.

D. Engage 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) in during the application process.
- H. The HA shall deny the admission of a Family, if the applicant, or any member of the applicant's family does not sign and submit consent forms that are provided by the HA for the purpose of verifying employment and income information.
  - 1. The applicant 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. The applicant and all adults must sign a release allowing the HA to request a copy of a police report from the National Crime Information Center, Police Department or other Law Enforcement Agencies. The applicant and all adults further agree to provide fingerprints if requested. If the HA uses the information to deny or terminate assistance the HA must provide a copy of the information used upon proper request.
  - K. If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of program requirements, the applicant may be declared ineligible.
  - L. If the HA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this requirement if.
    - (1) The person demonstrates to the HA's satisfaction that the person **is** no longer engaging in drug-related criminal activity or abuse of alcohol;
    - (2) has successfully completed a supervised drug or alcohol rehabilitation program;
    - (3) has otherwise been rehabilitated successfully; or
    - (4) is participating in a supervised drug or alcohol rehabilitation program.
    - (5) if any household includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- 2. Notification of Denial: If an applicant is denied admission, the HA will notify the applicant, in writing, of its determination. Grievance Policy as posted will be adhered to if applicable.
- 3. Time Frames for Denial: As a general rule applicants may be denied admission to the Section 8 Programs for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:

- A. Denied admission for one year for violation of certificate/voucher and illegal use, or possession for personal use, of a controlled substance or alcohol.
- B. Denied admission for three (3) years for the following:  
Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.

The HA can waive this requirement if the person demonstrates to the HA's satisfaction successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.

- C. Denied admission for five (5) years for the following:
  - (1) Fraud (giving false information on the application is considered fraud).
  - (2) An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.
- D. Denied admission for ten (10) years for a conviction of Drug Trafficking.
- E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- F. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the assisted housing. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

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

**I** 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 certificate or 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 in compliance with the posted Grievance Policy if applicable.

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 certificate or 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 CertificateNoucher/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.

## SECTION XII. SECTION 8 APPLICANT SELECTION PROCESS

1. Certificate or Housing 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 Certificate of Family Participation or Housing Voucher.
  - B. Types of Selection: The HA may admit an applicant for participation in the program 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).
- C.
- 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;
    - D. Local Preferences, if applicable.
  - 3. Order of Selection from the Waiting List:
    - A. When a Certificate or Housing 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 for 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, the provisions of the Deconcentration Rule, contained within this policy, shall supercede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal..
  - 4. 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 HAS 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, the reason for their removal from the waiting list. Posted Grievance Procedures will be followed if applicable. 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 indicates 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. 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. Before selection is made, this qualification must be verified.

**SECTION X111. ORIENTATION OF FAMILIES AND ISSUANCE OF CERTIFICATE OR HOUSING VOUCHER**

- 1. Briefing: The purpose of the briefing is to go over the Certificate or Housing 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 a Certificate or Housing Voucher. No Certificate or Housing Voucher will be awarded unless the household representative has attended a briefing.

Failure to attend a scheduled briefing (without notice to the HA) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of an inability to attend a briefing will be scheduled for the next briefing.

Failure of a 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 is initially receives its Certificate of Family Participation or Housing 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 a 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.**

- 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 Certificate or Housing 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 certificate or voucher is 60 days. A Certificate and 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 unless an extension has been granted by the HA. Once the family has submitted a Request for Lease Approval the clock **is stopped** and/or suspended on the term of the certificate or voucher (See "Suspension"). When the clock is stopped (suspended), the time remaining days will be reinstated to the initial 60-day period of the Certificate or Voucher, if necessary. If the unit is not approved for any reason, the remaining days will be reinstated to the initial term of the certificate/voucher. If the initial term is not adequate for finding a unit to lease, the family may request an extension of the initial term as described below.
  - (2) Requesting for extensions of the term. A family may request an extension of the Certificate or Voucher time period. All requests for extensions should be received prior to the expiration date of the Certificate or Voucher. Extensions are permissible at the discretion of the HA primarily for the following reasons:
    - (a) Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial 60-day time period. The HA representative will verify the extenuating circumstances prior to granting an extension.
    - (b) The family has evidence that they have made a consistent effort to locate a unit and request support services from the HA, throughout the initial 60-day period with regard to their inability to locate a unit.

- (c) The family has turned in a Request for Lease Approval prior to the expiration of the 60-day time period, but the unit has not passed HQS.
  - (d) Time Period for extensions: A HA representative may grant one or more extensions not to exceed a total of 60 days. The initial term plus any extensions **MAY NOT** exceed 120 calendar days for the beginning of the initial term.
  - (e) Extensions for Disabled Persons: The HA representative must grant an extension of up to 120 days for persons who are disabled.
- (3) How the HA determines the housing assistance payment for a family;
    - (a) For the certificate program, information on the FMRs and the HA utility allowance schedule; and
    - (b) For the vouchers program, information on the payment standard and the HA 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;
  - (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 know 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**

- I Owner Debarred: The HA must 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 must 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 will deny approval to lease a unit from an owner for any one 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 drug-trafficking.
  - D. The owner has a history or practice on non-compliance with the HQS requirements, State or local housing codes.
  - E. The owner has not paid State or local real estate taxes, fines or assessments.

**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 must not approve the unit. However, if the housing authority determines that approval of the unit would provide reasonable accommodation for a family member who is a disabled person, the unit may be approved. All previously leased units illustrating the above relationships are grandfathered.

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

- I Suitability for Tenancy: The HA must 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.

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

1. Assistance in the Initial HAS Jurisdiction:  
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 outside the initial HA jurisdiction:
  - A. In the same State as the initial HA;
  - B. In the Same metropolitan statistical area (MSA) as the initial HA, but in a different State;
  - C. In an MSA that is next to the same MSA as the initial HA, but in a different State; or,
  - D. In the jurisdiction of an HA anywhere in the United States that is administering a tenant-based program.

**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 HAS jurisdiction during the twelve (12) month period from the time the family is admitted to the program

3. Income Eligibility: The family may receive tenant-based
  - A. For admission to the certificate or voucher program, a family must be income eligible in the area where the family initially leases a unit with assistance in the certificate or voucher program.
  - B. A portable family transferring between the certificate and voucher programs 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 either: transferring from the initial HA certificate program to the receiving HA voucher program, or transferring from the initial HAS voucher program to the receiving HAS certificate program.

- C. If a portable family was already a participant in the initial HA certificate or voucher program, income eligibility is not redetermined unless the family transfers between the programs.
4. Leasing in Place: If the dwelling unit is approveable, 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 Initial HA Outside the Initial HA Jurisdiction:
    - A. When a family moves under portability to an area outside the initial HAS jurisdiction, the initial HA must administer the assistance for the family if the unit is located within the same State as the initial HA, in the same MSA as the initial HA (but in a different State), or in an MSA that is next to the same MSA as the initial HA (but in a different State), and no other HA with a tenant-based program has jurisdiction in the area where the unit is located.
    - B. If the above conditions exist, the family remains in the program of the initial HA. The initial HA has the same responsibilities for administration of assistance for the family living outside the HAS jurisdiction as for other families assisted by the HA within the HAS jurisdiction.
    - C. The initial HA may choose to use another HA, a private management entity or other contractor or agent to help the initial HA administer assistance outside the HA jurisdiction.
  7. Portability - Administration by 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 if a HA with a tenant-based program has jurisdiction in the area where the unit is located. When this situation exists, the HA with jurisdiction in the area where the family wants to lease a units must issue the family a certificate or voucher. If there is more than one such HA, the initial HA may choose the receiving HA.
    - B. The receiving HA has the choice of assisting the family under either the certificate program or the voucher program. If the family was receiving assistance under the initial HAS certificate program, but is ineligible for admission to the voucher program, a receiving HA that administers a certificate program must provide continued assistance under the certificate program. If the family receiving assistance under the initial HA voucher program, but is ineligible for admission to the certificate, a receiving HA that administers a voucher program must provide continued assistance under the voucher program.
  8. Portability Procedures: 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 voucher or certificate or otherwise delay approval of a unit unless the recertification 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 certificate or voucher term. The family must submit a request for lease approval to the receiving HA during the term of the receiving HA certificate or 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 certificate or 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.

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 HAS certificate or 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 HAS 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 HAS 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.

## **SECTION XVII. ABSENCE FROM THE ASSISTED UNIT**

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 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 situations exist, 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

**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 with 10 calendar days of the break-up. The HA will consider the following factors in making this determination:

- I. 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 or actual or threatened physical violence against family members by a spouse or other member of the household.

**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 Certificates or 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 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 the HA's housing quality standards (HQS). The HA's inspector will inspect the unit for compliance with HQS standards and send the owner the results of the inspection. 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 reinspected to ascertain that the necessary work has been performed and the unit meets HQS standards for occupancy.

The HA will maintain a copy of every inspection and re-inspection report for three years, with one exception. 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 of 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's).

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 HOS Inspections:

- A. Initial Inspections: Performed by the HA staff after receiving the Request for Lease Approval from the applicant.
- B. Yearly 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 Section 8 Coordinator will re-inspect five (5) percent (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 of the re-inspections, if necessary. The Section 8

Coordinator will maintain a file that documents the quality control inspections.

- 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 no damages and a move-out inspection is not required. 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 in order to submit a damage claim, if applicable. If the HA cannot schedule the inspection prior to re-rental of the unit, the HA may give the Owner permission to submit a damage claim/violation of family obligation with pictures of the unit, to substantiate the damage. The HA may use this evidence to terminate the continuing assistance to the participant because of a family violation.

**Note:**

The HA may only be responsible for a portion of a damage claim for HAP contracts existing prior to October 2, 1995

**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.

Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family member's income;

Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age; or

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, but the staff should use good interviewing skills to determine whether there is income

If the family reports zero income, the HA will have the family sign a verification form to verify that no income is being provided.

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

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 Redetermination 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 redetermination 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 the his/her favor.

- D. 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. Notice of Temporary Rent: On occasions, the HA is required to compute rent based on information that is supplied by the participant and third party information that has not or will not be provided by the employer. When this situation occurs the HA will compute a temporary rent based on the information available. Once the information is verified the participant will be notified in writing.
4. The Effective Dates of Interim Redetermination of Rent:
- A. Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.
- B. The 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 reverification 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.
5. Special Re-examinations: Special reexaminations are pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:

- A. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special re-examination shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The participant shall be notified, in writing, of the date of the special re-examination.
  - B. If the family income can be anticipated at the scheduled time, the reexamination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special re-examination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
6. Minimum Rent Hardship Exemptions: Minimum Rent Hardship Exemptions will be granted in accordance with the HA minimum rent hardship exemption policy.

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

- I Utility Allowances: At least annually, the HA shall determine whether there has been a substantial change in utility rates or other charge of general applicability, and whether an adjustment is required in the **Allowance of Utilities and Other Services** by reason of such changes or because of errors in the original determination. If the HA determines that an adjustment should be made, the HA shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors and shall furnish HUD with a copy of the adjusted schedule. (Reference 24 CFR 882.214)
- 2. Contract Rents: Contract Rents may be adjusted by the HA on an annual basis and for special adjustments as provided below:
  - A. **Annual Adjustment**: Upon request from the owner to the HA an annual adjustment may be made if the Contract unit is in decent, safe and sanitary condition and the Owner is otherwise in compliance with the terms of the Lease and the HAP Contract. Annual adjustments as of any anniversary date shall be determined by using the **Section 8 Annual Adjustment Factor** most recently published by HUD in the Federal Register. The Contract rent may be adjusted upward or downward. However, in no case shall the adjusted rent be less than the Contract rent on the effective date of this Contract.

- B. A special adjustment: Subject to HUD approval, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates or similar costs (i.e. assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in number I above of this section. The Owner shall submit financial statements to the HA which clearly support the increase.

**Overall Limitation of Adjustments of 2 A and B above:**  
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.

- 3. 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 will be kept and serve as a record of payment.

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

- I Three Types of Tenancy in the Section 8 Tenant-based Programs: Some requirements of this section are the same for all three types of tenancy. Some requirements only apply to a specific type of tenancy. Unless specifically stated, requirements of this subpart are the same for all tenancies in the tenant-based programs.
  - A. A regular tenancy under the certificate program
  - B. An over-FMR tenancy under the certificate program; and
  - C. A tenancy under the voucher program.



2. 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.

3. 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 redetermine 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 redetermine 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.

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.

