

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

PHA Plans

5 Year Plan for Fiscal Years 2005 - 2009
Annual Plan for Fiscal Year 2006

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

PHA Plan Agency Identification

PHA Name: Housing Authority of Maricopa County

PHA Number: AZ009

PHA Fiscal Year Beginning: (mm/yyyy) 07/2006

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 2005 - 2009
 [24 CFR Part 903.5]

A. Mission

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

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

The Mission of the Housing Authority of Maricopa County is to increase the supply of, and maintain existing affordable rental housing for low-income households who cannot afford to pay market rents and promote training, educational opportunities and economic self-sufficiency so they can become homeowners.

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) 89
- Improve voucher management: (SEMAP score) 90

- 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)
- Update and distribute affordable housing directories.
Continue to make quality control inspection to make sure landlords are in compliance with living conditions of units.

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)
- Create Resident Advisory Board encompassing all sites.
Expand self-sufficiency through Neighborhood Network Grant.
Create homeownership counseling & Section 8 Homeownership Program.

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 2006
 [24 CFR Part 903.7]

i. Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

Standard Plan

Streamlined Plan:

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

Troubled Agency Plan

ii. Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

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

The Housing Authority of Maricopa County (HAMC) manages 827 public housing rental units at eighteen sites throughout Maricopa County and administers 1478 Section 8 vouchers. In addition, HAMC manages one scattered site single-family tax credit/mixed finance development. The first of the developments was planned and constructed a half a century ago and the last traditional public housing development build a little over a decade in the past. Because of various changes in federal housing policy, it is imperative that the HAMC engage in new policies to provide for the accomplishment of its mission, “to increase the supply of affordable rental housing for low-income households who cannot afford to pay market rents and promote training, educational opportunities and economic self-sufficiency so they can become homeowners”.

In order to accomplish our mission in an increasingly complicated and independent situation, it is our intention to:

- Pursue varying and flexible partnerships and funding opportunities to develop additional affordable housing both for rental and homeownership.
- Develop a real property asset management program to provide for the direction of capital funds in a rational manner, including the potential Capitalization of Capital Funds.
- A revitalization of the Family Self Sufficiency program with an emphasis on homeownership training, savings, job training and independent living.

- The development of additional partnerships with other authorities, municipalities, private entities, financial institutions to leverage funding for the benefit of residents and communities.
- The creation of a Public Housing Homeownership program and at the same time a Housing Choice Voucher Homeownership program, which may permit the sale of housing to eligible residents so as to fund the development of additional affordable housing. A part of this effort will include securing sources of funding for down payment and closing cost assistance for program participants
- The development of a lease/purchase program for the purpose of extending a low-income homeownership for residents who otherwise are unable to purchase at present but will be able to in the next few years.
- The potential designation of two (2) developments to the status of elderly or near elderly housing so as to permit the elderly to have safe and secure environment in which to live.
- A fundamental physical needs examination of all of the Authority's properties now allows new policy decision that impact use options. This will include potential redevelopment of certain developments with an emphasis on the financial feasibility between modernization or restructuring.
- A revised focus on energy conservation measure including possible Energy performance contracting.
- Strengthening program operations and fiscal management with the goal being High Performer designation.

Overall, the Housing Authority of Maricopa county will development a comprehensive detailed and ambitious plan for the coming year through teamwork. Through teamwork, the plans can e achieved. We are hopeful that many of the items will be set into motion, to the betterment of the Authority and to the residents, which it serves.

iii. Annual Plan Table of Contents

[24 CFR Part 903.7 9 (r)]

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

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Attachments

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

Required Attachments:

- Admissions Policy for Deconcentration (az009a01.doc)
- FY 2005 Capital Fund Program Annual Statement (az009b01.xls)
- 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 (az009c01.doc)
- FY 2005 Capital Fund Program 5 Year Action Plan (az009d01.xls)
- Public Housing Drug Elimination Program (PHDEP) Plan

- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text) (az009e01.doc)
- Other (List below, providing each attachment name)
 - Pet Policy – Chapter 10 of ACOP (az009f01.doc)
 - Tenant Grievance Procedure – Chapter 13 of ACOP (az009g01.doc)
 - Resident Member on Board (AZ009H01.doc)
 - Administrative Plan (az009j01.doc)
 - Admissions and Continued Occupancy Policy (az009k01.doc)
 - Section 8 Homeownership Program capacity statement (az009m01.doc)

Supporting Documents Available for Review

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

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99	Annual Plan: Eligibility, Selection, and Admissions Policies

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	<i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	
X	Public housing rent determination policies, including the methodology for setting public housing flat rents <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
N/A	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
N/A	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
N/A	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
N/A	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
N/A	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
N/A	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
X	Policies governing any Section 8 Homeownership program <input checked="" type="checkbox"/> check here if included in the Section 8	Annual Plan: Homeownership

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	Administrative Plan	
X	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
X	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
N/A	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
N/A	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
N/A	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

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

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

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	51805						
Income >30% but <=50% of AMI	59132						
Income >50% but <80% of AMI	109014						
Elderly	33484						
Families with Disabilities	800895						
White/non Hisp.	170242						
Black/non Hisp.	6281						

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
American Indian/ Native Alaskan	3959						
Asian or Pacific Islander	4838						
Hispanic	39443						

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

- Consolidated Plan of the Jurisdiction/s
Indicate year: 2005-2009
- 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)
2000 Census Summary File 4 for Race & Ethnicity

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

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

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input 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	1228		45%

Housing Needs of Families on the Waiting List			
Extremely low income <=30% AMI	950	77	
Very low income (>30% but <=50% AMI)	173	14	
Low income (>50% but <80% AMI)	105	9	
Families with children	1122	91	
Elderly families	104	8	
Families with Disabilities	2	.162	
White/non Hisp	596	49	
Black/non Hisp	233	19	
Hispanic	254	21	
American Indian/ Native Alaskan	34	3	
Asian/ Pacific Islander	111	9	
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes: How long has it been closed (# of months)? 6 Does the PHA expect to reopen the list in the PHA Plan year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

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	4729		35%
Extremely low income <=30% AMI	3560	75	
Very low income (>30% but <=50% AMI)	1069	23	
Low income (>50% but <80% AMI)	100	2	
Families with children	4285	91	
Elderly families	274	6	
Families with Disabilities	170	4	
White/non Hisp	2855	60	
Black/non-Hisp	839	18	
Hispanic	965	20	
American Indian/ Native Alaskan	70	1	
Asian/ Pacific Islander	0		
Characteristics by Bedroom Size (Public Housing Only)			
1BR	1190	25	
2 BR	1644	35	
3 BR	1416	30	
4 BR	435	9	
5 BR	44	1	
5+ BR			

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

C. Strategy for Addressing Needs

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

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

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

Select all that apply

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

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

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

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

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

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

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

Select if applicable

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

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

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

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

(2) Reasons for Selecting Strategies

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

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community
- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance

- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- Other: (list below)

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

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

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2006 grants)		
a) Public Housing Operating Fund	1,877,052	
b) Public Housing Capital Fund	1,189,315	Capital Improvements
c) HOPE VI Revitalization	0	
d) HOPE VI Demolition	0	
e) Annual Contributions for Section 8 Tenant-Based Assistance	11,191,224	
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)		
a) AZ009RFS122A	16,930	FSS PH – 2004
b) AZ009FSF001	41,383	FSS Voucher
c) 2005-FSSR-AZ009-15004	44,760	FSS PH - 2005
2. Prior Year Federal Grants (unobligated funds only) (list below)		
AZ20P009501-04	444,657	
AZ20P009501-05	1,261,359	

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
3. Public Housing Dwelling Rental Income	1,230,012	
4. Other income (list below)		
a) Section 8 Admin	751,908	Section 8 operations
b) PH Misc. Income	149,342	PH operations
5. Non-federal sources (list below)	0	
Total resources	18,197,942	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

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

(1) Eligibility

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

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe)
When name is selected from the waiting list.
(Selections are made based on number of vacant units –we pull 3 people to 1 vacant unit.)

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

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

Credit history and debts to other housing agencies

- 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? 4

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

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.

2 Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

4. Relationship of preferences to income targeting requirements:

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

(5) Occupancy

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

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

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

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

(6) Deconcentration and Income Mixing

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

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

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

- Adoption of site based waiting lists
If selected, list targeted developments below:
- Employing waiting list “skipping” to achieve deconcentration of poverty or income mixing goals at targeted developments
If selected, list targeted developments below:
- Employing new admission preferences at targeted developments
If selected, list targeted developments below:
- Other (list policies and developments targeted below)
- d. Yes No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?
- e. If the answer to d was yes, how would you describe these changes? (select all that apply)
- Additional affirmative marketing
- Actions to improve the marketability of certain developments
- Adoption or adjustment of ceiling rents for certain developments
- Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- Other (list below)
- f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)
- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:
- g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)
- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:

B. Section 8

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

(1) Eligibility

- a. What is the extent of screening conducted by the PHA? (select all that apply)
- Criminal or drug-related activity only to the extent required by law or regulation
 - Criminal and drug-related activity, more extensively than required by law or regulation
 - More general screening than criminal and drug-related activity (list factors below)
 - Other (list below)
- b. Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
- c. Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
- d. Yes No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)
- e. Indicate what kinds of information you share with prospective landlords? (select all that apply)
- Criminal or drug-related activity
 - Other (describe below)

(2) Waiting List Organization

- a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)
- None
 - Federal public housing
 - Federal moderate rehabilitation
 - Federal project-based certificate program
 - Other federal or local program (list below)
- b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)
- PHA main administrative office
 - Other (list below)
 - Request application by phone

(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 applicant is unable to find a unit in the allotted time due to physical or medical reasons and has documentation to verify cause.

(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.

2 Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

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

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

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

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

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

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

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

(5) Special Purpose Section 8 Assistance Programs

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

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

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

- Through published notices
- Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

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

(1) Income Based Rent Policies

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

a. Use of discretionary policies: (select one)

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

---or---

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

b. Minimum Rent

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

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

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

3. If yes to question 2, list these policies below:
See Chapter 6 of ACOP (az009k01.doc)

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

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

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

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

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

If yes, state amount/s and circumstances below:

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

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

e. Ceiling rents

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

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

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

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

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

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

f. Rent re-determinations:

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

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

- Other (list below)
 - Families must report all changes in household composition, in writing, between annual recertifications.
 - Families on zero income will be required to report all increases in income/assets within ten (10) business days of the increase.

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

(2) Flat Rents

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

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

B. Section 8 Tenant-Based Assistance

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

(1) Payment Standards

Describe the voucher payment standards and policies.

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

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

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

- FMRs are adequate to ensure success among assisted families in the PHA’s segment of the FMR area

- The PHA has chosen to serve additional families by lowering the payment standard
- Reflects market or submarket
- Other (list below)

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

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

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

- Annually
- Other (list below)

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

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

(2) Minimum Rent

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

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

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

See Chapter 6 of Administrative Plan (az009j01.doc)

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

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

A. PHA Management Structure

Describe the PHA’s management structure and organization.