4. Maximum Subsidy: FMR/Exception Rent Limit.

A. Purpose.

- (1) Fair market rents (FMRs) are published by HUD. In the tenant-based programs, the FMR/exception rent limit is used to determine the maximum subsidy for a family.
- (2) For a regular tenancy under the certificate program, the FMR/exception rent limit is the maximum initial gross rent under the assisted lease.

- (3) For the voucher program, the FMR/exception rent limit is the maximum I payment standard" (maximum subsidy) for a family.
- (4) For an over-FMR tenancy under the certificate program, the FMR/exception rent limit is the "Payment standard" (maximum subsidy) for a family.

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 percent 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) 40th percentile rent method. In this method, HUD determines that the area exception rent equals the 40th percentile of rents to lease standard quality rental housing in the exception rent area. HUD determines the 40th 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 certificate or voucher holders have trouble finding housing for lease under the program within the term of the certificate or 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) Regular certificate tenancy: Exception rent as reasonable accommodation for person with disabilities: HA approval. For a regular tenancy in the certificate program, on request from a family that includes a person with disabilities, the HA must approve an exception rent of up to 120 percent of the fair market rent if the exception rent is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

5. Voucher Tenancy or Over-FMR Tenancy: (How to calculate housing assistance payment).

- A. Use of payment standard. For a voucher tenancy or for an over- FMR tenancy under the certificate program, 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.
- B. Voucher program: 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 the current FMR/exception rent limit; or
      - (ii) Less than 80 percent of the current FMR/exception rent

limit, unless a lower percent is approved by HUD.

- (2) Voucher assistance formula.
  - (a) For a voucher tenancy, 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) IO percent of monthly income (gross income); or
    - (ii) A higher minimum rent as required by law.
- (3) Voucher payment standard schedule.
  - (a) A voucher payment standard schedule is a list of the payment standard amounts used to calculate the voucher housing assistance payment for each unit size in an FMR area. The payment standard schedule for an FMR area includes payment standard amounts for any HUD-approved exception rent area in the FMR area.
  - (b) 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.
  - (c) Payment standard amounts on the payment standard schedule must be within the maximum and minimum limits stated in paragraph (b)(1)(ii) 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.
  - (d) 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. Over-FMR tenancy: Determining amount of assistance.

- (1) Payment standard. For an over-FMR tenancy, the payment standard for the unit size is the FMR/exception rent limit.
- (2) Over-FMR tenancy assistance formula. For an over-FMR tenancy, the housing assistance payment for a family equals the lesser of.
  - (a) The applicable payment standard minus the total tenant payment; or
  - (b) The monthly gross rent minus the minimum rent as required by law.

D. Payment standard for family.

- (1) This paragraph (d) a' lies to both a voucher tenancy and an over-FMR tenancy.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

6. Over-FMR Tenancy: HA Approval

- A. HA discretion to approve.
  - (1) At the request of the family, the HA may approve an over-FMR tenancy in accordance with this section.
  - (2) Generally, the HA is not required to approve any over-FMR tenancy. However, the HA must approve an over-FMR tenancy in accordance with this section, 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.
  - (3) The HA generally will approve over-FMR tenancy if it is to aid in furthering of the goals and objectives of fair housing.
- B. Requirements.
  - (1) Ten percent limit. The HA may not approve additional over-FMR tenancies if the number of such tenancies currently is ten percent or more of the number of incremental certificate units under the HUD-approved budget for the HA certificate program. "Incremental units" means the number of budgeted certificate units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance.
  - (2) Affordability of family share. The HA may not approve an over-FMR tenancy unless the HA determines that the initial family share is reasonable. In making this determination, the HA must take into account other family expenses, such as child care, unreimbursed medical expenses, and other appropriate family expenses as determined by the HA.
- C. Amount of assistance. During an over-FMR tenancy, the amount of the housing assistance payment is determined in accordance with Sec. 982.505(c).
- D. The method of selection shall be on a first come, first served basis. Persons with a disability shall be given a preference in selection.

7. Regular Tenancy: (How to calculate housing assistance payment).

The monthly housing assistance payment equals the gross rent, minus the higher of-

- A. The total tenant payment; or
- B. The minimum rent as required by law.

8. Regular Tenancy: (Limit on initial rent to owner).

- A. FMR/exception rent limit.
  - (1) The initial gross rent for any unit may not exceed the FMR/exception rent limit on the date the HA approves the lease.
  - (2) The FMR/exception rent limit for a family is the lower of:
    - (a) The FMR/exception rent limit for the family unit size; or
    - (b) The FMR/exception rent limit for the unit size rented by the family.
- B. Reasonable rent. The initial rent to owner may not exceed a reasonable rent as determined in accordance with Sec. 982.503.

9. Regular Tenancy: (Annual adjustment of rent to owner).

- A. When rent is adjusted. At each annual anniversary date of the HAP contract, the HA must adjust the rent to owner at the request of the owner in accordance with this section.
- B. Amount of annual adjustment.
  - (1) The adjusted rent to owner equals the lesser of-
    - (a) The pre-adjustment rent to owner multiplied by the applicable Section 8 annual adjustment factor, published by HUD in the Federal Register, that is in effect 60 days before the HAP contract anniversary;
    - (b) The reasonable rent (as most recently determined or redetermined by the HA in accordance with Sec. 982.503); or
    - (c) The amount requested by the owner.
  - (2) In making the annual adjustment, the pre-adjustment rent to owner does not include any previously approved special adjustments.
  - (3) The rent to owner may be adjusted up or down in accordance with this section.
  - (4) Notwithstanding paragraph (b)(1) of this section, the rent to owner for a unit must not be increased at the annual anniversary date unless:
    - (a) The owner requests the adjustment by giving notice to the HA; and
    - (b) During the year before the annual anniversary date, the owner has complied with all requirements of the HAP contract, including compliance with the HQS.
  - (5) The rent to owner will only be increased for housing assistance payments covering months commencing on the later of:
    - (a) The contract anniversary date; or
    - (b) At least sixty days after the HA receives the owner's request.

- (6) To receive an increase resulting from the annual adjustment for an annual anniversary date, the owner must request the increase at least sixty days before the next annual anniversary date.

10. Regular Tenancy: (Special adjustment of rent to owner).

- A. Substantial and general cost increases.
  - (1) At HUD's sole discretion, HUD may approve a special adjustment of the rent to owner to reflect increases in the actual and necessary costs of owning and maintaining the unit because of substantial and general increases in:
    - (a) Real property taxes;
    - (b) Special governmental assessments;
    - (c) Utility rates; or
    - (d) Costs of utilities not covered by regulated rates.
  - (2) An HA may make a special adjustment of the rent to owner only if the adjustment has been approved by HUD. The owner does not have any right to receive a special adjustment.
- B. Reasonable rent. The adjusted rent may not exceed the reasonable rent. The owner may not receive a special adjustment if the adjusted rent would exceed the reasonable rent.
- C. Term of special adjustment.
  - (1) The HA may withdraw or limit the term of any special adjustment.
  - (2) If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a temporary or one-time increase of the rent to owner.

11. 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.

12. Rent to Owner: (In subsidized projects).

- A. Subsidized rent.
  - (1) The rent to owner in an insured or noninsured Section 236 project, a Section 515 project of the Rural Development Administration, a Section 202 project or a Section 221(d)(3) below market interest rate project is the subsidized rent.
  - (2) During the assisted tenancy, the rent to owner must be adjusted to follow the subsidized rent, and must not be adjusted by applying the published Section 8 annual adjustment factors. For such units, special adjustments may not be granted. The following sections do not apply to a tenancy in a subsidized project described in paragraph (a)(1) of this section: Sec. 982.509 (annual adjustment) and Sec. 982.510 (special adjustment).

- B. HOME. For units assisted under the HOME program, rents are subject to requirements of the HOME program (24 CFR 92.252).
- C. Other subsidy: HA discretion to reduce rent. In the case of a regular tenancy, the HA may require the owner to reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants or other subsidized financing.

13. 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 tenant 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 tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

14. 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.

15. 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.

16. 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 tenant file third party verification of the following factors, or must document in the tenant 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 reporting of change. The HA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.
  - D. Effective date of reexamination.
    - (1) The HA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim redetermination.
    - (2) At the effective date of a regular or interim reexamination, the HA must make appropriate adjustments in the housing assistance payment and family unit size.
  - E. Family member 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.
17. Utility Allowance Schedule.
- A. Maintaining schedule.
    - (1) The HA must maintain a utility allowance schedule for all tenant-paid utilities (except telephone and cable), 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. How allowances are determined.

- (1) The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the HA must use normal patterns of consumption for the community as a whole and current utility rates.
- (2)
  - (a) An HA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the HA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.
  - (b) In the utility allowance schedule, the HA must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection (disposal of waste and refuse); other electric; refrigerator (cost of tenant-supplied refrigerator); range (cost of tenant-supplied range); and other specified housing services. The HA must provide a utility allowance for tenant-paid air-conditioning costs if the majority of housing units in the market provide centrally air-conditioned units or there is appropriate wiring for tenant-installed air conditioners.
- (3) The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, row-house, town house, single-family detached, and manufactured housing) that are typical in the community.
- (4) The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.

C. Revisions of utility allowance schedule.

- (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.

D. 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.
- E. 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.

## **SECTION XXV. AFFORDABILITY ADJUSTMENTS AND RENT PROVISIONS- VOUCHERSONLY**

1. Annual Increases of Payment Standards. The HA, in its discretion, may adopt annual increases of payment standards amounts 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 [if more than percent, the HA may adjust the payment standard]),
  - B. Success rate in leasing vouchers and
  - C. Percentage of FMR [if payment standard is within - percent of the FMR, either higher or lower, the HA may adjust the payment standard]. The HA will also consider the financial utilization of funding provided for vouchers. If the HA determines that vouchers are not being leased to properly utilize funding, the payment standard may need to be adjusted to increase utilization of available funding.
2. Rent Negotiation. Under the Housing 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**

- I**     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). If the owner terminates the tenancy for a business or economic reason the owner must provide the tenant with a 90 day notice.
- 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 90 days before termination of a tenant-based housing assistance payment (HAP) contract and 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 an 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 Terminate 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** Executive Director: Responsible for all aspects of the Section 8 Programs.

2. Section 8 worker: The Section 8 worker is responsible for the day to day operations of the Section 8 Programs. Some of the major duties are: takes applications, signs certificates, handles public relations with concerned agencies and landlords, performs certifications and recertifications of Certificate and Vouchers holders and prepares various Section 8 reports.
3. Bookkeeper: Issues all Section 8 checks and prepares all Section 8 Financial Reports.
4. Receptionist: The Receptionist serves as the backup for the Section 8 worker and performs a portion of the duties of the Section 8 worker as needed.
5. Inspector: Performs Section 8 Inspections for the Section 8 program and under the direction and training of the Office Manager.
6. Maintenance Supervisor: Performs 5% quality control inspections.

**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. SPECIAL HOUSING TYPES**

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 part 8

1. Manufactured Home

A. Applicability of requirements. Sec. 982.620

- (1) Assistance for resident of manufactured home.
  - (a) A family may reside in a manufactured home with assistance under the program.
  - (b) The HA must permit a family to lease a manufactured home and space with assistance under the program.
  - (c) The HA may provide assistance for a family that owns the manufactured home and leases only the space. The HA is not required to provide such assistance under the program.
- (2) Applicability.
  - (a) The HQS in Sec. 982.621 always apply when assistance is provided to a family occupying a manufactured home (under paragraph (a)(2) or (a)(3) of this section).
  - (b) Sections 982.622 to 982.624 only apply when assistance is provided to a manufactured home owner to lease a manufactured home space.
- (3) 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.

B. Housing quality standards. Sec. 982.621

A manufactured home must meet all the HQS performance requirements and acceptability criteria in Sec. 982.401. A manufactured home also must meet the following requirements:

- (1) Performance requirement. A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.
- (2) Acceptability criteria. A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

C. Space Rental: Rent to owner. Sec. 982.622

- (1) What is included.

- (a) Rent to owner for rental of a manufactured home space includes payment for maintenance and services that the owner must provide to the tenant under the lease for the space.
  - (b) Rent to owner does not include the costs of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.
- (2) Reasonable rent.
- (a) During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined in accordance with this section. Section 982.503 is not applicable.
  - (b) The HA may not approve a lease for a manufactured home space until the HA determines that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HA must redetermine that the current rent to owner is a reasonable rent.
  - (c) The HA must determine whether the rent to owner for the manufactured home space is a reasonable rent in comparison to rent for other comparable manufactured home spaces. To make this determination, the HA must consider the location and size of the space, and any services and maintenance to be provided by the owner in accordance with the lease (without a fee in addition to the rent).
  - (d) By accepting each monthly housing assistance payment from the HA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. The owner must give the HA information, as requested by the HA, on rents charged by the owner for other manufactured home spaces.

D. Space rental: Housing assistance payment. Sec. 982.623

- (1) Fair market rent. The FMR for a manufactured home space is determined in accordance with 24 CFR 888.113(e). Exception rents do not apply to rental of a manufactured home space.
- (2) Housing assistance payment: For regular certificate tenancy.
  - (a) Limit on initial rent. For a regular tenancy, the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.
  - (b) Formula.
    - (i) During the term of a regular tenancy, the amount of the monthly housing assistance payment equals the lesser of paragraphs (b)(2)(1)(A) or (b)(2)(ii)(B) of this section:
      - (A) Manufactured home space cost minus the higher of-
        - ((I) The total tenant payment; or
        - ((2) The minimum rent as required by law.
      - (B) The rent to owner for the manufactured home space.
    - (ii) "Manufactured home space cost" means the sum of.



- (A) The amortization cost;
  - (B) The utility allowance; and
  - (C) The rent to owner for the manufactured home space.
- (3) Housing assistance payment: For voucher tenancy or over-FMR tenancy.
  - (a) Payment standard. For a voucher tenancy or an over-FMR tenancy, the payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard for a family renting a manufactured home space is the published FMR for rental of a manufactured home space. The amount of the payment standard is determined in accordance with Sec. 982.505(d)(4) and (d)(5).
  - (b) Subsidy calculation for voucher tenancy. During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family equals the lesser of paragraphs (c)(2)(1) or (c)(2)(ii) of this section:
    - (i) An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of-
      - (A) The amortization cost;
      - (B) The utility allowance; and
      - (C) The payment standard.
    - (ii) The monthly gross rent for the manufactured home space minus the minimum rent. For a voucher tenancy, the minimum rent is the higher of-
      - (A) 10 percent of monthly income (gross income); or
      - (B) A higher minimum rent as required by law.
  - (c) Subsidy calculation for over-FMR tenancy. During the term of an over-FMR tenancy, the amount of the monthly housing assistance payment for a family equals the lesser of paragraphs (c)(3)(1) or (c)(3)(ii) of this section:
    - (i) An amount obtained by subtracting the family's total tenant payment from the sum of-
      - (A) The amortization cost;
      - (B) The utility allowance; and
      - (C) The payment standard.
    - (ii) The monthly gross rent for the manufactured home space minus the minimum rent as required by law.
- (4) Amortization cost.
  - (a) In calculating the subsidy payment for a voucher tenancy, an over-FMR tenancy, or a regular tenancy under the certificate program, the amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount must be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the HA determines that furniture was not included in the purchase price.
  - (b) The amount of the amortization cost is the debt service established at time of application to a lender for financing purchase of the manufactured home if monthly payments are still being made. Any increase in debt

service due to refinancing after purchase of the home is not included in the amortization cost.

- (c) Debt service for set-up charges incurred by a family that relocates its home may be included in the monthly amortization payment made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize such charges.
- (5) Annual income. In determining a family's annual income, the value of equity in the manufactured home owned by the assisted family, and in which the family resides, is not counted as a family asset.

E. Space Rental: Utility allowance schedule. Sec. 982.624

The HA must establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances must include a reasonable amount for utility hook-up charges payable by the family if the family actually incurs the expenses because of a move. Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place. Utility allowances for manufactured home space must not cover costs payable by a family to cover the digging of a well or installation of a septic system.

## **SECTION XXXII. 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 I. INTRODUCTION:**

1. **Mission Statement:** - To offer a hand to those in need by providing affordable adequate housing by using limited federal dollars, empowering clients to improve their quality of life.

### **In order to achieve this mission, we will:**

- Recognize residents as our ultimate customer.
  - Improve Public Housing Authority (HA) management and service delivery efforts through effective and efficient management of HA staff.
  - Seek problem-solving partnerships with residents, community, and government leadership.
  - Apply HA resources, to the effective and efficient management and operation of public housing programs, taking into account changes in Federal funding.
2. **Purpose of Policy-** - The purpose of this policy (**Admissions and Continued Occupancy Policy**) is to establish guidelines for the Public Housing Authority (HA) staff to follow in determining eligibility for admission to and continued occupancy of Public Housing. The basic guidelines for this policy are governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for local policies and procedures. The Policies and Procedures governing Admissions and Continued Occupancy are outlined in this policy and these requirements are binding upon applicants, residents and this HA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

### **Federal Regulations shall mean those found in 24 Code of Federal Regulations (CFR) Part 900**

3. **Primary Responsibilities of the HA:**
  - A. Informing eligible families of the availability of public housing assistance;
  - B. Determining and posting annually the utility allowances;
  - C. Receiving applications from families and determining their eligibility for assistance;

- D. Inspecting Public Housing units to determine that they meet or exceed Public Housing Assessment System guidelines;
  - E. Approving leases;
  - F. Collecting rent on a monthly basis from tenants;
  - G. Annual re-examinations of income, family composition and re-determination of rent;
  - H. Authorizing and processing evictions; and,
  - I. Ongoing maintenance and modernization of the Public Housing inventory.
4. Objectives: - The objectives of this policy are to:
- A. Promote the overall goal of drug free, decent, safe and sanitary housing by:
    - (1) Insuring a social and economic mix of residents within each public housing neighborhood in order to foster social stability and upward mobility.
    - (2) Insuring the fiscal stability of the HA.
    - (3) Lawfully denying admission or continued occupancy to applicants or tenants whose presence in a public housing neighborhood are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to HA employees.
    - (4) Insuring that Elderly/Disabled families can live in public housing as long as they are able to live independently and/or have someone to help them live independently as in the case of a live-in aid.
  - B. Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the HA inventory and staff.
  - C. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to insure that admission to and continued occupancy in public housing are conducted without regard to race, color, religion, creed, sex, national origin, handicap, or familial status.
5. Outreach - As much information as possible about Public Housing may be disseminated through local media (newspaper, radio, television, etc.). For those who call the HA Office, the staff may be available to convey essential information.

- The HA may hold meetings with local social community agencies.
- The HA may sponsor "Open House" programs within the public housing community to attract potential tenants to view a public housing unit.
- 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 Public Housing. 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 Public Housing.

## **SECTION II. FAIR HOUSING POLICY**

It is the 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 account of race, color, sex, religion, creed, national or ethnic origin, familial status, disability or handicap, deny any family or individual the opportunity to apply for or receive assistance under HUD's Public Housing Programs, within the requirements and regulations of HUD and other regulatory authorities.

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

## **SECTION III. PRIVACY RIGHTS**

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

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

## **SECTION IV. DEFINITION OF TERMS**

Definitions are amended from time to time and are contained in Section 24 CFR, which are incorporated by reference as if fully set out herein. Copies of this regulation are available in the HA Office.

1. 30% MEDIAN INCOME FAMILY – A family whose income is 30% or less than the area median income as defined by HUD.
  
2. ADJUSTED FAMILY INCOME - Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:
  - A. A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is (1) seventeen (17) years of age or younger or (2) who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
  
  - B. A deduction of \$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.
  
  - C. 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 E of this Section, plus an allowance for medical expenses that is equal to the Family's medical expenses.
    - (3) That has Handicapped Assistance Expenses that are less than three (3%) percent of 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.
  
  - D. 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 will be deducted 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.

- E. 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 childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. 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 set at the HA established minimum rent.**

3. ADULT - An adult is a person who has reached his/her 18th birthday or 16 years of age and married or has been married, or who has been relieved of the disability of non-age by the juvenile court (Emancipated Minor). Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.
4. CEILING/FLAT RENT - The method of establishing the reasonable market rental value of units, calculated in accordance with HUD regulations.
5. CHILD - A member of the family, other than the family head or spouse, who is under 18 years of age.
6. CHILD CARE EXPENSES - 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 childcare 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 unemployed parent who is physically capable of caring for the children. An example of an exception may be an unemployed parent 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 childcare.

7. CHILD CUSTODY - An applicant/occupant family who does not have full custody of a child/children may only claim a child as a dependent by the following:
  - A. The applicant/occupant must have primary custody of the child, which is defined as 183 days per year, which do not have to run consecutively.
  - B. The applicant/occupant must provide sufficient evidence that if the applicant were admitted to public housing the child would reside with the applicant. The same child cannot be claimed by more than one applicant.
8. CITIZEN - A citizen or national of the United States.
9. 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.
10. DISABLED PERSON - (See Handicapped Person)
11. DISPLACEMENT DUE TO DOMESTIC VIOLENCE – An applicant family who has vacated, or is currently residing and needs to vacate a unit due to exposure to Domestic Violence.
12. ELDERLY FAMILY - A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, 62 years of age and disabled or handicapped, and may include two or more elderly, elderly and 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.
13. ELDERLY PERSON - A person who is at least sixty-two (62) years of age.
14. EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS - The documents that must be submitted to evidence citizenship or eligible immigration status.
15. 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 a single person. 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 a single persons and only entitled to a one-bedroom unit. Once the child reaches the age of one (1) and/or the custody is obtained, the family will qualify for a two-bedroom unit and authorized to transfer as outlined in the Transfer Section.

16. FAMILY - The term "family" as used in this policy means:
- A. Two or more persons related by blood, marriage, or by operation of law. A family 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 or 16 years of age and married or has been married to enter into a contract and capable of functioning as the head of the household. If an individual is 18 and qualifies under the definition of family by being married, the head of household and the spouse must be parties 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; and
  - G. A single person who is not elderly or displaced person, or a person with disabilities.

**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 public housing) a housing unit with two or more bedrooms.**

17. FOSTER CHILDREN - With the prior written consent of the HA, a foster child may reside on the premises. 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 a transfer of the family to another unit, and whether such units are available.
  - B. The HA's obligation to make reasonable accommodation for handicapped persons.
18. 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 under the standards and practices of the educational institution attended. An educational institution includes a vocational school with diploma or certificate program, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.
19. 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.
20. 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(D) 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."

F. No individual shall be considered to be a person with a disability for purposes of eligibility for low income housing solely on the basis of any drug or alcohol dependency.

- 21. HAZARDOUS DUTY PAY - Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
- 22. HEAD OF HOUSEHOLD - The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
- 23. INCOME EXCLUSIONS - Annual Income does not include such temporary, nonrecurring, or sporadic income as the following:
  - A. Casual, sporadic, temporary, nonrecurring income, including gifts.
  - B. 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. The full amount of student financial assistance paid directly to the student or to the educational institution.
- E. Relocation payments made pursuant to Title 11 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).
- F. 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. 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. 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. Income from employment of children (including foster children) under the age of eighteen (18).
- L. Payment received for the care of foster children.
- M. 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. 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. 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. Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
- Q. 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 Rinds held in trust for an Indian tribe by the Secretary of Interior [25 U.S.C. 117(b), 14071.

- R. Payments from Programs under Title V of The Older Americans Act of 1965 [42 U.S.C. 3056(f)].
- S. Amounts received under training programs funded by HUD.
- T. 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. 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. For taxable years after December 31, 1990, the earned income tax credit refunds. Effective Date: July 25, 1994.
- W. The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the U.S. Housing Act of 1937, or any comparable Federal, State, or local law during the exclusion period. For purposes of this paragraph, the following definitions apply:

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

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

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

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

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

- X. A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time.
  - Y. For all initial determinations and reexaminations of income carried out on or after April 23, 1993, reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
  - Z. Earning in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).
  - AA. Adoption assistance payments in excess of \$480 per adopted child.
  - BB. Deferred periodic payments of Supplemental Security Income and Social Security benefits that are received in a lump sum payment received on or after October 28, 1992.
  - CC. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- 24. INFANT - A child under the age of two years.
  - 25. INTERIM REDETERMINATION OF RENT - Changes of rent between admissions and reexaminations and the next succeeding reexamination.
  - 26. INS - The U. S. Immigration and Naturalization Service.

27. 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.
- A Live-in Aide must be approved, in advance, by the HA and meet eligibility requirements for public housing occupancy.**
29. LOWER INCOME FAMILY - A family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD.
30. 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 an elderly family or a family including a handicapped or disabled member.
31. 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.
32. MINIMUM RENT - Families assisted under the Public Housing program pay a monthly minimum rent" of not more than \$50.00 per month. The HA has the discretion to establish the "minimum rent" from \$0 up to \$50.00. The minimum rent established by this HA is \$50
33. MINOR - A "minor" is a person under eighteen (18) years of age. Provided, that a married person, or person who has been married sixteen (16) years of age or older shall be considered to be of the age of majority. (An unborn child may not be counted as a minor.)
34. MIXED FAMILY - A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
35. MONTHLY ADJUSTED INCOME - One-twelfth of Adjusted Annual Income.