(select one)

- An organization chart showing the PHA’s management structure and organization is attached. (az009c01xls)
- A brief description of the management structure and organization of the PHA follows:

B. HUD Programs Under PHA Management

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

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	758	10%
Section 8 Vouchers	1399	8%
Section 8 Certificates	NA	
Section 8 Mod Rehab	NA	
Special Purpose Section 8 Certificates/Vouchers (list individually)	NA	
Public Housing Drug Elimination Program (PHDEP)	NA	
Other Federal Programs(list individually)		
Family Self-Sufficiency	70	10%

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)
Admissions and Continuing Occupancy Policy (az009k01.doc)

Maintenance Policy

- (2) Section 8 Management: (list below)
 Section 8 Administrative Plan (az009j01.doc)

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

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

A. Public Housing

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

If yes, list additions to federal requirements below:

- 2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)
 - PHA main administrative office
 - PHA development management offices
 - Other (list below)

B. Section 8 Tenant-Based Assistance

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

If yes, list additions to federal requirements below:

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

7. Capital Improvement Needs

[24 CFR Part 903.7 9 (g)]

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

A. Capital Fund Activities

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

(1) Capital Fund Program Annual Statement

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

Select one:

The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name) az009b01.xls

-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) az009d01.xls

-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:
Maricopa Revitalization/Scattered Sites

- 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:
Capital Fund Leverage –
A “Hope-VI Like” plan and financing model will be developed for 2007 start-up. (tentative

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

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

1. Yes No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

2. Activity Description

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

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

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

[24 CFR Part 903.7 9 (i)]

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

1. Yes No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

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

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

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

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

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

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

2. Activity Description

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

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

submitted or approved:

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

2. Activity Description

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

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

B. Section 8 Tenant Based Assistance

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

2. Program Description:

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

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

If yes, list criteria below:

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (l)]

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

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

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

If yes, what was the date that agreement was signed? 05/22/2001

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

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

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

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

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

b. Economic and Social self-sufficiency programs

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

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
Goodwill of Central Arizona	200	Self select/ref	PHA main & sites	Public Housing
American Red Cross	100	Self select/ref	PHA main & sites	Public Housing
City of Avondale Comm. Service	50	Referral FSS	PHA main	Both
Assoc. for Supportive Childcare	50	Self ref.	PHA main & sites	Both
Single Moms Foundation	50	Referral	PHA main, FSS & sites	Both
Valle Del Sol Senior Program	50	Referral	Sites	Public Housing
Maricopa County Human Services	N/a	Specific criteria	PHA main/FSS	Both
WHEAT, Inc.	N/a	Referral	PHA main/FSS & sites	Both
Consumer Credit Counseling	50+	Self select	PHA main/FSS	Both

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2005 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing	0	30
Section 8	0	42

- 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)

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

09-009 – Madison Heights, Avondale

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)

1. Which developments are most affected? (list below)
- 9-06 & 9-18 El Mirage
 - 9-22 Mesa

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)
- 9-06 & 9-18 El Mirage
 - 9-22 Mesa

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2005 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes No: Has the PHA included the PHDEP Plan for FY 2005 in this PHA Plan?
- Yes No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

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? 1
- 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) az009e01.doc

Provided below:

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

Considered comments, but determined that no changes to the PHA Plan were necessary.

The PHA changed portions of the PHA Plan in response to comments
List changes below:

Other: (list below)

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

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

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

3. Description of Resident Election Process

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

Candidates were nominated by resident and assisted family organizations

Candidates could be nominated by any adult recipient of PHA assistance

Self-nomination: Candidates registered with the PHA and requested a place on ballot

Other: (describe)

b. Eligible candidates: (select one)

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

c. Eligible voters: (select all that apply)

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

C. Statement of Consistency with the Consolidated Plan

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

1. Consolidated Plan jurisdiction: (provide name here)
2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

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

Other: (list below)

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

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.

1.	Admissions Policy for Deconcentration	az009a01.doc
2.	FY 2005 Capital Fund Program Annual Statement	az009b01.xls
3.	PHA Management Organizational Chart	az009c01.xls
4.	FY 2005 Capital Fund Program 5 Year Action Plan	az009d01.xls
5.	Comments of Resident Advisory Board	az009e01.doc
6.	Pet Policy – Chapter 10 of ACOP	az009f01.doc
7.	Tenant Grievance Prpdedure – Chyapter 13 of ACOP	az009g01.doc
8.	Resident Member on Board	az009h01.doc
9.	Membership of Resident Advisory Board	az009i01.doc
10.	Administrative Plan	az009j01.doc
11.	Admissions and Continued Occupancy Policy	az009k01.doc
12.	Implementation of Public Housing Resident Community Service Requirement	az009l01.doc
13.	Section 8 homeownership program capacity statement	az009m01.doc

Optional Public Housing Asset Management Table

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

Public Housing Asset Management								
Development Identification		Activity Description						
Name, Number, and Location	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion <i>Component 10</i>	Home-ownership <i>Component 11a</i>	Other (describe) <i>Component 17</i>
<i>Coffelt-Lamoreaux AZ20P009001 1510 S. 19th Drive Phoenix, AZ 85009</i>	<i>24-1 147-2 101-3 28-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>	<i>Redevelopment Study / A&E/ Financing Options</i>	<i>Potential Demo- Disposition Application</i>				<i>Project Based Accounting</i>
<i>Baden Homes AZ20P009003 1003 N. 93rd Ave. Tolleson, AZ 85353</i>	<i>1-1 7-2 10-3 2-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>Watson Homes AZ20P009004 415 S. Fifth Street Buckeye, AZ 85326</i>	<i>1-1 7-2 10-3 2-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>J. Hammond Homes AZ20P009000 8500 W. Washington Peoria, AZ</i>	<i>14-2 12-3 4-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>F. M. Statler Homes AZ20P009006 14102 N. First Avenue El Mirage, AZ</i>	<i>5-1 11-2 10-3 4-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>Madison Heights AZ20P009009 1102 North 6th Place Norton Circle 304 South 5th Avenue Avondale, AZ</i>	<i>1-0 26-1 35-2 47-3 12-4 6-5</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>			<i>20 Units potential designated housing for elderly in Norton Circle</i>			<i>Project Based Accounting</i>

Public Housing Asset Management

Development Identification		Activity Description						
Name, Number, and Location	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion <i>Component 10</i>	Home-ownership <i>Component 11a</i>	Other (describe) <i>Component 17</i>
<i>Paradise Homes AZ16P009014 12618 Paradise Lane Surprise, AZ</i>	<i>18-1 6-2</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>			<i>Potential designated housing for elderly</i>			<i>Project Based Accounting</i>
<i>F. Fidelis K. Homes AZ16P009015 9209 Calle Tomi Guadalupe, AZ</i>	<i>11-1 15-2 18-3 6-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>John Hollar Gardens AZ16P009017 9202-9204 W. Baden St. 9201-9203 W. Roosevelt; 912-948 N. 93rd Ave.; 913-949 N. 93rd Drive, Tolleson, AZ</i>	<i>6-1 8-2 8-3 3-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>Villa Monte Rosa AZ16P009018 14001-18 N. 5th El Mirage, AZ</i>	<i>1-1 15-2 2-3 2-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>Varney Homes AZ16P009019 11503-11545 N. 82nd Dr. 11610-11620 N. 80th Drive;Peoria, AZ</i>	<i>11-2 1-3</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>Casa Bonitas AZ16P009020 12976 Cottonwood Surprise, AZ</i>	<i>16-2 10-3 4-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>Scattered Sites. AZ20P009021</i>	<i>21-2 27-3</i>	<i>As needed Modernization Activities</i>	<i>Financing</i>	<i>Application</i>			<i>For Sale</i>	<i>Project Based</i>

Public Housing Asset Management

Development Identification		Activity Description						
Name, Number, and Location	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion <i>Component 10</i>	Home-ownership <i>Component 11a</i>	Other (describe) <i>Component 17</i>
<i>City of Mesa</i>	<i>2-4</i>	<i>(see az009b01.xls)</i>						<i>Accounting</i>
<i>Clare Feldstadt Homes AZ20P009022 710 W. Eighth Avenue 8146 E. University Mesa, AZ</i>	<i>20-2 24-3 6-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>						<i>Project Based Accounting</i>
<i>Scattered Sites. AZ20P009025 Glendale & Tolleson</i>	<i>1-2 9-3</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>	<i>Financing</i>	<i>Application</i>			<i>For Sale</i>	<i>Project Based Accounting</i>
<i>Scattered Sites. AZ20P009026 Western area.</i>	<i>34-3 6-4</i>	<i>As needed Modernization Activities (see az009b01.xls)</i>	<i>Financing</i>	<i>Application</i>			<i>For Sale</i>	<i>Project Based Accounting</i>

Housing Authority of Maricopa County

Deconcentration Policy

The Housing Authority of Maricopa County has performed an examination of its developments as of April 2004, which concluded that the significant discrepancies of income between the populations of its developments were between the scattered site developments and those other more concentrated family developments. It is also likely that the developments, which are 'de facto' elderly, are also very low income. To address the last concern we are considering the designation of certain developments as elderly or near elderly. As to the total community, we are committed to the economic uplift of the current and future residents for its primary deconcentration policy. This will likely be stimulated by encouraging homeownership for those residents who have the economic means and the inclination as these have been identified as living in the scattered site units. For this reason it is expected that the HAMC will enact a homeownership program during the next year, using both Housing Choice Vouchers and conventional sale of scattered site housing.

In addition, the Family Self Sufficiency program will be expanded and this program will be conducted at all the family housing complexes and will consist of numerous and frequent contacts utilizing housing managers and other personnel, offering opportunities and incentives to encourage residents to increase their incomes, find new more rewarding positions, gain greater educational and vocational skills, and otherwise take advantage of existing programs to attain upward mobility.

The HAMC is dealing with concentrations of poverty in an active manner aiding the residents of the family properties to achieve greater income and thereby individually break the cycle of poverty.