36. 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.
37. 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.
38. NEAR ELDERLY - A family whose head or spouse or "sole member" is at least fifty years of age, but below the age of sixty-two.
39. 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.
40. NONCITIZEN - A person who is neither a citizen nor national of the United States.
41. PUBLIC HOUSING AGENCY (HA) - Any State, County, Municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development of operation of housing for lower income families.
42. RECERTIFICATION - Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.
43. 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.

44. REMAINING MEMBER OF THE RESIDENT FAMILY - The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must occupy the public housing unit to which he claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member. This person must complete forms necessary for housing within ten days from the departure of the leaseholder and may remain in the unit for a reasonable time pending the verification and grievance process. This person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the unit.

Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to the grievance process upon notification that he or she is not considered to be a remaining member of the household. A grievance must be requested in accordance with the HA's Grievance Procedure. The HA does not recognize the person as a tenant by giving him or her the opportunity for a grievance hearing. A remaining member shall not be considered to be a tenant until such time as a new lease is executed by the HA and the person granted tenant status after the verification process.

45. 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.
46. SPOUSE - A spouse is the legal husband or wife of the head of the household.
47. STANDARD PERMANENT REPLACEMENT HOUSING - Is housing that:
- A. Is decent, safe, and sanitary;
  - B. Is adequate for the family size; and
  - C. That the family is occupying pursuant to a lease or occupancy agreement.

**Note:**

Such housing does not include transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence or homeless families, and in the case of domestic violence, does not include the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.

48. 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 but less than sixty (60) days is considered temporarily absent.
49. TENANT RENT - Tenant Rent equals Total Tenant Payment or minimum rent less the utility allowance. Telephone and cable television service is not a utility.
50. TOTAL ANNUAL FAMILY INCOME - Total Annual Family 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.

Total Annual Family Income **includes**, but is not limited to, the following:

- 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; (*Excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS)*)
- E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay. (see also Paragraph 25-C in this section.
- F. Welfare assistance. Any cash assistance paid by the welfare agency including cash and TAF.
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts, including amounts received from any persons not residing in the dwelling. If the payments actually received are different than the determined amount, rent can be adjusted in accordance with Section III D of the dwelling lease.
- 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 also "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.**

Tenants that receive lump-sum payments that are included as income and fall in the categories listed above, (*Excluding Lump Sum Supplemental Security Income*)

*(SSI) and Lump Sum Social Security Benefits (SS)),* must report the income to the HA by the 25<sup>th</sup> of the month in which it occurs.

Unreported Income: If a tenant fails to report income, the tenant may be found guilty of fraud. If the act is determined by the HA to be intentional, the tenant will be obligated to pay the applicable portion of the rent for any and all unreported income. If the unreported income was unintentional by the tenant the tenant will be billed for the amount due the HA. If the payment cannot be made in one payment, the tenant may request the HA to approve a repayment schedule. Any repayment agreement must be in writing and signed by the Tenant and a HA representative.

51. TOTAL TENANT PAYMENT (TTP): The TTP for families participating in the Public Housing program must be at least \$50 which is the minimum rent established by the HA.
- A. For the Public Housing Program, the TTP must be the greater of:
- (1) 30 percent of family monthly adjusted income;
  - (2) 10 percent of family monthly income;
  - (3) \$50, which is the minimum rent set by the HA, or
- B. The ceiling/flat rent. The resident may elect the ceiling/flat rent in lieu of the rent calculated in paragraph "A" above.

It is possible for Public Housing tenants to qualify for a utility reimbursement despite the requirement of a minimum rent

52. UTILITIES - Utilities include water, electricity, gas, garbage, and sewage services.
53. UTILITY ALLOWANCE - The cost of utilities is not included in the Tenant rent, but is the responsibility of the family occupying the unit. The utility allowance is an amount equal to the estimate made or approved by the HA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.
54. UTILITY REIMBURSEMENT PAYMENT - Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the unit, exceeds the Total Tenant Payment for the family occupying the unit.

55. 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.
56. WAGE EARNER - A wage earner is a person in a gainful activity that who receives any wage. 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.

## **SECTION V. APPLYING FOR ADMISSION**

1. How to Apply - Families wishing to apply for Public Housing shall complete an application for public housing assistance in person.

Applications will be accepted at the following location during posted times: 469 S. 5<sup>th</sup> Street, Salina, Kansas.

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

Completed applications will be accepted for all applicants and the information will be verified by the HA.

The application must be dated, and time-stamped.

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.

Individuals living out of town may request that an application be mailed to them.

2. Closing of Application Taking

If the HA is taking applications, the HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to occupy a public housing unit within the next 12 month period. Application taking may be suspended by bedroom

size, if applicable.

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

The HA will utilize the following procedures:

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

The Notice must contain the following:

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

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

**NOTE: 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 public housing vacancies.

## **SECTION VI. MISSED APPOINTMENTS**

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

- Bringing in Verification Information
- Briefing prior to Occupancy
- Inspections

- Recertification
- Other Appointments or Requirements to Bring in Documentation as Listed in this Plan

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

If the family does not appear or call to reschedule the appointment(s) required, the HA may begin termination procedures. The applicant or tenant will be given an opportunity for an informal meeting or hearing, as appropriate pursuant to the grievance process.

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 TENANT**

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

## **SECTION VIII. ADMISSION ELIGIBILITY AND CRITERIA**

1. All families who are admitted to the Public Housing Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant family must meet **all** of the following requirements:

- A. The applicant family must qualify as a family as defined in the Definitions Section.
  - B. The applicant family's Total Annual Family Income as defined in the Definitions Section, must not exceed income limits established by HUD for Public Housing.
  - C. Head of Household must be 18 years of age or older or 16 years old and married or has been married, or a person that has been relieved of the disability of non-age by court action. (Emancipated Minor)
2. Sources of information for eligibility determination may include, but are not limited to, the applicant (by means of interviews or home visits), landlords, employers, family, social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments where warranted by the particular circumstances. Information relative to the acceptance or rejection of an applicant shall be documented and placed in the applicant's file in accordance with HA record keeping policy. Such documentation may include reports of interviews, letters, or telephone conversations with reliable sources. As a minimum, such reports shall indicate the date, the source of the information, including the name and title of the individual contacted, and a narrative of the information received.

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

3. If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. They will also be informed of their right to grieve the decision, if applicable, in accordance with the Grievance Procedure.
4. Declaration of Citizenship: The HA may not provide assistance to nor make financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible non-citizen in HUD's assisted housing programs.
5. Once an applicant becomes a tenant in the HA's public housing program, the head of household must request permission to add another person to the dwelling lease. The person being added must meet all eligibility requirements before the HA will approve any addition to the dwelling lease.



## SECTION IX. VERIFICATION AND DOCUMENTATION

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

1. Submit SSN documentation; or
2. Verification will be done through the providing of a valid Social Security card issued by the Social Security Administration.

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

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

These documents include:

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

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

3. Employer Identification Number (EIN).
4. Applicants may not become residents until a Social Security card or verification from the Social Security Office 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.

Additional documentation that may be required in determining eligibility:

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

9. VA Benefits.
10. Any other reasonable information needed to determine eligibility may be requested by the HA, which may include police reports.
11. Separation means the ending of co-habitation by mutual agreement. - If an applicant/tenant is divorced\* or separated and has children by that spouse, applicant/tenant must provide at least one of the verifications listed below:
  - A. A FINAL divorce decree. \*(Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced)
  - B. Receiving court-ordered child support from former spouse.
  - C. Verification that applicant is pursuing child support through Department of Human Resources, Child Support Enforcement or Clerk of the District Court.
  - D. Receiving TAF (Temporary Assistance to Families) through the Department of Human Resources for former spouse's children.
  - E. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
  - F. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
  - G. Written statement from a lawyer that applicant has filed suit for divorce.
  - H. Food Stamp verification.

**Note:**

***Only if applicant/tenant cannot provide any of the above, a Notarized Statement from the applicant will be accepted.***

12. If applicant/tenant is divorced\* or separated from a person and has no children by that person, applicant/tenant must provide at least one of the verifications listed below:
  - A. A final divorce decree. \*(Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced)

- B. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
- C. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
- D. Written statement from a lawyer that applicant has filed suit for divorce.
- E. Food Stamp verification.

**Note:**

**Only if applicant/tenant cannot provide any of the above, a Notarized Statement form the applicant/tenant will be accepted.**

**SECTION X. GROUNDS FOR DENIAL OF ADMISSION**

- 1. The HA is not required nor obligated to assist families who:
  - A. Owes rent, other amounts, or judgments to any HA or any other Federally subsidized housing program

**Note:**

**Re-paying funds that are due *does not necessarily* qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money owed to a HA which has been discharged by bankruptcy shall not be considered in making this determination.**

- B. Have previously been evicted from Public Housing or Section 8.
- C. Committed acts which would constitute fraud in connection with any federally assisted housing program.
- D. Did not provide information required within the time frame specified during the application process.
- E. Convicted of drug-related criminal activity or violent criminal activity. The PHA shall prohibit admission to any household that includes any individual who has been convicted of producing or manufacturing Methamphetamine in a HUD subsidized unit.

- F. Has a history of not meeting financial obligations, specifically rent.
- G. Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits which may adversely affect the health, safety or welfare of the other tenants.
- H. Has a history of criminal activity involving crimes of physical violence to persons or property and other criminal activity which may adversely affect the health, safety or welfare of other tenants. The PHA shall prohibit the admission of any household that includes any individual who is subject to lifetime registration requirement under a State Sex Offender Registration program.
- I. During the interview process the applicant demonstrates hostile behavior that indicates that the prospective applicant may be a threat to our public housing residents.
- J. The applicant family must have properly completed all application requirements, including verifications. Intentional misrepresentation of income, family composition or any other information affecting eligibility, will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation.
- K. The applicant and all adults must sign a release allowing the HA to request any and all information required in determining eligibility.
- L. If the applicant has ever threatened physical violence against any HA staff.
- M. If the HA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this requirement if:
  - (1) The person demonstrates to the HA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  - (2) has successfully completed a supervised drug or alcohol rehabilitation program;
  - (3) has otherwise been rehabilitated successfully; or
  - (4) is participating in a supervised drug or alcohol rehabilitation program.

Documentation must be provided for M. 1-4.

**Note:**

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

2. If an applicant is denied admission, the HA will notify the applicant of their right to grieve the decision, if applicable, in accordance with the Grievance Procedure
3. As a general rule applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:
  - A. Denied admission for one (1) year for the following:
    - Past rental record
    - Bad rent paying habits
    - Bad housekeeping habits, in and outside the unit
    - Damages
    - Disturbances
    - Live-ins
    - Demonstrates hostile behavior during the interview process that indicates that the applicant may be a threat to our residents.
  - B. Denied admission for three (3) years for the following:
    - Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.
  
    - The HA can waive this requirement if the person demonstrates to the HA's satisfaction successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.
  - C. Denied admission for five (5) years for the following:
    - Fraud (giving false information on the application is considered fraud).
    - An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.
    - Drug use without evidence of rehabilitation.

- D. Denied admission for ten (10) years for the following:
  - Conviction for Drug Trafficking.
- E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- F. Denied admission for life to any applicant who has been convicted of manufacturing or producing Methamphetamine (commonly referred to as "speed") on the premises of the public housing project. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

**Note:**

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

**SECTION XI. TENANT SELECTION AND ASSIGNMENT PLAN**

1. Equal Opportunity: - The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This HA shall not deny to any family the opportunity of applying for admission nor shall it deny to any eligible applicant the opportunity of leasing or renting a dwelling suitable to its need in any low-rent project operated by this HA.
2. Selection Process: - Tenants shall be selected from among eligible applicant families whose family composition is appropriate to available dwelling units. The HA will take into consideration the needs of individual families for low rent housing and the statutory purpose in developing and operating a socially and financially sound low-income housing project, which provides a decent home and a suitable living environment and fosters economic and social diversity in the tenant body as a whole. Selection will be made in such a manner as:
  - A. For every fiscal year, each HA shall reserve a percentage of its new admissions for families whose incomes do not exceed thirty percent of the area median income. The goal for public housing shall be forty percent of new admissions. In reaching the new

admissions goals, the HA's are required to avoid concentrating very low income families.

- B. To maintain a tenant body composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families in the HA's area of operation as defined by state law.
3. Order of Selection: - Applications will be filed in the following hierarchical order:
- A. Unit size/type needed by applicants
  - B. Date and time of application
  - C. Provided, however, the provisions of the deconcentration rule, contained within this policy, shall supercede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal.

**Note:**

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

**SECTION XII. GROUNDS FOR DENIAL AND OPPORTUNITY FOR HEARING**

If the HA determines that an applicant does not meet the criteria for receiving housing, the HA must promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reasons for the determination, and state that the applicant has the right grieve the decision, if applicable, in accordance with the Grievance Procedure. The applicant may exercise other rights if the applicant believes that he or she has been discriminated against on the basis of race, color, religion, sex, handicap, familial status and national origin.

**SECTION XIII. INCOME VERIFICATION AND DOCUMENTATION**

- 1. The HA use for verification purposes the following:



- Verification of Employment for wage earners;
  - Verification of public assistance for those persons who receive public assistance;
  - Documentation of exceptional medical and/or other expenses (elderly family status);
  - Verifications of assets (savings, stocks, bonds, etc.);
  - Birth Certificates; and
  - Other means or sources of income verification.
2. Once all of the information is verified the HA shall calculate the monthly rent. The family will be notified of this amount and the amount of the flat rent. The family shall elect, in writing, their choice.

As soon as a determination can be made, applicants will be informed, in writing, by an authorized HA representative that they have been declared eligible or ineligible. Applicants that are determined ineligible will be informed, in writing, of their right to grieve, if applicable, in accordance with the Grievance Procedure.

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

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

If the family reports zero income, the HA will have the family sign verification forms to verify that no income is being provided. For zero income families, this is done every month.

Families will be required to report any changes in their income status by the 25<sup>th</sup> of the month in which it occurs..

#### **SECTION XIV. BRIEFING OF FAMILIES**

1. Briefing: Purpose of the Briefing: - The purpose of the briefing is to cover the occupancy requirements for the tenant. Tenant must bring to the Briefing a completed Utility Confirmation form signed by the appropriate agencies indicating that utilities are being transferred into their name.

The briefing is conducted as follows:

- A. At the briefing, the Lease and Grievance Procedure is explained in detail to the

tenant and/or tenants. (All adult family members must be present)

- B. All required occupancy forms must be signed.  
The required occupancy forms are explained at that time and the dwelling lease is signed by all adult household members and a HA representative.
  - C. The applicable deposit and rent for the first month is collected.
  - D. Appointment for Move-In Inspection is scheduled.
2. Briefing Attendance Requirement: - Failure to attend a scheduled briefing (without notice to the HA) will result in the family's application being removed from the waiting list and the family may be required to reapply for assistance.

Failure of an applicant to keep a scheduled check-in, without good cause, may result in the cancellation of the occupancy process and the applicant required to reapply for assistance.

3. Format of the Briefing: - The applicant is provided with the following:

- Dwelling Lease
- Grievance Procedure
- Schedule of Damage and Maintenance Charges (with emergency maintenance information)
- Rent Due Dates
- Lead Base Paint Awareness (HUD Form 52591)
- Mowing Notice Policy
- Tenant 30-Day Notice Form (Blank)
- Pet Policy (if applicable)
- Tenant Obligations
- Confirmation of Forms Received
- Appliance Lease Addendum (if applicable)

The provisions of the Lease and Grievance Procedure are explained to the Tenant. The lease specifies the unit to be occupied, family composition, date of admission, the rent to be charged, utility allowances, and the terms of occupancy. If for any reason the family becomes over or under housed they must be informed that once a unit of the appropriate size is available they must move to the appropriate size unit as outlined in Transfers. Also, if there is a change in family composition that caused the family to be over or under housed the family will be required to move to the appropriate size unit at their next

annual re-examination, if an appropriate size unit is available.

4. Dwelling Lease completion:

- A. The responsible member (head of household) and all adult family members shall be required to execute a Dwelling Lease prior to admission. One executed copy is to be furnished the tenant and the original executed copy is to be retained in the Tenant file established for the family by the HA. A copy of the Grievance Procedure shall be attached to the Tenant's copy of the Lease.
- B. When a tenant transfers to another dwelling, the existing Lease shall be canceled and a new Dwelling Lease executed for the present dwelling.
- C. If at any time during the life of the Dwelling Lease, any other changes in the tenant's status results in the need to change or amend any provision of the Lease, those changes shall be reflected in the Recertification Form completed by the tenant when reporting the change.
- D. A duplicate form of acknowledgment and understanding (Confirmation of Forms Received) which lists all items of which the tenant has been informed shall be signed by the tenant and the HA representative. A copy of this form shall be attached to the Tenant's copy of the lease along with copies of items as referred to and a copy maintained in the tenant's file.

## **SECTION XV. ANNUAL INSPECTIONS OF PUBLIC HOUSING UNITS**

The HA has a system in place that documents the inspection of all public housing units. If the inspection results in a work order the repairs are made in accordance to the urgency of need as documented by the inspection sheet. The HA has a system that tracks each inspection. The inspection sheet used by the HA meets or exceeds the requirements of the Public Housing Assessment System.

## **SECTION XVI. INSPECTION AND ENTRY OF UNIT PROCEDURES**

The tenant will be given notice as outlined in the Dwelling Lease, **except for emergencies/search warrants**, that the unit will be inspected. The notification will indicate the date and the approximate time of the inspection. If the inspection indicates that the tenant has poor housekeeping habits that need to be improved upon, the inspector will file a report and the occupancy worker will schedule a meeting with the tenant to counsel the tenant on their poor housekeeping habits. A follow-up inspection may be conducted by the worker within 30-days of the counseling session and if the problem continues to exist

the worker may take whatever action that is necessary to correct the situation. If the tenant fails to improve, the provisions of the dwelling lease can be enforced and the tenant evicted. However, the worker should take steps to help the tenant improve before starting the eviction process.

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

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

HA staff and/or agents of the HA, at the direction of the Police will open the door to a unit when law-enforcement officials present a lawfully executed search warrant (plus, provide a copy of the search warrant to HA staff) for a dwelling unit managed by the HA. HA staff and/or its agents will write down the name(s) of the Police Officers and keep with the copy of the search warrant. These documents will be filed in the residents file folder. HA staff will not enter the unit. This action will prevent the law enforcement officers from having to breakdown the door and causing damages to the unit.

## **SECTION XVII: TYPES OF INSPECTIONS**

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

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

### **Note:**

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

2. Move-out Inspections: - Performed with tenant, if possible, and documented by HA on inspection form and signed by the tenant, if present. This inspection determines if the tenant is responsible for any damages and owes the HA funds. Any deposit will be used to offset the funds due the HA.
3. Annual Inspections: - The HA inspects 100% of its units annually using standards that meet or exceed Public Housing Assessment System Inspections.
4. Occupancy Worker Inspections: - The HA representative may perform random home visits to see if the resident is keeping the unit in a decent, safe and sanitary condition. This visit can also be used as an opportunity to get to know the tenant and see if they have any specific needs that we can help them with and/or refer them to a service agency. The tenant will be given at least 24 hours advanced notice, prior to the inspection.
5. Special Inspections: - Representatives from the U. S. Department of Housing and Urban Development and/or other Government Officials visit the HA to monitor operations and as part of the monitoring they will inspect a sampling of the public housing inventory. The affected tenants will be given 24 hours advanced notice.
6. Pre-Transfer Inspections: - The inspection held prior to a family being transferred to another unit.

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

## **SECTION XVIII. DETERMINATION OF RENT, RE-EXAMINATION OF INCOME AND FAMILY CIRCUMSTANCES**

1. Determination of Rent: Rent as fixed at admission or annual re-examination will remain in effect for the period between regular rent determinations unless the following changes in family circumstances occur. Also, tenant agrees to report any change in income (or familial status) by the 25<sup>th</sup> of the month in which it occurs.
  - A. Loss or addition of family composition of any family member through birth, death,

divorce, removal of other continuing circumstances and the amount, if any, of family member's income;

- B. Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age; or
- C. Errors made at admission or reexamination by a HA staff member, shall be corrected by the HA. Retroactive payments will be made to the tenant if the error is in the tenant's favor.
- D. Temporary employment/unemployment or increases and decreases in wages "**for any reason**" of less than 30 days will not constitute a rent adjustment.
- E. The HA must lower the rent for a family whose income is reduced because of the expiration of a welfare-initiated time limit. This must be reported by the tenant by the 25<sup>th</sup> of the month in which it occurs. Provided, however, that if the family's welfare benefits are reduced of a fraudulent act on the part of a family member, or for failure to comply with welfare to work requirements resulting in sanction, the HA is prohibited from reducing the family's rent contribution to reflect the lower benefits income.
- F. The HA is required to disregard, for twelve months;
  - 1. The earned income of family members who were unemployed for a year or more and are now employed,
  - 2. Family members whose employment income increases as a result of participation in any family self-sufficiency or job training program, or
  - 3. Family members who were receiving TAF benefits in the last six months and whose earned income increases.

During the following 12 months the family's rent may be increased by 50 percent of the amount that would have been in effect without the disregard. Instead of the disregard, qualifying families may ask the HA to set up an escrow account.

2. Annual Re-examination:

- A. Once each year, or as required by this HA, each family will be required to furnish information in Part 6 of the Dwelling Lease. Verifications acceptable to the HA shall be obtained and determinations made. In the event of failure or refusal of tenant to report the necessary information, the HA may terminate the Lease. This

reexamination shall be done on or before the client's anniversary date.

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

C. Upon completion of reexamination and verification, tenant shall be notified, in writing.

1. Any change in rent and the date on which it becomes effective.
  - a. Thirty (30) days advanced notice if rent is to be increased.
  - b. If the rent is to decrease, it will be effective the first of the following month.
2. Any change required in the size of dwelling unit occupied.
3. Notified of the amount of the flat rent. The family shall elect, in writing, their choice.

D. If the HA determines that the size of the premises is no longer appropriate for the tenant's needs the tenant may be required to transfer to another units as outlined in Transfers.

3. 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. Tenant is required and agrees to report the following specified changes in family income and composition by the 25<sup>th</sup> of the month in which it occurs:

- A. Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family member's income. Any such additions, other than birth, must be approved by the HA in advance, and must qualify, the same as an applicant or any prospective new tenant.
- B. Employment, unemployment or changes in income for employment of a permanent nature of the family head, spouse, or other wage earner eighteen (18) years of age or older.
- C. The starting of or stopping of, or an increase or decrease of any benefits or payments received by any member of the family.

- D. Any other change of income or familial status.

**NOTE: Cost of living increases in Social Security or public assistance grants need not be reported until next re-examination and re-determination of rent.**

On occasions, the HA is required to compute rent based on information that is supplied by the tenant and third party information that has not or will not be provided by the employer. When this situation occurs the HA will compute a rent based on the information available and the tenant will be notified of the amount and the effective date, and their right to grieve the decision, if applicable, in accordance with the Grievance Procedure.

- 4. 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 prior to the 25<sup>th</sup> of the month.
  - B. The tenant agrees to pay any increase in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and to pay any back rent due because of failure on the part of the tenant to report such increase in family income.
  - C. Any interim change in rent will require re-verification of all family income that has not been verified within sixty (60) calendar days of the previous rent determination.
  - D. Tenant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United States Department of Housing and Urban Development (HUD).
  - E. If it is found that a tenant has misrepresented or failed to report facts upon which rent is based so that the tenant is paying less than the tenant should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The tenant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the tenant may be subject to civil and criminal penalties. Misrepresentation is a serious lease violation which may result in eviction.
- 6. Special Re-examinations: - Special reexaminations are pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:



- A. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special re-examination shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The tenant shall be notified, in writing, of the date of the special re-examination.
  - B. If the family income can be anticipated at the scheduled time, the reexamination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special re-examination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
  - C. Rents determined at special re-examinations shall be made effective as noted in this section.
7. Minimum Rent Hardship Exemptions: - The HA has established policy granting a Minimum Rent Hardship Exemption to qualifying families.
8. Reduction of Welfare Benefits: If the resident requests an income re-examination and the rent reduction is predicated on a reduction in tenant income from welfare:
- A. If the reduction is due to fraud or failure to participate or comply with program requirements, the request will be denied.
  - B. If reduction is due to lifetime limitation or any other reason of good standing, request will be granted.