Annual Statement / Performance and Evaluation Report
 Comprehensive Grant Program (CGP) **Part I: Summary**

U.S. Department of Housing
 and Urban Development

OMB Approval No. 2577-0157
 (exp. 3/31/2002)

Office of Public and Indian Housing

HA Name: Housing Authority of Maricopa County	Comprehensive Grant Number AZ20P00950106	FFY of Grant Approval: 2006
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Original Annual Statement
 Reserve for Disasters/Emergencies
 Revised Annual Statement (revision no: 1)
 Performance and Evaluation Report for Period Ending:
 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total Non-CFP Funds				
2	1406 Operations	\$175,000.00			
3	1408 Management Improvements	\$75,000.00			
4	1410 Administration	\$118,931.00			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$40,000.00			
8	1440 Site Acquisition				
9	1450 Site Improvement	\$150,000.00			
10	1460 Dwelling Structures	\$388,559.00			
11	1465.1 Dwelling Equipment-Nonexpendable	\$77,500.00			
12	1470 Nondwelling Structures	\$10,000.00			
13	1475 Nondwelling Equipment	\$31,680.00			
14	1485 Demolition				
15	1490 Replacement Reserve	\$25,000.00			
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Cost	\$2,500.00			
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency	\$95,145.00			
21	Amount of Annual Grant: (sum of lines 2-20)	\$1,189,315.00			
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 Compliance				
24	Amount of line 21 Related to Security -- Soft Costs				
25	Amount of line 21 Related to Security -- Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures	\$90,059.00			

Signature of Executive Director _____ Date (mm/dd/yyyy) _____	Signature of Public Housing Director _____ Date (mm/dd/yyyy) _____
X	X

1 To be completed for the Performance & Evaluation Report or a Revised Annual Statement
 2 To be completed for the Performance & Evaluation Report

Annual Statement /Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name:		Grant Type and Number			Federal FY of Grant:			
Housing Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:			2006			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA-Wide Operations	Operations	1406	Total 1406	\$175,000.00				
HA-Wide Mgmt. Improvements	Mang. Consulting / Energy Audit	1408		\$35,000.00				
	Staff Training	"		\$18,000.00				
	Computer Software & Hardware	"		\$22,000.00				
			Total 1408	\$75,000.00				
HA-Wide Admin	Administrative Fees	1410	Total 1410	\$118,931.00				
HA-Wide		1430.1						
Fees and Costs	Modernization Work	1430.2	Total 1430	\$40,000.00				
HA-Wide	Parking, Street & Sidewalk Repairs	1450		\$75,000.00				
	Landscaping			\$75,000.00				
			Total 1450	\$150,000.00				
"	Exterior & Interior Upgrades	1460	Total 1460	\$388,559.00				
"	Appliances - Coolers - H P/ AC units	1465.1	Total 1465.1	\$77,500.00,				
"	Comm. Building & Office Improvement	1470	Total 1470	\$10,000.00				
"	Maintenance Tools & Equipment	1475		\$10,000.00				
"	Vehicles			\$21,680.00				
"			Total 1475	\$31,680.00				
"	Demolition	1485						
"	Replacement Reserve	1490	Total 1490	\$25,000.00				
"	Relocation	1495.1	Total 1495.1	\$2,500.00				
"	Development Activities	1499						
"	Contingency	1502	Total 1502	\$95,145.00				

Annual Statement /Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)									
Part II: Supporting Pages									
PHA Name:		Grant Type and Number			Federal FY of Grant:				
Housing Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106			2006				
		Replacement Housing Factor Grant No:							
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Obligated	Expended		
AZ9-001 Coffelt-Lamoreaux	Site: None	1450	Total Site:						
	Mechanical and Electrical:	1460 1460	Total M&E:						
	Building Exterior: Exterior Doors	1460	Total B.E.:	\$5,000.00					
	Dwelling Units: None	1460	Total DUs:						
	Dwelling Equipment: None	1465.1	Total D.E.:						
	Interior Common Areas: None	1470	Total ICAs:						
	Site-Wide Facilities: None	1470	Total SWFs:						
	Nondwelling Equipment: None	1475	Total NDE:						
	Total,	Coffelt-Lamoreaux		Project Total:	\$5,000.00				

Annual Statement /Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)									
Part II: Supporting Pages									
PHA Name: Housing Authority of Maricopa County		Grant Type and Number Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:			Federal FY of Grant: 2006				
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Obligated	Expended		
AZ9-003 Baden Homes	Site: None	1450	Total Site:						
	Mechanical and Electrical: Energy efficient lighting Weatherization	1460	Total M&E:	\$1,050.00					
	Building Exterior: None	1460	Total B.E.:						
	Dwelling Units: Interior Doors	1460	Total DUs:	\$9,000.00					
	Dwelling Equipment: None	1465.1	Total D.E.:	\$9,000.00					
	Interior Common Areas: None	1470	Total ICAs:						
	Site-Wide Facilities: None	1470	Total SWFs:						
	Nondwelling Equipment: None	1475	Total NDE:						
	Total,		Project Total:		\$10,050.00				
	Baden Homes								

Annual Statement /Performance and Evaluation Report								
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)								
Part II: Supporting Pages								
PHA Name: Housing Authority of Maricopa County		Grant Type and Number Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:			Federal FY of Grant: 2006			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ9004 H.M. Watson Homes	Site: None	1450	Total Site:					
	Mechanical and Electrical: Energy efficient Lighting Weatherization	1460	Total M&E:	\$850.00				
	Building Exterior: None	1460	Total B.E.:					
	Dwelling Units: None	1460	Total DUs:					
	Dwelling Equipment: Appliances Energy Star	1465.1	Total D.E.:					
	Interior Common Areas: None	1470	Total ICAs:					
	Site-Wide Facilities: None	1470	Total SWFs:					
	Nondwelling Equipment: None	1475	Total NDE:					
	Total,	H.M. Watson Homes		Project Total:	\$850.00			

Annual Statement /Performance and Evaluation Report								
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)								
Part II: Supporting Pages								
PHA Name: Housing Authority of Maricopa County		Grant Type and Number Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:			Federal FY of Grant: 2005			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ9005 John Hammond Homes	Site: None	1450	Total Site:					
	Mechanical and Electrical: None	1460	Total M&E:					
	Building Exterior: Facia R/R	1460	Total B.E.:	\$10,000.00				
	Dwelling Units:	1460	Total DUs:	\$10,000.00				
	Dwelling Equipment: None	1465.1	Total D.E.:					
	Interior Common Areas: None	1470	Total ICAs:					
	Site-Wide Facilities: None	1470	Total SWFs:					
	Nondwelling Equipment: None	1475	Total NDE:					
	Total, John Hammond Homes		Project Total:	\$10,000.00				

Annual Statement /Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)									
Part II: Supporting Pages									
PHA Name: Housing Authority of Maricopa County		Grant Type and Number Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:			Federal FY of Grant: 2006				
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Obligated	Expended		
AZ9006 Flora M. Statter Homes	Site: None	1450	Total Site:						
	Mechanical and Electrical: Energy Efficient Lighting Weatherization	1460	Total M&E:	\$1,100.00					
	Building Exterior: None	1460	Total B.E.:	\$1,100.00					
	Dwelling Units: None	1460	Total DUs:						
	Dwelling Equipment: Appliances Energy Star	1465.1	Total D.E.:						
	Interior Common Areas: None	1470	Total ICAs:						
	Site-Wide Facilities: None	1470	Total SWFs:						
	Nondwelling Equipment: None	1475	Total NDE:						
	Total,		Project Total:		\$1,100.00				

Annual State: Flora M. Statler Homes		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Housing Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ9009 Madison Hts./ Norton Circle	Site: None	1450						
			Total Site:					
	Mechanical and Electrical: Energy Efficient Lighting Weatherization	1460		\$3,000.00				
			Total M&E:	\$3,000.00				
	Building Exterior:	1460						
	Dwelling Units: Duct Work Replacement	1460		\$8,000.00				
			Total DUs:	\$8,000.00				
	Dwelling Equipment: None	1465.1						
			Total D.E.:					
	Interior Common Areas: None	1470						
			Total ICAs:					
	Site-Wide Facilities: None	1470						
		Total SWFs:						
Nondwelling Equipment: None	1475							
		Total NDE:						
Total,		Project Total:		\$11,000.00				

Annual State Madison Hts./Norton Circle		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90014 Paradise Homes	Site: None	1450	Total Site:					
	Mechanical and Electrical: None	1460	Total M&E:					
	Building Exterior: None	1460	Total B.E.:					
	Dwelling Units: Remodel Kitchens , Baths, Flooring	1460	Total DUs:	\$220,000.00				
	Dwelling Equipment: None	1465.1	Total D.E.:					
	Interior Common Areas: None	1470	Total ICAs:					
	Site-Wide Facilities: None	1470	Total SWFs:					
	Nondwelling Equipment: None	1475	Total NDE:					
	Total,		Project Total:	\$220,000.00				

Annual State: Paradise Homes		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)							
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:			
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Obligated	Expended		
AZ90015 F. Fidelis Kuban Homes	Site: None	1450	Total Site:						
	Mechanical and Electrical: Energy Efficient Lighting Weatherization	1460	Total M&E:	\$1,450.00					
	Building Exterior: None	1460	Total B.E.:						
	Dwelling Units: None	1460	Total DUs:						
	Dwelling Equipment: Cooler Transitions	1465.1	Total D.E.:						
	Interior Common Areas: None	1470	Total ICAs:						
	Site-Wide Facilities: None	1470	Total SWFs:						
	Nondwelling Equipment: None	1475	Total NDE:						
	Total,		Project Total:	\$1,450.00					

Annual State: F. Fidelis Kuban Homes		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90017 John Hollar Gardens	Site: None	1450						
			Total Site:					
	Mechanical and Electrical: Energy Efficient Lighting Weatherization	1460		\$950.00				
			Total M&E:	\$950.00				
	Building Exterior: None	1460						
			Total B.E.:					
	Dwelling Units: Interior Doors	1460		\$21,000.00				
			Total DUs:					
	Dwelling Equipment: None	1465.1						
			Total D.E.:					
Interior Common Areas: None	1470							
		Total ICAs:						
Site-Wide Facilities: None	1470							
		Total SWFs:						
Nondwelling Equipment: None	1475							
		Total NDE:						
Total:			Project Total:	\$21,950.00				

Annual State: John Hollar Gardens		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90018 Villa Monte Rosa	Site: None	1450						
			Total Site:					
	Mechanical and Electrical: Energy Efficient Lighting Weatherization	1460		\$650.00				
			Total M&E:					
	Building Exterior: Paint/Stucco Repair	1460		\$16,000.00				
			Total B.E.:					
	Dwelling Units: None	1460						
			Total DUs:					
	Dwelling Equipment: None	1465.1						
			Total D.E.:					
	Interior Common Areas: None	1470						
			Total ICAs:					
	Site-Wide Facilities: None	1470						
			Total SWFs:					
	Nondwelling Equipment: None	1475						
			Total NDE:					
Total,			Project Total:	\$16,650.00				

Annual State Villa Monte Rosa		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90019 Varney Homes	Site: None	1450						
			Total Site:					
	Mechanical and Electrical: Electrical Upgrade Weatherization	1460		\$1,500.00				
			Total M&E:	\$1,500.00				
	Building Exterior: Paint	1460		\$11,000.00				
			Total B.E.:	\$11,000.00				
	Dwelling Units: None	1460						
			Total DUs:					
	Dwelling Equipment: None	1465.1						
			Total D.E.:					
Interior Common Areas: None	1470							
		Total ICAs:						
Site-Wide Facilities: None	1470							
		Total SWFs:						
Nondwelling Equipment: None	1475							
		Total NDE:						
Total,			Project Total:	\$12,500.00				

Annual State Varney Homes		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90020 Casa Bonitas	Site: None	1450						
			Total Site:					
	Mechanical and Electrical: Energy Efficient Lighting Weatherization	1460		\$1,700.00				
			Total M&E:	\$1,700.00				
	Building Exterior: Paint	1460		\$25,000.00				
			Total B.E.:	\$25,000.00				
	Dwelling Units: None	1460						
			Total DUs:					
	Dwelling Equipment: None	1465.1						
			Total D.E.:					
Interior Common Areas: None	1470							
		Total ICAs:						
Site-Wide Facilities: None	1470							
		Total SWFs:						
Nondwelling Equipment: None	1475							
		Total NDE:						
Total,			Project Total:	\$26,700.00				

Annual State Casa Bonitas		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90021 Scattered Sites 1	Site: None	1450						
			Total Site:					
	Mechanical and Electrical: None	1460						
			Total M&E:					
	Building Exterior: None	1460						
			Total B.E.:					
	Dwelling Units: None	1460						
			Total DUs:					
	Dwelling Equipment: Heat Pumps	1465.1						
			Total D.E.:					
Interior Common Areas: None	1470							
		Total ICAs:						
Site-Wide Facilities: None	1470							
		Total SWFs:						
Nondwelling Equipment: None	1475							
		Total NDE:						
Total,		Project Total:						

Annual State: Scattered Sites 1		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90022 Clare Feldstadt Homes	Site: None	1450	Total Site:					
	Mechanical and Electrical: Energy Efficient Lighting Weatherization	1460	Total M&E:	\$1,809.00				
	Building Exterior: Soffit / R & R	1460	Total B.E.:	\$3,500.00				
	Dwelling Units: Flooring / Sub Floor Replacement	1460	Total DUs:	\$6,000.00				
	Dwelling Equipment: None	1465.1	Total D.E.:					
	Interior Common Areas: None	1470	Total ICAs:					
	Site-Wide Facilities: None	1470	Total SWFs:					
	Nondwelling Equipment: None	1475	Total NDE:					
	Total:		Project Total:	\$11,309.00				

Annual State: Clare Feldstadt Homes		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90025 Scattered Sites 2	Site: None	1450	Total Site:					
	Mechanical and Electrical: None	1460	Total M&E:					
	Building Exterior: Paint / Siding	1460	Total B.E.:	\$5,000.00				
	Dwelling Units: Flooring/ Cabinets/Plumbing Upg.	1460	Total DUs:	\$10,000.00				
	Dwelling Equipment: Heat Pumps	1465.1	Total D.E.:					
	Interior Common Areas: None	1470	Total ICAs:					
	Site-Wide Facilities: None	1470	Total SWFs:					
	Nondwelling Equipment: None	1475	Total NDE:					
	Total,		Project Total:	\$15,000.00				

Annual State: Scattered Sites 2		Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)						
Part II: Supporting Pages		Grant Type and Number				Federal FY of Grant:		
PHA Name: Authority of Maricopa County		Capital Fund Program Grant N AZ20P00950106 Replacement Housing Factor Grant No:				2006		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Obligated	Expended	
AZ90026 Scattered Sites 3	Site: None	1450						
			Total Site:					
	Mechanical and Electrical: None	1460						
			Total M&E:					
	Building Exterior: Paint / Siding Repairs	1460		\$5,000.00				
			Total B.E.:	\$5,000.00				
	Dwelling Units: Flooring/ Cabinets/Plumbing Upg.	1460		\$20,000.00				
			Total DUs:	\$20,000.00				
	Dwelling Equipment: Heat Pumps	1465.1						
			Total D.E.:					
Interior Common Areas: None	1470							
		Total ICAs:						
Site-Wide Facilities: None	1470							
		Total SWFs:						
Nondwelling Equipment: None	1475							
		Total NDE:						
Total,				\$25,000.00				

Annual Statement /Performance and Evaluation Report
Capital Fund Program

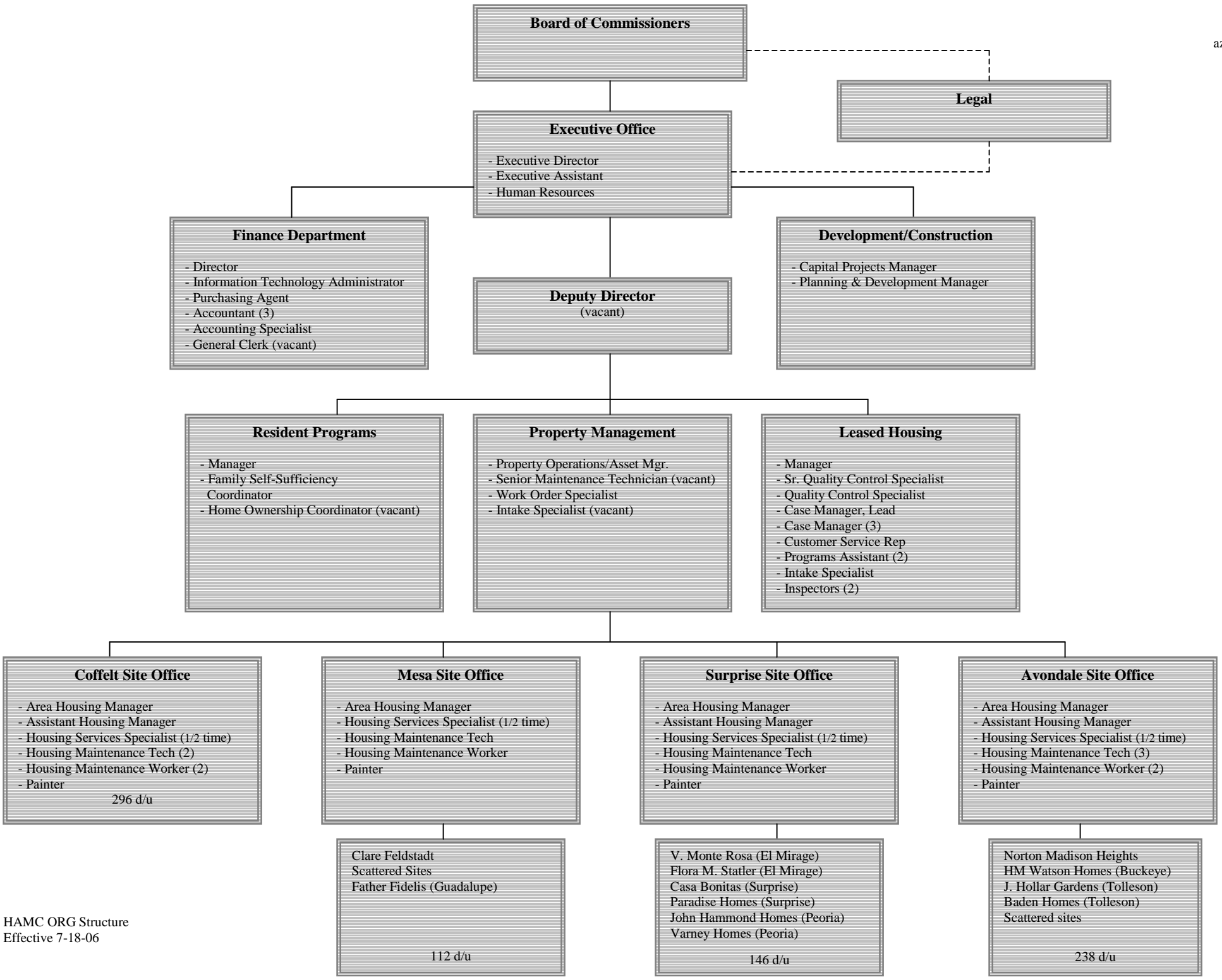
Part III: Implementation Schedule

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

az2009b05

Development Number/ Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates (2)
	Original	Revised (1)	Actual (2)	Original	Revised (1)	Actual (2)	
HA-Wide							
1406 Operations	08/18/08						
1408 Staff Training	08/18/08						
1410 Administration	08/18/08						
1430 Fees	08/18/08						
1450 Site Improvements	08/18/08						
1460 Dwelling Structures	08/18/08						
1465.1 Dwelling Equipment	08/18/08						
1470 Nondwelling Structures	08/18/08						
1475 Nondwelling Equipment	08/18/08						
1485 Demolition	08/18/08						
1490 Replacement Reserve	08/18/08						
AZ9001 Coffelt-Lamoreaux	08/18/08						
AZ9003 Baden Homes	08/18/08						
AZ9004 H.M. Watson Homes	08/18/08						
AZ9005 John Hammond Homes	08/18/08						
AZ9006 Flora M. Statler Homes	08/18/08						
AZ9009 Madison Hts./Norton Circle	08/18/08						
AZ90014 Paradise Homes	08/18/08						
AZ90015 F. Fidelis Kuban Homes	08/18/08						
AZ90017 John Hollar Gardens	08/18/08						
AZ90018 Villa Monte Rosa	08/18/08						
AZ90019 Varney Homes	08/18/08						
AZ90020 Casa Bonitas	08/18/08						
AZ90021 Scattered Sites	08/18/08						
AZ90022 Clare Feldstadt Homes	08/18/08						
AZ90025 Scattered Sites	08/18/08						
AZ90026 Scattered Sites	08/18/08						
Signature of Executive Director	Date (mm/dd/yyyy)			Signature of Public Housing Director	Date (mm/dd/yyyy)		
X				X			

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement
 (2) To be completed for the Performance and Evaluation Report



Capital Fund Program Five-Year Action Plan

az009d05

Part I: Summary

PHA Name: Housing Authority of Maricopa County						<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No: ___
Development Number/Name/HA-Wide	Year 1 2005	Work Statement for Year 2 FFY Grant: 2006 PHA FY:	Work Statement for Year 3 FFY Grant: 2007 PHA FY:	Work Statement for Year 4 FFY Grant: 2008 PHA FY:	Work Statement for Year 5 FFY Grant: 2009 PHA FY:	
AZ90001 Coffelt-Lamoreaux	Annual Statement	\$139,680	\$139,680	\$139,680	\$139,680	
AZ90015-21-22 Kuban-SS-Feldman		\$73,720	\$73,720	\$73,720	\$73,720	
AZ9003-04-09-17-25-26		\$116,400	\$116,400	\$116,400	\$116,400	
AZ9005-06-14-18-19-20		\$46,560	\$46,560	\$46,560	\$46,560	
AZ90027 Rose Terrace		\$11,640	\$11,640	\$11,640	\$11,640	
HA-Wide Physical Activities		\$180,000	\$180,000	\$180,000	\$180,000	
HA-Wide Non-Physical Activities		\$532,200	\$532,200	\$532,200	\$532,200	
HA-Wide Contingency @ X%		\$160,000	\$160,000	\$160,000	\$160,000	
CFP Funds Listed for						
5-year planning			\$1,611,000	\$1,611,000	\$1,611,000	\$1,611,000
Replacement Housing		\$350,800	\$350,800	\$350,800	\$350,800	
Factor Funds						

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities

Activities for Year 1 2005	Activities for Year 2 FFY Grant: 2006 PHA FY:			Activities for Year 3 FFY Grant: 2007 PHA FY:		
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost
	HA-Wide Physical Improvements	HA-WIDE Site: Street Repairs/Landscaping	\$100,000	HA-Wide Physical Improvements	HA-WIDE Site: Street Repairs/Landscaping	\$100,000
		Total Site:	\$100,000		Total Site:	\$100,000
		ON-DEMAND Mech. and Electrical: None			ON-DEMAND Mech. and Electrical: None	
		Total M&E:			Total M&E:	
		ON-DEMAND Building Exterior: None			ON-DEMAND Building Exterior: None	
		Total B.E.:			Total B.E.:	
		ON-DEMAND Dwelling Units: None			ON-DEMAND Dwelling Units: None	
		Total DUs:			Total DUs:	
		HA-WIDE Dwelling Equipment: None			HA-WIDE Dwelling Equipment: None	
		Total D.E.:			Total D.E.:	
		HA-WIDE Interior Common Areas: None			HA-WIDE Interior Common Areas: None	
		Total ICAs:			Total ICAs:	
		HA-WIDE Site-Wide Facilities: Maintenance Equipment Palygrounds	\$30,000 \$50,000		HA-WIDE Site-Wide Facilities: Maintenance Equipment Palygrounds	\$30,000 \$50,000
		Total SWFs:	\$80,000		Total SWFs:	\$80,000
		HA-WIDE Nondwelling Equipment:			HA-WIDE Nondwelling Equipment:	
Total NDE:		Total NDE:				
Subtotal of Estimated Cost		\$180,000	Subtotal of Estimated Cost		\$180,000	