**NOTE: Both A and B will require documentation from the local welfare agency. Families whose welfare assistance is reduced specifically because of fraud or failure to participate or comply with a work activities requirement will not have their rent reduced.**

## **SECTION XIX. TRANSFER**

1. Objectives of the Transfer Policy:
- A. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.

- B. To facilitate a relocation when required for modernization or other management purposes.
- C. To facilitate relocation of families with inadequate housing accommodations.
- D. To eliminate vacancy loss and other expense due to unnecessary transfers.

2. Types of Transfers:

- A. HA initiated: The HA may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management.  
For these types of transfers the HA will cover the cost of the transfer pursuant to cost allowed by HUD.
- B. Transfers for Reasons of Health: Tenant may be transferred when the HA determines that there is a medical need for such transfers, such as inability to negotiate stairs or steps. The tenant will be required to provide a statement from a medical doctor which indicates the condition of the tenant and the HA reserves the right to make its own evaluation of the situation and documentation. If the HA determines that there is not a substantial and necessary medical, that request for transfer will be denied. Normally such transfers will be within the tenant's original neighborhood unless the appropriate size and type of unit does not exist. The tenant must pay for all of their moving expenses.
- C. Transfers for Over/Under-housed Families to the Appropriate Unit - The HA may transfer residents at annual re-examination to the appropriate sized unit and that tenants are obligated to accept such transfers. Transfers will be made in accordance with the following principles:
  - (1) Determination of the correct sized unit shall be in accordance with the HA's occupancy guidelines, as outlined in Occupancy Guidelines.
  - (2) Transfers into the appropriate sized unit will be made within the same neighborhood unless that size does not exist on the site.
  - (3) The tenant must pay for their moving expenses.
- D. Priorities for transfers - All transfers must be either for health reasons, for relocation to an appropriate sized unit, or initiated by the HA due to modernization work and/or other good cause as determined by the HA. Priority transfers are listed below:
  - (1) HA initiated transfers,
  - (2) Transfers for health reasons,
  - (3) Tenants who are under-housed by two or more bedrooms,

- (4) Tenants who are over-housed by two or more bedrooms,
- (5) Tenants who are under-housed by one bedroom,
- (6) Tenants who are over-housed by one bedroom; and,

Within each priority type, transfers will be ranked by date. In processing transfers requested by tenants for approved health reasons or to move to a larger apartment, the date shall be that on which the changed family circumstances are verified by the occupancy worker.

3. Transfer Procedures: - The HA shall:

- Prepare a prioritized transfer list, as needed, at re-examination.
- Notify residents by letter of their pending transfer and scheduling of their Pre-Transfer Inspection.
- Participate in evaluation of request for transfer based on approved medical reasons.
- Issue final offer of vacant unit as soon as vacant unit is identified. Issue notice to transfer as soon as vacant unit is available for occupancy. Participate in planning and implementation of special transfer systems for modernization and other similar programs.
- Inspect both units involved in the transfer, charging for any resident damages that is not considered normal wear and tear.
- When the tenant is transferred for modernization, the cost of the transfer shall be paid by the HA, pursuant to cost that is allowed by HUD.

In the case of a family being transferred from a unit which is uninhabitable, incorrectly sized or scheduled for major repairs, failure to accept the unit offered, will be grounds for eviction. The HA will notify the tenant that the HA has discharged its obligations to the tenant and he/she will remain in the unit at his/her own risk, and that the HA assumes no liability for the tenants condition.

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

## **SECTION XX. LEASE TERMINATION AND EVICTIONS**

All Lease terminations and evictions will be processed in accordance with the HA's current Dwelling Lease and Grievance Procedure. The HA's Dwelling Lease and the Grievance Procedure is

incorporated into this document by reference and is the guideline to be used for Lease terminations and evictions.

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

## **SECTION XXI. COMPLAINTS AND GRIEVANCE PROCEDURES**

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

## **SECTION XXII. SECURITY DEPOSITS**

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

## **SECTION XXIII. OCCUPANCY GUIDELINES**

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

### 1. Suggested Guidelines:

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

|   |   |    |
|---|---|----|
| 4 | 4 | 8  |
| 5 | 5 | 10 |
| 6 | 6 | 12 |

2. Children documented to be temporarily out of the household in foster care are to be considered members of the family. "Temporary" will be defined as three (3) months or less.
3. Dwelling units will be so assigned that:
  - A. Children under one (1) year of age may occupy same bedroom with parents.
  - B. For reasons of health (old age, physical disability, etc.) separate bedrooms may be provided for such individual family member if verified as to need by a health care provider.
  - C. Social Factors such as differences in age or sex in siblings shall be taken into account In determining unit size.

**SECTION XXIV. COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS  
FOR POSTING REQUIRED INFORMATION**

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

1. Statement of Policies and Procedures Governing Admission and Continued Occupancy Policy (ACOP). This policy also outlines the HA's tenant selection and assignment plan.
2. Open Occupancy Notice (Applications being Accepted and/or Not Accepted)
3. Income Limits for Admission.
4. Utility Allowances.
5. Current Schedule of Routine Maintenance Charges.
6. Dwelling Lease.

7. Grievance Procedure.
8. Fair Housing Poster.
9. "Equal Opportunity in Employment" Poster.
10. Any current "Tenant Notices".
11. Security Deposit Charges.

## **SECTION XXV. PET RULE**

1. Client's will abide by the Pet Policy as posted.
2. Exclusion from this policy for animals that assist persons with disabilities. This policy does not apply to animals that are used to assist persons with disabilities. The Housing Authority must grant this exclusion if the following is provided:
  - The tenant or prospective tenant certifies in writing that the tenant or a member of his or her family is a person with a disability;
  - The animal has been trained to assist persons with that specific disability (example, seeing eye dog); and
  - The animal actually assists the person with a disability.

### **Note:**

**Nothing in this policy limits or impairs the rights of persons with disabilities.**

## **SECTION XXVI. DECONCENTRATION RULE**

1. Objective: The objective of the De-concentration Rule for public housing units is to ensure that families are housed in a manner that will prevent a concentration of poverty families and/or a concentration of higher income families in any one development. Due to the configuration of the Scattered Site single family dwelling with interspersed multiple family dwelling units not exceeding 4 units per building, the HA by design and implementation does not provide for the elements of concentration as defined by HUD.
2. Actions: To accomplish the de-concentration goals, the housing authority will take the following actions: In all future attempts for growth in design elements will be considered which will continue the HA's focus on de-concentration.

## **SECTION XXVII. CLOSING OF FILES AND PURGING INACTIVE FILES**

- This HA will retain copies of all files, financial statements, etc. in accordance with HUD guidelines.

## **SECTION XXVIII. PROGRAM MANAGEMENT PLAN - Organization Plan**

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

## **SECTION XXIX. ADDITIONAL HA POLICIES & CHARGES**

Additional policies and charges are attached to the end of this document and are incorporated as if fully set out herein. These policies and charges may be changed from time to time, or amended, and such changes or amendments shall be substituted in this document so as to keep this policy current. All items substituted within this document shall be kept by the HA in a separate file for historical and research purposes.

**Grievance Policy of  
The Salina Housing Authority**

I. Purpose and Scope. To set forth the requirements, standards and criteria to assure that Public Housing Tenants, Section 8 Clients and applicants for all programs are afforded an opportunity for a hearing if a tenant disputes, within a reasonable time:

- a. Any action of the Housing Authority, or failure to act, involving the tenant's lease.
- b. Housing Authority regulations or directives, which a tenant claims adversely, affects tenant's rights, duties, welfare, or status.

This grievance policy shall be incorporated into the lease form used by the Housing Authority by reference thereto. It is therefore binding upon both the tenant and the Housing Authority.

The Salina Housing Authority shall provide at least thirty (30) calendar days notice to residents setting forth proposed changes in this policy, and provide an opportunity to present written comments. Comments shall be considered by the SHA before adoption of any Policy Changes by the Salina Housing Authority.

II. Applicability

This grievance policy is applicable to all individual grievances of tenants or applicants, as defined herein. It is not applicable to:

- a. Disputes between tenants not involving the SHA,
- b. Class Grievances,
- c. Desires of tenants to initiate or negotiate policy changes between a group of groups of tenants and the Board of Commissioners of the Housing Authority.
- d. Any termination of tenancy or eviction that involves:
  1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents, employees of the housing authority, or of any part of the community, or
  2. Any drug related criminal activity, or
  3. Any felony conviction, or
  4. Any individual who is subject to lifetime registration under a State Sex Offenders registration program.

Notwithstanding that this Policy is applicable to all other Grievances and Hearings, in the event the Executive Director determines, upon receipt of such a Grievance, that allowing the Complainant to pursue such a Grievance will unduly jeopardize the safety of security of staff, or other residents, the Executive Director may find that the policy is not applicable to that specific grievance. If the Executive Director makes such a determination, he/she will notify the complainant, in writing. Such a determination shall not prevent the complainant from pursuing his/her complaint against the SHA in a court of competent jurisdiction; however, nothing contained herein shall be deemed to grant any court jurisdiction, to hear such a matter, that does not already have such jurisdiction under the law of the State of Kansas.

III. Definitions

- a. Grievance shall mean any dispute which a tenant may have with respect to Housing Authority action or failure to act in accordance with individual tenant's lease, or Housing Authority regulations which adversely affect tenant's rights, duties, welfare or status.
- b. Complainant shall mean any tenant whose grievance is presented to the management of the Housing Authority or its designees.



- c. Elements of Due Process shall mean an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:
  - 1. Thirty-day notice to the tenant of the grounds for termination of tenancy and for eviction; such notice to be effective thirty days from the notice date.
  - 2. Right of the tenant to be represented by counsel.
  - 3. Opportunity for the tenant to refute the evidence presented by the Housing Authority, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have.
- d. Hearing panel shall mean a panel selected in accordance with the provisions herein to hear grievances and render a decision thereto.
- e. Tenant shall mean any lessee or the remaining head of household of any tenant family residing in housing accommodations owned by the Housing Authority or privately owned Section – 8 subsidize rental assistance program.
- f. Applicant shall mean any person, which has made application for services through the Housing Authority.
- g. Private Conference shall mean the meeting held with the Executive Director or his designee with the intent of reaching a mutual resolution prior to the grievance hearing.
- h. Drug Related Activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell distribute or use a controlled substance.
- i. Informal Hearings are held with and for Section 8 clients and applicants as a right to be heard as outlined in 24 CFR 982.405, 982.551, 982.552, 982.554, and 982.555. In any subsequent revisions to the aforementioned references, which create a non-supportive environment to the client/applicant will be ruled in favor of that Section 8 client or applicant until such time as the CFR reference may be addressed appropriately.

IV. Procedures to obtain a Hearing or Private Conference

The complainant shall submit a written request for a hearing or private conference to the Executive Director at the office within 10 days after the receipt of the ruling to which the complainant believed the violation had occurred

The written request shall specify:

- a. The reasons for the grievance; and
- b. The action or relief sought.

V. Private Conference

A Private Conference for Public Housing clients/applicants will be scheduled as soon after such presentation with the goal of mutual resolution of the grievance as is mutually convenient to both the Executive Director and the aggrieved party.

A summary of such discussion shall be prepared within 5 working days, by the Executive Director or designee, and one copy shall be given to the tenant and one copy retained in the tenant's file in the office. The summary shall specify the names of the participants, dates, nature of the proposed disposition of the complaint and specific reasons therefore. Should the private conference not result in mutual resolution a panel will be assembled within 10 working days.

VI. Selection of Grievance Panel

The Grievance Panel will be selected by virtue of individual willingness to volunteer services to the housing authority and it's clients in this fashion.

Office staff assigned to the task of assembly of a grievance panel shall attempt to gather individuals to the best of their ability in the following manner;

- One Section 8 or Public Housing Client,
- One Section 8 Landlord,

Three from interested human service agencies. In cases where specific backgrounds can not be maintained staff may utilize any of the above combinations in order to make up a 5-person panel.

In cases where individual panel members do not show up for the meeting, calls will immediately be made to human service agencies which have shown interest in this issue, for a replacement.

- VII. Failure to request a Private Conference, Informal Hearing or Grievance Panel in accordance with these procedures contained herein will result in the original determination standing.
- VIII. Escrow Deposit

Before a hearing is scheduled in any grievance involving the amount of rent as defined in the lease which the Housing Authority claims is due, the complainant shall pay to the management office an amount equal to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. Complainant thereafter shall deposit the same amount of money in an escrow account monthly until the complaint is resolved by decision of the Hearing Panel. Requirements may be waived by the Housing Authority in extenuating circumstances. Unless so waived, the failure to make such payments shall result in the termination of the Grievance Procedure; Provided that failure to make payment shall not constitute a waiver of any right the complainant may have to contest the Housing Authority's disposition of his grievance in any appropriate judicial proceeding.