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities

Activities for Year 1 2005	Activities for Year 4 FFY Grant: 2008 PHA FY:			Activities for Year 5 FFY Grant: 2009 PHA FY:		
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost
	HA-Wide Physical Improvements	HA-WIDE Site: Street Repairs/Landscaping	\$100,000	HA-Wide Physical Improvements	HA-WIDE Site: Street Repairs/Landscaping	\$100,000
		Total Site:	\$100,000		Total Site:	\$100,000
		ON-DEMAND Mech. and Electrical: None			ON-DEMAND Mech. and Electrical: None	
		Total M&E:			Total M&E:	
		ON-DEMAND Building Exterior: None			ON-DEMAND Building Exterior: None	
		Total B.E.:			Total B.E.:	
		ON-DEMAND Dwelling Units: None			ON-DEMAND Dwelling Units: None	
		Total DUs:			Total DUs:	
		HA-WIDE Dwelling Equipment: None			HA-WIDE Dwelling Equipment: None	
		Total D.E.:			Total D.E.:	
		HA-WIDE Interior Common Areas: None			HA-WIDE Interior Common Areas: None	
		Total ICAs:			Total ICAs:	
		HA-WIDE Site-Wide Facilities: Maintenance Equipment Palygrounds	\$30,000 \$50,000		HA-WIDE Site-Wide Facilities: Maintenance Equipment Palygrounds	\$30,000 \$50,000
		Total SWFs:	\$80,000		Total SWFs:	\$80,000
	HA-WIDE Nondwelling Equipment: None			HA-WIDE Nondwelling Equipment: None		
	Total NDE:			Total NDE:		
	Subtotal of Estimated Cost		\$180,000	Subtotal of Estimated Cost		\$180,000

**Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities**

Activities for Year 1 2005	Activities for Year 2 FFY Grant: 2006 PHA FY:			Activities for Year 3 FFY Grant: 2007 PHA FY:		
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost
	AZ90001 Coffelt-Lamoreaux	Site: None		AZ90001 Coffelt-Lamoreaux	Site: None	
		Total Site:			Total Site:	
		Mechanical and Electrical:			Mechanical and Electrical: None	
		Total M&E:			Total M&E:	
		Building Exterior: None			Building Exterior: None	
		Total B.E.:			Total B.E.:	
		Dwelling Units: Interior & Exterior Repairs	\$139,680		Dwelling Units: Interior & Exterior Repairs	\$139,680
		Total DUs:	\$139,680		Total DUs:	\$139,680
		Dwelling Equipment: None			Dwelling Equipment: None	
		Total D.E.:			Total D.E.:	
		Interior Common Areas: None			Interior Common Areas: None	
		Total ICAs:			Total ICAs:	
		Site-Wide Facilities: None			Site-Wide Facilities: None	
	Total SWFs:			Total SWFs:		
	Nondwelling Equipment: None			Nondwelling Equipment: None		
	Total NDE:			Total NDE:		
	Subtotal of Estimated Cost		\$139,680	Subtotal of Estimated Cost		\$139,680

**Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages--Work Activities**

Activities for Year 1 2005	Activities for Year 4 FFY Grant: 2008 PHA FY:			Activities for Year 5 FFY Grant: 2009 PHA FY:							
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost					
	AZ90001 Coffelt-Lamoreaux	Site: None		AZ90001 Coffelt-Lamoreaux	Site: None						
		Total Site:			Total Site:						
		Mechanical and Electrical: None			AZ90001 Coffelt-Lamoreaux	Mechanical and Electrical: None					
		Total M&E:				Total M&E:					
		Building Exterior: Interior & Exterior Repairs	\$139,680			AZ90001 Coffelt-Lamoreaux	Building Exterior: Interior & Exterior Repairs	\$139,680			
		Total B.E.:	\$139,680				Total B.E.:	\$139,680			
		Dwelling Units:					AZ90001 Coffelt-Lamoreaux	Dwelling Units: Painting, Carpet & Interior improvements			
		Total DUs:						Total DUs:			
		Dwelling Equipment: None						AZ90001 Coffelt-Lamoreaux	Dwelling Equipment: None		
		Total D.E.:							Total D.E.:		
		Interior Common Areas: None							AZ90001 Coffelt-Lamoreaux	Interior Common Areas: None	
		Total ICAs:								Total ICAs:	
Site-Wide Facilities: None		AZ90001 Coffelt-Lamoreaux	Site-Wide Facilities: None								
Total SWFs:			Total SWFs:								
Nondwelling Equipment: None			AZ90001 Coffelt-Lamoreaux	Nondwelling Equipment: None							
Total NDE:				Total NDE:							
Subtotal of Estimated Cost				\$139,680	Subtotal of Estimated Cost					\$139,680	

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities

Activities for Year 1 2005	Activities for Year 2 FFY Grant: 2006 PHA FY:			Activities for Year 3 FFY Grant: 2007 PHA FY:			
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost	
	AZ90015-21-22 Kuban-SS-Feldman	Site: Total Site:		AZ90015-21-22 Kuban-SS-Feldman	Site: None Total Site:		
		Mechanical and Electrical: None Total M&E:			Mechanical and Electrical: None Total M&E:		
		Building Exterior: None Total B.E.:			Building Exterior: None Total B.E.:		
		Dwelling Units: Various Repairs Total DUs:	\$73,720		Dwelling Units: Various Repairs Total DUs:	\$73,720	
		Dwelling Equipment: None Total D.E.:			Dwelling Equipment: None Total D.E.:		
		Interior Common Areas: None Total ICAs:			Interior Common Areas: None Total ICAs:		
		Site-Wide Facilities: None Total SWFs:			Site-Wide Facilities: None Total SWFs:		
		Nondwelling Equipment: None Total NDE:			Nondwelling Equipment: None Total NDE:		
		Subtotal of Estimated Cost		\$73,720	Subtotal of Estimated Cost		\$73,720

**Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities**

Activities for Year 1 2005	Activities for Year 4 FFY Grant: 2008 PHA FY:			Activities for Year 5 FFY Grant: 2009 PHA FY:		
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost
	AZ90015-21-22 Kuban-SS-Feldman	Site: None		AZ90015-21-22 Kuban-SS-Feldman	Site: None	
		Total Site:			Total Site:	
		Mechanical and Electrical: None			Mechanical and Electrical: None	
		Total M&E:			Total M&E:	
		Building Exterior: None			Building Exterior: None	
		Total B.E.:			Total B.E.:	
		Dwelling Units: Various Repairs	\$73,720		Dwelling Units: Various Repairs	\$73,720
		Total DUs:	\$73,720		Total DUs:	\$73,720
		Dwelling Equipment: None			Dwelling Equipment: None	
		Total D.E.:			Total D.E.:	
		Interior Common Areas: None			Interior Common Areas: None	
		Total ICAs:			Total ICAs:	
Site-Wide Facilities: None		Site-Wide Facilities: None				
Total SWFs:		Total SWFs:				
Nondwelling Equipment: None		Nondwelling Equipment: None				
Total NDE:		Total NDE:				
	Subtotal of Estimated Cost		\$73,720	Subtotal of Estimated Cost		\$73,720

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities

Activities for Year 1 2005	Activities for Year 2 FFY Grant: 2006 PHA FY:			Activities for Year 3 FFY Grant: 2007 PHA FY:			
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost	
	AZ9003-04-09-17-25-26 Baden/Watson/Madison/Hollar/SS	Site: Total Site: Mechanical and Electrical: None Total M&E: Building Exterior: Exterior Building Repairs \$116,400 Total B.E.: \$116,400 Dwelling Units: None Total DUs: Dwelling Equipment: None Total D.E.: Interior Common Areas: None Total ICAs: Site-Wide Facilities: None Total SWFs: Nondwelling Equipment: None Total NDE:		AZ9003-04-09-17-25-26 Baden/Watson/Madison/Hollar/SS	Site: None Total Site: Mechanical and Electrical: None Total M&E: Building Exterior: Exterior Building Repairs \$116,400 Total B.E.: \$116,400 Dwelling Units: None Total DUs: Dwelling Equipment: None Total D.E.: Interior Common Areas: None Total ICAs: Site-Wide Facilities: None Total SWFs: Nondwelling Equipment: None Total NDE:		
	Subtotal of Estimated Cost		\$116,400	Subtotal of Estimated Cost		\$116,400	

**Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities**

Activities for Year 1 2005	Activities for Year 4 FFY Grant: 2008 PHA FY:			Activities for Year 5 FFY Grant: 2009 PHA FY:			
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost	
	AZ9003-04-09-17-25-26 Baden/Watson/Madison/Hollar/SS	Site: None Total Site:		AZ9003-04-09-17-25-26 Baden/Watson/Madison/Hollar/SS	Site: None Total Site:		
		Mechanical and Electrical: None Total M&E:			Mechanical and Electrical: None Total M&E:		
		Building Exterior: Exterior Building Repairs Total B.E.:	\$116,400 \$116,400		Building Exterior: Exterior Building Repairs Total B.E.:	\$116,400 \$116,400	
		Dwelling Units: None Total DUs:			Dwelling Units: None Total DUs:		
		Dwelling Equipment: None Total D.E.:			Dwelling Equipment: None Total D.E.:		
		Interior Common Areas: None Total ICAs:			Interior Common Areas: None Total ICAs:		
		Site-Wide Facilities: None Total SWFs:			Site-Wide Facilities: None Total SWFs:		
		Nondwelling Equipment: None Total NDE:			Nondwelling Equipment: None Total NDE:		
		Subtotal of Estimated Cost		\$116,400	Subtotal of Estimated Cost		\$116,400

**Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities**

Activities for Year 1 2005	Activities for Year 2 FFY Grant: 2006 PHA FY:			Activities for Year 3 FFY Grant: 2007 PHA FY:		
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost
	AZ9005-06-14-18-19-20 Hammond/Statler/Paradise/Rosa/Bonitas	Site: None Total Site:		AZ9005-06-14-18-19-20 Hammond/Statler/Paradise/Rosa/Bonitas	Site: None Total Site:	
		Mechanical and Electrical:			Mechanical and Electrical:	
		Total M&E:			Total M&E:	
		Building Exterior: None			Building Exterior:	
		Total B.E.:			Total B.E.:	
		Dwelling Units: Interior Repairs	\$46,560		Dwelling Units: Interior Repairs	\$46,560
		Total DUs:	\$46,560		Total DUs:	\$46,560
		Dwelling Equipment:			Dwelling Equipment:	
		Total D.E.:			Total D.E.:	
		Interior Common Areas: None			Interior Common Areas: None	
		Total ICAs:			Total ICAs:	
		Site-Wide Facilities: None			Site-Wide Facilities: None	
		Total SWFs:			Total SWFs:	
		Nondwelling Equipment: None			Nondwelling Equipment: None	
		Total NDE:			Total NDE:	
	Subtotal of Estimated Cost		\$46,560	Subtotal of Estimated Cost		\$46,560

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities

Activities for Year 1 2005	Activities for Year 4 FFY Grant: 2008 PHA FY:			Activities for Year 5 FFY Grant: 2009 PHA FY:			
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost	
	AZ9005-06-14-18-19-20 Hammond/Statler/Paradise/Rosa/Bonitas	Site: None Total Site:		AZ9005-06-14-18-19-20 Hammond/Statler/Paradise/Rosa/Bonitas	Site: None Total Site:		
		Mechanical and Electrical: None Total M&E:			Mechanical and Electrical: None Total M&E:		
		Building Exterior: None Total B.E.:			Building Exterior: Total B.E.:		
		Dwelling Units: Interior Repairs Total DUs:	\$46,560 \$46,560		Dwelling Units: Interior Repairs Total DUs:	\$46,560 \$46,560	
		Dwelling Equipment: None Total D.E.:			Dwelling Equipment: None Total D.E.:		
		Interior Common Areas: None Total ICAs:			Interior Common Areas: None Total ICAs:		
		Site-Wide Facilities: None Total SWFs:			Site-Wide Facilities: None Total SWFs:		
		Nondwelling Equipment: None Total NDE:			Nondwelling Equipment: None Total NDE:		
		Subtotal of Estimated Cost		\$46,560	Subtotal of Estimated Cost		\$46,560

Capital Fund Program Five-Year Action Plan

Part II: Supporting Pages---Work Activities

Activities for Year 1 2005	Activities for Year 2 FFY Grant: 2006 PHA FY:			Activities for Year 3 FFY Grant: 2007 PHA FY:		
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost
	AZ90027 Rose Terrace	Site: None		AZ90027 Rose Terrace	Site: None	
		Total Site:			Total Site:	
		Mechanical and Electrical: None			Mechanical and Electrical: None	
		Total M&E:			Total M&E:	
		Building Exterior: None			Building Exterior: None	
		Total B.E.:			Total B.E.:	
		Dwelling Units: Various Modernization	\$11,640		Dwelling Units: Various Modernization	\$11,640
		Total DUs:	\$11,640		Total DUs:	\$11,640
		Dwelling Equipment: None			Dwelling Equipment: None	
		Total D.E.:			Total D.E.:	
		Interior Common Areas: None			Interior Common Areas: None	
		Total ICAs:			Total ICAs:	
		Site-Wide Facilities: None			Site-Wide Facilities: None	
Total SWFs:		Total SWFs:				
Nondwelling Equipment: None		Nondwelling Equipment: None				
Total NDE:		Total NDE:				
Subtotal of Estimated Cost		\$11,640	Subtotal of Estimated Cost		\$11,640	

**Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages---Work Activities**

Activities for Year 1 2005	Activities for Year 4 FFY Grant: 2008 PHA FY:			Activities for Year 5 FFY Grant: 2009 PHA FY:		
	Development Name/Number	Major Work Categories	Estimated Cost	Development Name/Number	Major Work Categories	Estimated Cost
	AZ90027 Rose Terrace	Site: None		AZ90027 Rose Terrace	Site: None	
		Total Site:			Total Site:	
		Mechanical and Electrical: None			Mechanical and Electrical: None	
		Total M&E:			Total M&E:	
		Building Exterior: None			Building Exterior: None	
		Total B.E.:			Total B.E.:	
		Dwelling Units: Various Modernization	\$11,640		Dwelling Units: Various Modernization	\$11,640
		Total DUs:	\$11,640		Total DUs:	\$11,640
		Dwelling Equipment: None			Dwelling Equipment: None	
		Total D.E.:			Total D.E.:	
		Interior Common Areas: None			Interior Common Areas: None	
		Total ICAs:			Total ICAs:	
		Site-Wide Facilities: None			Site-Wide Facilities: None	
Total SWFs:		Total SWFs:				
Nondwelling Equipment: None		Nondwelling Equipment: None				
Total NDE:		Total NDE:				
Subtotal of Estimated Cost		\$11,640	Subtotal of Estimated Cost		\$11,640	

HAMC Annual Plan Update 2006

Process of Community Involvement Strategy for Housing Sites

The 2006 annual-plan resident-input process was initiated by the distribution of a letter in early January 2006, with notification to residents across all Public Housing communities. The Resident Programs Manager developed the letter with input from the Property Operations Asset Manager and the Modernization Manager. The letter solicited and encouraged resident participation in gathering suggestions and opinions on the annual plan and specifically in the areas of physical improvement for their community. It should be noted that this notification letter was written in both Spanish and English, made available at all Public Housing sites, and distributed door-to-door in three of the communities. Additionally, the letter was posted in the reception area at HAMC's Administrative office on 7th. St. The Public Housing Managers also solicited the participation of residents that came to the site offices during January and February 2006 rent weeks. Resident meetings were coordinated in Buckeye, Avondale, Coffelt, Guadalupe, *Peoria, *Mesa. A total of 52 residents participated in these meetings.

1. Annual Plan Update Resident Meeting Agenda

A common agenda was developed for all sites. The agenda included the following items:

- A. Introductions
- B. 2005 Facility updates
- C. Resident input and suggestions for 2006 annual plan
- D. Other resident participation activities

Staff/ total meetings attended:

Resident Programs Manager (6), Public Housing Manager (6), Property Operation Asset Manager (2) and Modernization Manager (1)

2. Recommendations by Community for 2006 Annual Plan Update

Buckeye:

Furnace filters, air filters, check ventilation, exterior seals on doors, viewer in front door, security door (specifically outside rear back door), dryer hookups and dish washers, upgrade inside block walls, outside security for utility boxes, play area for children.

Avondale:

Garbage bin dumpsters, provide signs on these dumpsters to remind residents of trash rules, provide a deodorizer for inside of bins – particularly during summer months, assigned parking spaces, minimally provide signs that say “Resident Parking Only,” screens/security doors at Madison, playground upgrade/second playground for younger children/Madison, lighting in common areas, minimally break proofing existing lighting, develop a play area for Norton Circle, exchange swamp cooling system for HVAC, dryer hookups inside units, privacy fencing for back yards, patio area storage rooms, parent education on safety, phone line security, smokers courtesy information, laundry facility on-site.

Coffelt:

Increase trash pickup dates and numbers of trash bins, more plants and trees, possible above ground planters for front and back yards, need speed bumps, cats/pets fines to residents not managing theirs, smoke and fire alarms - increased numbers of these for all units, more after school activities especially for teens, Cox cable/phone services improvement and cost/affordability, supervision of young children at the park, resident parking – currently not enough available, check yard space for parking area for some units, increased crime prevention activities, provide calendar of ongoing repairs and inspections to all residents, filter changes, work order information updates, check water quality and pressure concerns,

check/repair street holes. (note) Residents state in the past year, the services provided by the HA, particularly by Valle Del Sol Senior Program, holiday card writing, workforce training, CPR childcare and Christmas party improved. Residents also commented improvement in maintenance response (doors and bathroom repairs), good office relations and they have observed the community becoming quieter.

Guadalupe:

Speed bumps - lights/security lights - and storage units are top priority, playground for children ages 10 and under, add an area for family/parent supervision, outside paint and seal stucco, repair cooler systems, community center AC, flooring in apartments need to be replaced, paint inside of apartments, (note) Residents commented that yard maintenance is better than last year, activities at the center improved including food distribution and that the community vacancy is reduced and makes them feel safer with less apartments being vacant.

*Peoria:

Resident input was provided through meetings in October, November, and December. Residents expressed a desire for security lighting, filter changes and more community cleanup, backdoor security doors and screens, crime prevention.

*Mesa:

8th Avenue site: Exterior paint, exterior storage, laundry hookups, and speed bumps. Mesa residents commented positively on this past year's services program, including the food distribution and crime prevention effort.

East University site: Exterior storage, laundry hookups, speed bumps, and exterior paint.

* Comments gathered one-on-one at these sites by Resident Programs Manager and Public Housing Manager.

Chapter 10 PET POLICY

[24 CFR Part 5, Subpart C and 24 CFR Part 960, Subpart G]

INTRODUCTION

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

This policy does not apply to animals that are used to assist, support, or provide service to persons with disabilities, or to service animals that visit public housing developments.

ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

Pet deposits will not be applied to animals that assist persons with disabilities. This exclusion applies to both service animals and companion animals as reasonable accommodation for persons with disabilities. This exclusion applies to such animals that reside in public housing and that visit these developments.

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

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

A. MANAGEMENT APPROVAL OF PETS

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

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

Registration of Pets

Pets must be registered with the PHA before they are brought onto the premises. Registration includes certificate signed by a licensed veterinarian of State/local authority that the pet has received all inoculations required by State of local law, and that the pet has no communicable disease(s) and is pest-free.

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

Dogs and cats must be spayed or neutered.

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

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Owner must supply one clear 3 x 5 photo of dog or cat to be permanently placed in the owner's file for future reference.

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Refusal to Register Pets

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

The PHA will refuse to register a pet if:

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

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

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

B. STANDARDS FOR PETS

If an approved pet gives birth to a litter, the resident must remove all pets from the premises except one within ninety (90) days. In any case, notification must be given to management of additional pets.

Types of Pets Allowed

Tenants are permitted to have only one (1) pet-with the exception of fish, birds, or rodents with prior PHA approval.

No types of pets other than the following may be kept by a resident:

1. Dogs

- a) Maximum number: One (1)
 - b) Maximum adult weight/height: 40 pounds
 - c) Must be housebroken
 - d) Must be spayed or neutered
 - e) Must have all required inoculations
 - f) Must be licensed as specified now or in the future by State law and local ordinance
 - g) Vicious or dangerous dogs will not be permitted.

“Any dog with a known propensity or disposition which attacks or shall have at any time attacked, bites or shall have bitten, or in any way harms or shall have harmed, injures or shall have injured, any person or any animal without provocation shall be deemed to be vicious, ferocious or dangerous.”
 - h) Exceptions will be granted for visually impaired residents if warranted
2. Cats
- a) Maximum number: One (1)
 - b) Must be spayed or neutered
 - c) Must have all required inoculations
 - d) Must be trained to use a litter box or other waste receptacle
 - e) Must be licensed as specified now or in the future by State law or local ordinance.
3. Birds
- a) Maximum number: One (1) unless prior PHA approval has been granted
 - b) Must be enclosed in a cage at all times
4. Fish
- a) Maximum aquarium size fifty (50) gallons
 - b) Must be maintained on an approved stand

5. Rodents (rabbit, guinea pig, hamster or gerbil ONLY)
 - a) Maximum number: One (1) unless prior PHA approval has been granted
 - b) Must be enclosed in an acceptable cage at all times
 - c) Must have any or all inoculations as specified now or in the future by State law or local ordinance

6. Turtles
 - a) Maximum number: One (1)
 - b) Must be enclosed in an acceptable cage or container at all times

The following are NOT considered “common household pets”:

- Animals who would be allowed to produce offspring for sale.
- Wild, feral, or any other animals that are not amenable to routine human handling.
- Any poisonous animals of any kind.
- Non-human primates.
- Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.
- Pot-bellied pigs.
- Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children.
- Hedgehogs or other animals whose protective instincts and natural body armor produce a risk of serious puncture injuries to children
- Chicks or other animals that pose a significant risk of salmonella infection to those who handle them.
- Pigeons, doves, mynahs, psittacines and birds of other species that are hosts to the organisms that cause psittacosis in humans.
- Snakes or other kinds of reptiles.