- IX. Scheduling of Private Conference, Informal Hearing or Grievance Panel

Upon the receipt of request for Private Conference, Informal Hearing or Grievance Panel, the Conference or Panel will be scheduled within 10 working days following the private conference, which has not resulted in mutual resolution. Private Conferences will be held within 10 days of the request.

- X. Procedures Governing the Grievance Panel or Private Conference

The complainant shall be afforded a fair hearing providing the basic safeguards of due process to include:

- a. The opportunity to examine before the hearing and, at the expense of the complainant, copy all documents, records and regulations of the Housing Authority that are relevant to the hearing. Any document not so made available after request therefore by the complainant may not be relied on by the Housing Authority at the hearing;
- b. The right to be represented by counsel or other person chosen as his or her representative;
- c. The right to a private hearing unless the complainant requests a public hearing;
- d. The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by the Housing Authority or project management and to confront and cross-examine all witnesses on whose testimony or information the Housing Authority or project management relies; and
- e. A decision based solely and exclusively upon the facts presented at the hearing.

If the complainant or the Housing Authority fails to appear at a scheduled hearing, the hearing panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his right to a hearing. Both the complainant and the Housing Authority shall be notified of the determination by the hearing officer or hearing panel, provided, that a determination that the complainant has waived his right to a hearing shall not constitute a waiver of any right the complainant may have to contest the Housing Authority's disposition of the grievance in an appropriate judicial proceeding.

At the hearing, the complainant must first make a showing of entitlement to the relief sought and thereafter the Housing Authority must sustain the burden of justifying the Housing Authority's action or failure to act against which the complaint is directed.

The hearing shall follow the following format:

- i) the Complainant shall be allowed to make an opening statement outlining the evidence he/she intends to present;
- ii) The SHA shall be allowed to make an opening statement outlining the evidence they intend to present;
- iii) The Complainant shall present all evidence, in the form of witnesses or exhibits, that the Complainant feels is relevant to the issues at hand;
- iv) The SHA shall be allowed to cross-examine any witness presented by the Complainant;
- v) The SHA shall present all evidence, in the form of witnesses or exhibits, that the SHA feels is relevant to the issues at hand;
- vi) The Complainant shall be allowed to cross-examine any witness presented by the SHA;
- vii) The Complainant shall be allowed to present any evidence, in the form of witnesses or exhibits, in rebuttal of the evidence presented by the SHA;
- viii) The Complainant shall be allowed to present their closing argument;
- ix) The SHA shall be allowed to present their closing argument;
- x) The Grievance Panel shall have the right to question all evidence or witnesses throughout the proceeding;
- xi) The Complainant and the SHA shall vacate the conference room, at which time the Grievance Panel will discuss the element of the evidence presented in Hearing and render a decision based solely upon the merits of the case;
- xii) The Complainant and the SHA shall be re-admitted to the conference room and a member of the Grievance Panel shall render the Panel's decision in the case. At this time any community resources specific to client need may be suggested.
- xiii) Within 5 business days the SHA shall write a letter to the Complainant as dictated to SHA staff outlining the decision of the Panel as outlined in section xi, reason therefore and any legal reference, if applicable. A copy of the letter will be delivered to the complainant or mailed by Certified means and a copy shall be filed in the client's file.

The hearing shall be conducted informally by the hearing panel and oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing panel shall require the Housing Authority, the complainant, counsel or other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting of denial or relief sought as appropriate.

#### XI. Decision of the Hearing Panel

- A. The Hearing Panel shall dictate to a housing authority representative a written decision, together with the reasons therefore. A copy of the decision shall be sent to the complainant and a copy put in the complainant's file.
- B. The Decision of the Grievance Panel shall be binding on the Housing Authority which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the Housing Authority Executive Director determines within a reasonable period of time and promptly notifies the complainant of its determination, that;

1. The grievance does not concern the Housing Authority's action or failure to act in accordance with or involving the complainant's lease on Housing Authority regulations, which adversely affect the complainant's rights, duties, welfare or status;
2. The decision of the panel is contrary to applicable Federal, State, Local Law, or HUD Regulations or requirements of the annual contributions contract between HUD and the Housing Authority.

A decision of the Hearing Panel in favor of the Housing Authority or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to any judicial proceedings, which may thereafter be brought in the matter.

## XII. Accommodation of Persons With Disabilities

1. The Housing Authority must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers accessible locations, or attendants.
2. If the tenant is visually impaired any notice to the tenant which is required herein must be in accessible format. All aspects of this section subject to 504.

## XIII. Procedures governing the Informal Hearing.

An Informal Hearing is requested by the Section 8 Client within 10 days of the date of the letter, which determined the adverse action or failure to act, by the Housing Authority. Upon receipt of the request for an Informal Hearing, an Informal Hearing will be set when it is convenient for the aggrieved party and the Executive Director or designee. Following testimony by the aggrieved party the Executive Director or designee will within 5 days write a letter to the aggrieved making final determination on the Section 8 case.

Nothing within the procedures of the Informal Hearing prevent the aggrieved party from pursuing his/her complaint against the SHA in a court of competent jurisdiction; however, nothing contained herein shall be deemed to grant any court jurisdiction, to hear such a matter, that does not already have such jurisdiction under the law of the State of Kansas

Salina Housing Authority  
Organizational Chart

Clients, Applicants & Citizens

Board of Commissioners

Executive Director

[Empty box]

Housing Inspector

[Empty box]

Assistant Director (vacant)

Office Manager / Bookkeeper

Public Housing Occupancy Specialist

Section 8 Specialist

[Empty box]

[Empty box]

Support Technician

**HARDSHIP EXEMPTION POLICY TO  
MINIMUM RENTS FOR  
THE SALINA HOUSING AUTHORITY**

**Section 1.** The quality housing and work responsibility act of 1998 (QHWRA) requires each housing authority establish a minimum rent and associated exemption policy to that minimum rent.

Exemptions to the minimum rent established previously at \$50 may be granted in the cases of:

- A. Hardship applies only to families currently on minimum rent.
- B.
  1. The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or Local assistance program (Except where family benefits are reduced due to fraud or a family failed to comply with the welfare to work program).
  2. The family would be evicted as a result of the imposition of the minimum rent requirement.
  3. The income of the family has decreased because of changed circumstances, including the loss of employment (Except where family benefits are reduced due to fraud or a family failed to comply with the welfare to work program).

**Section 2.** Utilizing the attached, “MINIMUM RENT HARDSHIP EXEMPTION WORKSHEET”, to follow this policy, Salina Housing Authority (SHA) staff will determine eligibility for Hardship Exemption. A copy of the attached, “Minimum Rent Hardship Exemption Worksheet” will be filled out, followed and maintained in each client file requesting such consideration. Attached to the back of the worksheet will be the client’s handwritten request for a Hardship Exemption outlining their reasons for the request.

The family must be on minimum rent. If they are not, a denial letter will be mailed, indicating denial and why the family was not qualified. In this case there is no Grievance provision.

If the family is qualified by one of the above elements outlined in Section 1,B., minimum rent is immediately suspended as of the date of request from the family. If the family is denied at this step, a letter is sent explaining the denial and right to grieve the issue pursuant to the SHA posted grievance policy. In following the grievance policy if the family chooses not to grieve the issue or does not appear at the scheduled hearing the case is dropped, and a reasonable repayment is established with eviction consequences for non-payment.

**Section 3.** Clients will be made aware that all Hardship Exemptions must be verifiable with third party documentation. The Salina Housing Authority will address false claims of Hardship as any other fraud issue.

**Section 4.** If there is not proven hardship, rent is due and payable according to the terms of the lease.

When the documentation is provided and verified, a determination will be made by staff with regard to temporary (less than 90 days) or long lasting (more than 90 days). In cases of temporary hardship the family will receive notification it is not qualified and a reasonable repayment agreement will be extended to the family for rent due. The SHA cannot evict this family for 90 days from the date of request should they fail to pay rent. However, if the hardship becomes long term the SHA should be notified by the family and appropriate verifications and documentation provided, a Hardship exemption will then be granted retroactively and rent reimbursed or credited.

When staff has determined the Hardship is long lasting, the client will be notified in writing of the exemption being granted. Public Housing exemptions are granted as of the date of the request. Section 8 Client’s exemptions are granted the first month following the date of request. Client families will be reminded of the obligation to report all changes in family circumstances.

**Home Ownership for People Exhibiting Self-improvement  
Salina Housing Authority  
Homeownership Application  
Section 5(h) Conversion  
November 4, 1991**

**Revised January 23, 1992. Changes in response to the HUD letter dated December 6, 1991 are included in this text.**

**Revised April 2, 1992. Changes in response to the HUD letter dated March 27, 1992 are included in this text.**

**Projects KS038002 and KS16P038003**

This Application is structured to the outline given in the conversion checklist provided by the Kansas City Regional Office of HUD.

**1. Parties and Property**

**A. Description of Homeownership Project.**

Name: Home Ownership for People Exhibiting Self-improvement. HOPES  
Address: Box 1202, Salina, and KS 67402-1202

PHA: Housing Authority of the City of Salina, Kansas

Building Age: This will be a flexible program, potentially involving any of the units in our scattered site projects. Our houses range in age from approximately 80 years to approximately 15 years.

Projects: KS038002 and KS16P038003

Total potential units = 100

Initial goal 10

Unit size varies from 2 bedroom to 5 bedroom.

All units are individually sited single family houses.

Specific Units to be conveyed will depend on the families selected to participate. Families will be allowed to purchase units they already occupy, or to select other units when they become vacant.

Current Physical Condition: Varies somewhat with each property, since they are all different. All are maintained to HQS.

Occupancy of the units averages 95%. It is anticipated that most participants will by the unity that they are occupying at the time of approval for the homeownership program.

Neighborhoods: The Homes are widely scattered. All are in reasonably attractive neighborhoods. 68 units are in the so-called "Indian Village" area, which is due to the street names Arapahoe through Seneca, not due to the ethnic make up of the area.

3 units are in the old Shilling Air Force Housing Area.

4 Units are in the Glenifer Hills – Indian Rock area (opposite side of town form Indian Village). The remaining units are so widely scattered as to have no easily stated neighborhood identity.

**A. Description of the Residents / Homebuyers**

We have had 1 or 2 tenants a year buy homes on their own. At any one time there are 4 to 6 families who might be able to if they had an easier way to get into a purchase situation. Thus a program goal of 5 units per year might be realistic.

**A. Resident Interest / Marketability / Cooperation**

**Survey**

Two surveys of tenants have been conducted. The first was in October 1990. This survey went to all present tenants without regard to ability to pay. About 20 positive responses were received although about half of them were from welfare tenants who have exhibited little or no earning capacity; and are not likely to be able to afford home ownership.

The second survey was sent to all tenants currently paying more than \$200.00 per month in rent. Most of these returned positive responses and would make good prospects for homebuyers. Copies of the responses are attached.

**Resident Involvement:**

The sales will be negotiated with individual eligible families. Thus, the program will be adapted as much as possible to the family's specific needs. Each family will have its own input as to the house selected and repairs to be made as part of the sale agreement. The specific sales will be structured to make the transaction feasible for the family.

Resident Organization – There has not been one due to the widely scattered nature of the project. No more than 3 units are contiguous to one another. A resident organization should not be needed in this concept, where we will be working with each individual family to acquire their own home.

**A. Community Support**

The application for the 10 replacement units was approved by the City Commission on June 10, 1991. This was done with the understanding that the new units would serve as the initial replacement housing for a Homeownership program.

We will obtain letters of support from various family support agencies in the city.

**E. Homeownership Conversion Sponsor.**

The Salina Housing Authority, itself is the sponsor. This is not a "Conversion" in that we will be selling scattered individual units, which have always been separate identifiable real estate parcels.

**2. Budget / Pro Forma**

**A. Matching Contributions (if any)**

Homebuyers will be required to make a down payment of at least \$500.00. Local lenders will be making 1<sup>st</sup> mortgages from their own resources, which may include Federal Home Loan Bank funding.

**A. Homebuyer Affordability**

**Sales Price:**

Appraisal to local lenders' standard. Appraised value equals price.

Private mortgage to be applied for. Amount of first mortgage based on ability to pay or best terms available from lender.

Soft second mortgage to authority for difference between private mortgage, and total costs of purchase less any down payment.

The Housing Authority will advance funds from its Public Housing Operating Budget and Operating Reserves for appraisals, and closing costs. These expenses will be reimbursed from the



proceeds of the sale, and will be included in the amount of the second mortgage, where they may be recovered if the home is resold.

### **Down Payment Credit:**

A down payment credit will be granted to approved Homeownership participants. The amount of the grant will be computed as an amount equal to the excess of tenant rent paid over \$250 per month from the time tenant is approved to participate in the purchase program. The maximum credit is 10% of the purchase price.

The down payment credit will be credited to the buyer at closing. It will be used to establish reserve accounts for property tax, property insurance, and maintenance reserve.

Minimum Down Payment: \$500.00

In effect, the credit would work as an additional reduction in the purchase price to the buyer. The money credited to the down payment would actually be obtained through the proceeds of the sale. This avoids increasing operating subsidy for the units that remain in the low-income rental program. It also reduces the amount of funds available for reinvestment in additional replacement housing.

An administrative plan and budget for the authority is attached as exhibit "D".

A pro-forma example of a typical sale transaction is attached as exhibit "E".

## **3. Required Plans**

### **a. Comprehensive Planning Section 305**

A review by the City Community Development Department is being requested. Any Replacement Housing Developments will be subject to all normal zoning and building inspection reviews and approvals.

### **b. Resident Selection Procedures**

Tenants Qualifications:

- ❖ Must be Paying more than \$250 rent,
  - ❖ It is preferred that the family has had full time employment for at least one adult family member for at least 3 years
  - ❖ Applicants who are not employed must meet equivalent standards of economic self-sufficiency. Equivalent standards of economic self-sufficiency means a legitimate and relatively stable and long term source of income, such as that derived from a pension fund, disability benefits or other similar source.
  - ❖ Must have decent housekeeping skills
  - ❖ Must have the likelihood of stable or increasing income.
- ❖ In accordance with Section 906.8 of the interim rules for the Section 5 (H) Program, these additional qualifications for Homebuyers are established:
1. The Homebuyer has to have been in occupancy at least six months in the low rent Public Housing Program. They must also have been current in all their lease obligations for at least six months prior to conveyance of title, including, but not limited to, payment of rents other charges and reporting all income that is pertinent to determination of rental charges.
  2. The following order of preferences shall be observed in selecting participants:
    - a. The existing residents of each of the dwellings to be sold.
    - b. Other residents of the building or development in which the dwellings to be sold are located.
    - c. Residents of the PHA's other public housing developments (owned or leased by the seller PHA).
  3. Within each of the categories under paragraph (2) of this section, a preference shall be given to those residents who have completed self-sufficiency and job training programs, as identified in

the homeownership plan, or who meet equivalent standards of economic self-sufficiency, such as actual employment experience, as specified in the homeownership plan.

4. Persons who are interested in purchase must submit applications for that specific purpose, and those applications shall be handled separately from applications for other PHA programs. Applications shall be dated as received by the PHA, and subject to eligibility and preference factors, selection shall be made in the order of receipt. Application for homeownership shall not affect an applicant's place on any other PHA waiting list.
5. Eligibility shall be limited to residents who are capable of assuming the financial obligations of homeownership, under minimum income standards for affordability, and taking into account the unavailability of public housing operating subsidies and modernization funds after conveyance of the property by the PHA.

#### **Procedures for the Selection of Homebuyers**

Tenant responds positively to inquiry or survey.

The tenant will be invited to complete an application for the Homeownership Program. Application form is attached as Exhibit G.

The family history as an authority tenant will be reviewed. Those meeting all criteria above will be notified by letter of their acceptance into the program. The down payment escrow account will be established at this time, and an appointment will be set to interview the family for preparation of their individual counseling, training and assistance plan.

**D. Counseling Training and Assistance Plan will contain as a minimum a schedule of activities covering the following subjects:**

- ❖ Homeownership Budgeting
- ❖ Homeownership Maintenance
- ❖ Income Improvement or Stabilization
- ❖ Individual Sales Procedure

#### **D. Description of the Terms and Conditions of Sale**

**Select House:** Tenant's present unit, or another of the appropriate size, when it is vacant through normal turnover. No displacement of other tenant families will be allowed. A family may transfer while still renting to the home they desire to purchase any time after they are approved for the program, but, while they are going through the training and accumulation of a down payment, and the purchase appraisal and contracts are being done.

**Sales Procedure:** When family is approximately 90 days from having the funds and other prerequisites for purchase, the authority will order an appraisal, and the family will apply for the first mortgage.

Upon appraisal and approval of a maximum affordable first mortgage, a closing statement will be drafted showing the necessary down payment, and the amount of Second Mortgage needed.

The closing date will be set and the documents prepared. The closing will be conducted by a Title Insurance Company, or the lender.

**Resale and Default Provisions:** The second mortgage would be due on sale, but no monthly payments would be required. This would assure us of recapturing our cash investment. No interest would accrue on the second mortgage. The second mortgage will be based on a promissory note identical to that required by HUD's HOPE III Program, as outlined in 24CFR, Subtitle A, HOPE for Homeownership of single family Homes program Guidelines, Paragraph 720, which is incorporated in this plan by reference, and is reproduced as exhibit H.

In case of default, or inability to continue payments, the authority would have the right to take the house back, assume the first mortgage and assign the property to another low income buyer or return it to the Rental Public Housing Program.

The family defaulting would lose the House, their payments, including down payment, and would not be eligible for Rental Public Housing or Section 8 Rental Assistance until they reapply and come up the waiting list through the normal process. This strict attitude will be necessary to assure that the family makes every effort to become successful homeowners, and does not simply say “This is too hard, just put me back on the rental program”.

#### Restrictions on Windfall Profit

The second mortgage is the primary vehicle to restrict a buyer from receiving a windfall profit by reselling the house as soon after purchase. The repayment of the original principal, and down payment expenses, will protect the Authority from unfair profiteering buyers. The Promissory note will begin a sliding scale reduction after 6 years, and will be forgiven in full if the family stays in the home as owner for 20 years.

#### **D. Replacement Plan**

Units sold should be replaced one for one with newly constructed units. An application for New Construction Public Housing has been approved for 10 units. These 10 units will be developed as quickly as possible, so that they can be in operation soon after the first units are sold.

The Proceeds of the sales would be applied toward additional housing to be owned and operated by the authority as Rental Low Income Public Housing. The proceeds would be accumulated and invested to assure reserves and possible expenses of resale of defaulted units; before commitments would be made to do additional housing. The proceeds may be used as local share of future HOPE or HOME program funded projects.

The new developments will be designed to address needs shown in our recent waiting lists, not necessarily just replication of units sold.

A possible redevelopment project description is shown as Exhibit “F”.

#### **G. Plan for Operations of the Project Upon Homeownership Conversion.**

Since this is the sale of single family housing, no future operating plan is needed. The replacement housing will be operated as low-income public housing, or other low and moderate income housing as approved by HUD or the State of Kansas Housing Department as applicable.

#### **3. Certifications**

Consistent with CHAS – No CHAS has been developed for the City of Salina, nor for the State of Kansas at this time. We are part of the committee for the local CHAS, and have no doubt that this program will be consistent with the CHAS when it is completed.

FH&EO Requirements- The project will operate in accordance with our approved, existing policies to assure compliance with FH & EO requirements.

#### **4. Supporting Documentation**

Summary of Views and Recommendations of Residents – Exhibit A

Copies of Individual Written Comments form Residents – Exhibit B

Resolution of the Board of Commissioners of the Housing Authority to Approve the Plan. Exhibit C.

A budget for the Authority overhead is Exhibit D.

A pro-forma example of a typical sale transaction is Exhibit E.

A possible redevelopment project description is Exhibit F.

The Application for the Homebuyer is attached as Exhibit G.

The Promissory note, Default and Resale Restrictions are in Exhibit H.

The Time Table for Implementation is Exhibit I.

**PET POLICIES**  
ADDENDUM TO LEASE

1. Tenants may maintain a pet from one of the following categories:

- |    |       |   |
|----|-------|---|
| a. | Dogs  | Maximum number – 1<br>Maximum size – 20 lbs.<br>Minimum age – 1 year old<br>Spayed or neutered<br>Current distemper and rabies shots<br>Current local license |
| b. | Cats  | Maximum number – 1<br>Maximum size – N/A<br>Minimum age – 1 year<br>Spayed or neutered<br>Current distemper and rabies shot<br>Must be declawed               |
| c. | Birds | Maximum number – 2<br>Maximum size – parakeet size<br>Wings must be clipped<br>Shall not be let out of cage   |
| d. | Fish  | Maximum Aquarium size – 10 gallons<br>Maximum number – 10 (no meat eating species)<br>Aquarium shall be placed in a safe location in the unit                 |

Only routine animals will be allowed. No reptiles, monkeys or other exotic or undomesticated animals of any type are allowed.

2. INTERVIEW PROCESS

A tenant who wishes to have a pet (except for fish) must first notify the Salina Housing Authority. The Salina Housing Authority will then schedule an appointment with the Tenant to bring the pet in for an “interview” and must provide the following:

1. Name, address, and phone number of veterinarian.
2. Veterinarian’s certification that the pet is in good health, has had the necessary inoculations and booster shots and is spayed or neutered in the appropriate cases.

The “interview” is to verify the pet complies with the section criteria, appears to be in good health, well cared for, well behaved and under the control of it’s owner. Overly aggressive, overly active or unfriendly animals will not be accepted. If the pet is rejected, the Tenant will be told in writing of the reason(s) for rejection.

3. FINANCIAL OBLIGATIONS

Security Deposit shall be 1 & ½ times the normal deposit and must be paid in full before the family moves in, or the pet is acquired. However, in the event, a tenant vacates a property, and leaves damages in excess of the amount of deposit, nothing in this policy shall prevent the Authority from taking other legal action to recover the total costs of the damages.

In addition, Tenants shall be liable of all damages resulting from any injury to the person or property of others as stated in the Pet Agreement.

4. The PET

The pet must be kept in the tenant's unit and must be on a leash at all times when outside the unit. At no time will the pet ever be allowed to roam free.

Anyone allowing a pet to walk without a leash will be given three (3) written warnings; thereafter, tenancy of the pet may be terminated.

5. All animals waste or liter from liter boxes or cages is to be picked up and disposed of in SEALED PLASTIC BAGS, and placed in the trash bin. Cats litter must be emptied at least twice weekly and cleaned daily. If a smell developing because of improper care, one (1) verbal reprimand will be given. A third notice of the problem can result in the Tenant being required to remove the pet from the property. Liter from liter boxes is not to be disposed of down the toilet. Charges for unclogging the toilet because of tenant's pet will be billed back to the tenant at actual cost for each occurrence.

6. The tenant agrees to keep their pet under control at all times so that the pet does not jump on guests on the property and that neighbors are not bothered or unduly frightened by excessive barking or aggressive behavior.

7. Pets that disturb the peace and quiet of the neighbors through noise (barking, whining, etc.), smell, animal waste, biting, scratching or other nuisance must be removed from the premises.

8. Pets left unattended will be considered an emergency and reported to the SPCA or other appropriate authority for removal from the premises at the tenant's expense.

9. The tenant agrees to provide adequate care, nutrition, exercise, and medical care for their pet including current shots as required or necessary. Pets that appear to be poorly cared for will be reported to the SPCA or other appropriate authority for removal at tenant's expense.

10. Pets should be totally removed from their units for the full amount of specific time for any exterminating or defleaing. The Tenant assumes full responsibility for the health of the pet if they are not removed during extermination.

11. The tenant also acknowledges that other tenants may have chemical sensitivities or allergies or are easily frightened by such animals. The tenant, therefore, agrees to exercise common sense and common courtesy in respect of other neighbor's right to peaceful and quiet enjoyment of the premises.

12. The tenant agrees to provide adequate shelter, food, and water regularly to pets kept outside, which will be allowed in the back yard only.

I have read and fully understand the Salina Housing Authority's Pet Policy, and agree to abide by the Policy. I understand the Pet Deposit is equal to 1 1/2 times the standard security deposit amount.

Type of Pet \_\_\_\_\_ Name of Pet \_\_\_\_\_

Tenant \_\_\_\_\_ Date \_\_\_\_\_

Tenant \_\_\_\_\_ Date \_\_\_\_\_

Salina Housing Authority

\_\_\_\_\_ Date \_\_\_\_\_