C. PET AGREEMENT

Residents who have been approved to have a pet must enter into a Pet Agreement with the PHA.

The Resident will certify, by signing the Pet Agreement that the Resident will adhere to the following rules:

- Agree that the resident is responsible and liable for all damages caused by their pet(s).
- All complaints of cruelty and all dog bites will be referred to animal control or applicable agency for investigation and enforcement.
- All common household pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios or other outside areas.
- Residents shall not feed any stray animals: doing so, or keeping stray or unregistered animals, will be considered having a pet without permission.
- No animals may be tethered or chained outside or inside the dwelling unit.
- When outside the dwelling unit, all pets must be on a leash or in an animal transport enclosure and under the control of a responsible individual.
- All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge of \$25.00. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags and placed in a trash bin. Litter shall not be disposed of by being flushed through a toilet.
- The pet owner shall take precautions to ensure that the pet does not urinate on Authority buildings. Where the Authority has determined that such deposits pose a health hazard or detract from the appearance of the buildings, the pet owner will either be responsible for the related cleanup or receive a bill for the direct cost thereof.
- Litter boxes shall be stored inside the resident's dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced regularly. Failure to do so will result in a Pet Waste Removal charge.

- The Resident/Pet Owner shall be responsible for the removal of waste from any animal or pet exercise area by placing it in a sealed plastic bag and disposing of it in an outside trash bin immediately. The resident/pet owner shall take adequate precautions to eliminate any animal or pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.
- The right of management to enter dwelling unit when there is evidence that an animal left alone is in danger or distress or is creating a nuisance.
- The right of management to seek impoundment and sheltering of an animal found to be maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense. The resident shall be responsible for any impoundment fees, and the PHA accepts no responsibility for pets so removed.
- That failure to abide by any animal-related requirement or restriction constitutes a violation of the "Resident Obligations" in the resident's Lease Agreement.
- Residents will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities.
- Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

D. PETS TEMPORARILY ON THE PREMISES

Pets that are not owned by a tenant will not be allowed.

Residents are prohibited from feeding or harboring stray animals.

This rule excludes visiting pet programs sponsored by a humane society or other non-profit organizations and approved by the PHA.

This rule excludes service animals, which are assisting visiting persons with disabilities.

State or local laws governing pets temporarily in dwelling accommodations shall prevail.

E. ADDITIONAL FEES AND DEPOSITS FOR PETS

The resident/pet owner shall be required to pay a refundable deposit of one hundred dollars (\$100) for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat as follows:

1. An initial payment of fifty (\$50) on or prior to the date the pet is properly registered and brought into the property, and
2. Monthly payments in an amount no less than fifty dollars (\$50) until the specified deposit has been paid.

The PHA reserves the right to change or increase the required deposit by amendment to these rules.

The PHA will place the Pet Deposit in an escrow account and will refund the deposit, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.

The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

The PHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.

All reasonable expenses incurred by the PHA as the result of damages directly attributable to the presence of the pet will be the responsibility of the resident, including:

1. The cost of repairs and replacements to the dwelling unit;
2. Fumigation of the dwelling unit.

If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge.

If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit.

The pet deposit will be refunded when the resident either moves out or no longer has a pet on the premises, whichever occurs first.

The expense of flea de-infestation shall be the responsibility of the resident.

Pet Deposits are not a part of rent payable by the resident.

F. ADDITIONAL PET FEES

The PHA does not require a non-refundable nominal fee.

The PHA reserves the right to change or increase the required deposit by amendment to these rules.

G. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of twelve (12) hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

H. RESPONSIBLE PARTIES

The resident/pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

I. INSPECTIONS

The PHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed in order to determine whether or not pets are present and the condition of the pet and/or apartment.

The PHA may enter and inspect the unit if a documented complaint is received alleging that the conduct or condition of the pet in the unit constitutes a nuisance or threat to the health or safety of the pet, of the other occupants or other persons in the community under applicable State or local law.

J. PET RULE VIOLATION NOTICE

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Rule Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

1. That the resident/pet owner has ten (10) business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;
2. That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the ten (10) day period, the meeting will be scheduled no later than three (3) business days before the effective date of service of the notice, unless the pet owner agrees to a later date in writing.

K. NOTICE FOR PET REMOVAL

If the resident/pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The Notice shall contain:

1. A brief statement of the factual basis for the PHA's determination of the Pet Rule that has been violated.
2. The requirement that the resident/pet owner must remove the pet within ten (10) business days of the notice; and
3. A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

L. TERMINATION OF TENANCY

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

1. The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
2. The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

M. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner (includes pets who are poorly cared for or have been left unattended for over twelve (12) hours).

If the responsible party is unwilling or unable to care for the pet, or if the PHA, after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate State or local agency and request the removal of the pet. If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

N. EMERGENCIES

The PHA will take all necessary steps to insure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

If it is necessary for the PHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.

Chapter 13 COMPLAINTS, GRIEVANCES AND APPEALS

[24 CFR 966, Subpart B]

INTRODUCTION

The hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This Chapter describes the policies to be used when families disagree with a PHA decision. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

Grievances shall be handled in accordance with the PHA's approved Grievance Procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

A. COMPLAINTS

The PHA will respond promptly to all complaints.

Each complaint regarding physical condition of the units may be reported by phone to the Maintenance Manager. Anonymous complaints are checked whenever possible. The PHA does require that complaints be put in writing.

Complaints from Families

If a family disagrees with an action or inaction of the PHA, complaints will be referred to the Public Housing Manager or Administrative Director via the Tenant Grievance Procedure. Complaints regarding physical condition of the units may be reported by phone to the Maintenance Manager.

Complaints from Staff

If a staff person reports a family is violating or has violated a lease provision or is not complying with program rules, the complaints will be referred to the Public Housing Manager.

Complaints from the General Public

Complaints or referrals from persons in the community in regard to the PHA or a family will be referred to the Public Housing Manager, Administrative Director or the Fraud Hot Line.

Anonymous complaints will be checked whenever possible.

B. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet the PHA's admission standards, or where the PHA does not have an appropriate size and type of unit in its inventory will be given written notification promptly, including the reason for the determination.

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

Applicants must submit their request for an informal review in writing to the PHA within ten (10) business days from the date of the notification of their ineligibility.

If the applicant requests an informal review, the PHA will provide an informal review within ten (10) business days of receiving the request. The PHA will notify the applicant of the place, date, and time.

Informal review will be conducted by an impartial review officer. The person who is designated as the review officer cannot be the person who made the determination of ineligibility or a subordinate of that person.

The applicant may bring to the hearing any documentation or evidence s/he wishes and the evidence along with the data compiled by the PHA will be considered by the review officer.

The review officer will make a determination based upon the merits of the evidence presented by both sides. Within thirty (30) calendar days of the date of the review, the review officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

The grievance procedures for Public Housing tenants do not apply to PHA determinations that affect applicants.

C. APPEALS BY TENANTS

Grievances or appeals concerning the obligations of the tenant or the PHA under the provisions of the lease shall be processed and resolved in accordance with the Grievance Procedure of the PHA, which is in effect at the time such grievance or appeal arises. (See the PHA's Grievance Procedure contained in this chapter.)

D. REVIEW & APPEAL PROVISIONS – “RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS”

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA review is pending but assistance to an applicant may be delayed pending the PHA review.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA will notify the applicant or tenant within ten (10) business days of their right to appeal to the INS within thirty (30) calendar days or to request an informal review with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA review must be made within fourteen (14) calendar days of receipt of the notice offering the review or, if an appeal was made to the INS, within fourteen (14) calendar days of receipt of that notice.

After receipt of a request for an informal review, the review is conducted as described in the "Grievance Procedures" section of this chapter for both applicants and participants. If the review officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

1. Deny the applicant family
2. Terminate the participant

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status will be processed as follows:

1. If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
2. Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

E. GRIEVANCE PROCEDURES

Definitions

Grievance. Any dispute which a tenant may have with respect to a Housing Authority action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare, or status.

Complainant. Any tenant whose grievance is personally presented to the PHA or at the site/management office orally or in writing.

Hearing Officer/Hearing Panel. A person or persons selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

Tenant. A lessee or the remaining head of household of any tenant family residing in housing accommodations owned or leased by the PHA.

Elements of Due Process. An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
2. Right of the tenant to be represented by counsel
3. Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
4. A decision on the merits

Applicability

This Grievance Procedure applies to all individual grievances between the tenant and the PHA, except any grievance concerning a termination of tenancy or eviction that involves:

- Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or PHA employees, or
- Any drug-related criminal activity *on or near* such premises.

The PHA grievance procedure shall not be applicable to disputes between tenants not involving the PHA or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the PHA's Board of Commissioners.

Informal Settlement of Grievance

1. Any grievance must be presented orally or in writing to the PHA office or to the housing management office that sent the notice on which the grievance is based, so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within five (5) business days, and will be sent to the tenant by a PHA representative. One copy will be filed in the tenant's file.

The summary will include:

1. Names of Participants

2. Date of the Meeting
3. Nature of the Proposed Disposition
4. Specific Reasons for the Disposition

The summary will also specify the steps by which a Formal Hearing can be obtained if the tenant is not satisfied.

Dissatisfaction with Informal Conference

If the tenant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written request for a Formal Hearing within ten (10) business days of the date of the summary of the informal conference.

The request for a Formal Hearing must be presented to the PHA's Site Manager and/or Public Housing Supervisor specifying:

1. The reason for the grievance request, and
2. The relief sought.

Failure to Request a Formal Hearing

If the tenant does not request a Formal Hearing within ten (10) business days, s/he waives his/her right to a Formal Hearing, and the PHA's proposed disposition of the grievance will become final. This section in no way constitutes a waiver of the tenant's right to contest the PHA's disposition in an appropriate judicial proceeding.

Formal Hearing

After exhausting the informal conference procedures outlined above, and the tenant does request a Formal Hearing before a hearing officer.

The tenant (head of household) or other adult household member(s) must attend the hearing.

If rescheduling of the hearing is necessary by the tenant, the hearing must be rescheduled at least four (4) hours in advance of the scheduled hearing time or the tenant waives their right to the hearing.

If the tenant fails to appear within twenty (20) minutes of the scheduled hearing time, the tenant waives their right to the hearing.

The PHA will provide reasonable accommodation for persons with disabilities to participate in the hearing. The PHA must be notified within twenty-four (24) hours of the scheduled time if special accommodations are required.

Selection of Hearing Officer

A grievance hearing shall be conducted by an impartial person or persons appointed by the PHA other than the person who made or approved the PHA action under review, or a subordinate of such person.

Procedures to Obtain a Formal Hearing

Informal Prerequisite

All grievances must be personally presented orally or in writing pursuant to the informal Settlement of Grievance procedure as a prerequisite to the Formal Hearing.

The hearing officer may waive the prerequisite informal conference if, and only if, the tenant can show good cause why s/he failed to proceed informally.

Escrow Deposit

Before a hearing is scheduled in any grievance involving an amount of rent the PHA claims is due, the tenant shall pay to the PHA all rent due and payable as of the month preceding the month in which the act or failure to act took place.

The tenant shall thereafter deposit the same amount of the monthly rent in an escrow account each month until the grievance is resolved by decision of the hearing officer or panel.

The PHA must waive these escrow deposit requirements for grievances concerning imputed welfare benefits and minimum rents.

Unless so waived, failure to make the required escrow payments shall result in termination of the grievance procedure.

Failure to make such payments does not constitute a waiver of any right the tenant may have to contest the PHA's disposition of the grievance in any appropriate judicial proceeding.

Scheduling

If the tenant complies with the procedures outlines above, a Formal Hearing shall be scheduled by the hearing officer within ten (10) business days at a time and place reasonable convenient to the tenant and the PHA.

A written notification of the date, time, place, and procedures governing the hearing shall be delivered to the tenant and the appropriate PHA official.

Procedures Governing the Formal Hearing

The hearing shall be held before a hearing officer or hearing panel.

The tenant shall be afforded a fair hearing and be provided the basic safeguards of due process to include:

1. The opportunity to examine and to copy before the hearing, at the expense of the tenant, all documents, records and regulations of the PHA that are relevant to the hearing with at least a twenty-four (24) hour notice to HAMC prior to the hearing, and any document not so made available after request by the tenant may not be relied upon by the PHA at the hearing
 2. The PHA shall also have the opportunity to examine and to copy at the expense of the PHA all documents, records and statements that the family plans to submit during the hearing to refute the PHA's inaction or proposed action, and any documents not so made available to the PHA may not be relied upon at the hearing
 3. The right to a private hearing unless otherwise requested by the tenant
 4. The right to be represented by counsel or other person chosen as a representative and make statements on the tenant's behalf.
18. The right to present evidence and arguments in support of the tenant's, to controvert evidence presented by the PHA, and to confront and cross-examine all witnesses upon whose testimony or information the PHA relies, limited to the issues for which the tenant has received the opportunity for a formal hearing
19. The right to a decision based solely and exclusively upon the facts presented at the hearing

If the hearing officer determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.

If the tenant or PHA fail to appear at the scheduled hearing, the hearing officer may make a determination that the party has waived his/her right to a hearing.

Such a determination in no way waives the tenant's right to appropriate judicial proceedings in another forum.

At the hearing, the tenant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed.

The hearing shall be conducted informally by the hearing officer or panel and oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings;

Formal:

The hearing officer shall require the PHA, tenant, counsel, and other participants and spectators to conduct themselves in an orderly manner. The failure to comply with the directions of the hearing officer/panel to maintain order will result in the exclusion from the proceedings, or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

The PHA must provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendant.

If the tenant is visually impaired, any notice to the tenant that is required must be in an accessible format.

Decisions of the Hearing Officer/Panel

The hearing officer shall give the PHA and the tenant a written decision, including the reasons for the decision, within ten (10) calendar days following the hearing. The written decision will be sent to the address provided at the hearing. The PHA will place one copy in the tenant file.

The decision of the hearing officer shall be binding on the PHA, which shall take all actions necessary to carry out the decision.

A decision by the hearing officer/panel in favor of the PHA or which denies the relief requested by the tenant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, the rights of the tenant to a trial or judicial review in any proceedings which may thereafter be brought in the matter.

Housing Authority Eviction Actions

If a tenant has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving a PHA notice of termination of tenancy, and the hearing officer upholds the PHA action, the PHA shall not commence an eviction action unless it has previously served or until it has served a notice of intent to terminate the lease on the tenant.

The tenant may be required to pay court costs and attorney fees.

Required Attachment az009h05 : Resident Member on the PHA Governing Board

1. Yes No: Does the PHA governing board include at least one member who is directly assisted by the PHA this year? (if no, skip to #2)

A. Name of resident member(s) on the governing board:
Marsha Ruiz (pending)

B. How was the resident board member selected: (select one)?

- Elected
 Appointed

C. The term of appointment is (include the date term expires): 4 years ending
6/30/08

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

- the PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis
 the PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.
 Other (explain):

B. Date of next term expiration of a governing board member: 6/30/06 Two terms expiring

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

1. Fulton Brock, member Board of Supervisors
2. Don Stapley, member Board of Supervisors
3. Mary Rose Wilcox, member Board of Supervisors

Required Attachment az009i05: Membership of the Resident Advisory Board or Boards

List members of the Resident Advisory Board or Boards: (If the list would be unreasonably long, list organizations represented or otherwise provide a description sufficient to identify how members are chosen.)

Resident Advisory Board:

The Housing Authority of Maricopa County (HAMC) considers involvement and interaction an ongoing critical activity with its residents. A principal part of its mission is to serve and provide housing, develop strong communities and provide services that result in resident self-sufficiency throughout Maricopa County.

In 2005, the HA helped to establish resident boards representative of the communities and geographic areas where our residents reside.

Dr. Sandra Edmonds Crewe, Howard University provided a two (2) day Resident Organization on-site training. The training focused on Resident Advisory Board functions and the role of members, per HUD Handbook 24 CFR 964.18

The Resident Programs Manager worked with these boards throughout 2005 resulting in established partnerships and new service and training program provision for residents and their families.

It was the intent of the HA's Resident Programs Services approach to generate interest and involvement by residents to successfully initiate a formal Resident Council structure in the communities. The HA initiated a call for nominations from residents in February 2006. The names listed are the nominees for office. It is anticipated that these individuals will make up the formal Resident Councils in these communities. The Resident Council Elections and voting will be held on March 30th and 31st 2006 in the 7 Geographic communities listed below. The Resident Boards will be replaced by the councils who will serve for a term of 2 years as the official resident governance groups of the HA.

Training for the new Resident Council Officers is being facilitated on Friday April 21st and will include a formal orientation on Resident Council functions and service partner presentations, as well as other planning activities.

RESIDENT BOARD MEMBERS 2005

Coffelt

Yolanda Gourdin
Dorene Archebeque
Sheila Lett
Felitha Maroney
Norma Gonzalez
Luz Wilcox

Mesa

Carla Gonzalez
Sandra Tarango
Margarita Flores
Rodolfo Rivera
Sharriffa Myers
Irene Vargas

Avondale

Trina Harp
Larry Kimball
Rita Estrada
Roxanne Marruffo
Aida Vasquez
Chong Im Friske
Wilma Moutray

Guadalupe

Armita Marinaro
Melissa Meyers

Tolleson

Dehlia Silva
Olga Rodriguez

El Mirage/Surprise

Scottie Gentry

Buckeye

Lisa Luera , Francisco Jimenez
Gloria Hollinquest , Carmen Hernandez
Mallie Chapman , Margarita Erine

2006 Resident Council Nominees for Office

Coffelt

President: Rubie Fernandez
Vice President: Elvia Rodriguez
Secretary: Eustolia Holguin
Treasurer: Monica Cordova

Mesa

President: Eva Andrade
Vice President: Dawn Trapani
Secretary: Ruth Rives
Treasurer: Natasha Deschiney

Guadalupe

President: Zobejida Rojas
Vice President: Wanda Henderson
Secretary: Leticia Alejo
Treasurer: Lori Bond

Avondale

President: Larry Kimball
Vice President: Delerese Douglas
Secretary: Patricia Olivas
Treasurer: Estella Reyes

Peoria:

President: Carmen Gutierrez
Vice President: Luz Willcox
Secretary: Celia Hernandez
Treasurer: Juanita Salgado

El Mirage /Surprise

President: Bertha Mendoza
Vice President: Sonia Chavez
Secretary: Annalisa Silva
Treasurer: Ana Galvan

Buckeye

President: Mollie Chapman
Vice President: Gloria Hollinquest
Secretary: vacant
Treasurer: Martha Viquera

**HOUSING AUTHORITY OF
MARICOPA COUNTY
ADMINISTRATIVE PLAN**

FOR THE

**SECTION 8 HOUSING CHOICE
VOUCHER PROGRAM**

Approved by HA Board of Commissioners: January 17, 2006

Housing Authority of Maricopa County **Housing Choice Voucher Administrative Plan**

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SECTION 1

STATEMENT OF POLICIES AND OBJECTIVES

General

The Housing Choice Voucher Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Housing Choice Voucher Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Housing Choice Voucher rental assistance programs are federally funded and administered for Maricopa County, Arizona by the Housing Authority of Maricopa County.

Administration of the Housing Choice Voucher Program and the functions and responsibilities of the Housing Agency (HAMC) staff shall be in compliance with HAMC's Personnel Policy and the Department of Housing and Urban Development's (HUD) Housing Choice Voucher Program Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the Housing Authority of Maricopa County includes the entire metropolitan area of Phoenix.

Housing Agency Mission Statement

The mission of the Housing Authority of Maricopa County is to increase the supply of and maintain existing affordable rental housing for low-income households who cannot afford to pay market rents and promote training, educational opportunities and economic self-sufficiency so they can become homeowners.

Program Goals [24 CFR 982.1]

HAMC has the following goals for the program:

- To expand the supply of assisted housing and apply for any additional vouchers as they become available.
- Improve the quality of assisted housing and attain and maintain a Section 8 Management Assessment score of 90%.
- Increase assisted housing choices by providing mobility counseling to 100% of new families entering the tenant based Housing Choice Voucher Program.
- Promote self-sufficiency and asset development of assisted households by increasing the number of active participants in the Housing Choice Voucher Family Self-sufficiency Program and graduate 2% of FSS participants annually.
- Ensure equal opportunity and affirmatively further fair housing objectives through implementation of affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability.

Purpose Of The Plan [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out Housing Choice Voucher Housing Assistance Programs in a manner consistent with HUD requirements and local goals and objectives contained in HAMC's Agency Plan.

HAMC is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead Based Paint
- 24 CFR Part 100: Non-discrimination, Handicap
- 24 CFR Part 982: Housing Choice Voucher Tenant-Based Assistance
- 24 CFR Part 985: SEMAP

Rules And Regulations [24 CFR 982.52]

This Administrative Plan is set forth to define HAMC's local policies for operation of the housing programs in the context of Federal laws and regulations. Such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law, governs all issues related to Housing Choice Voucher Program not addressed in this document.

Nondiscrimination and Accessibility [24 CFR 982.54(d)(6)]

It is the policy of the Housing Authority of Maricopa County to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

HAMC shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Housing Choice Voucher Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, HAMC will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act.

Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request.

The Housing Authority of Maricopa County shall not:

- a) Deny any family the opportunity to apply for housing, nor deny any qualified applicant the opportunity to lease housing suitable to its needs;
- b) Provide housing which is different from that provided others;
- c) Subject a person to segregation or disparate treatment;
- d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- e) Treat a person differently in determining eligibility or other requirements for admission;
- f) Deny a person access to the same level of services.

Addressing Barriers to Equal Housing Opportunities

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

In accordance with Section 504 and the Fair Housing amendments Act of 1988, the Housing Authority of Maricopa County will make reasonable accommodations to permit people with disabilities to take full advantage of the Housing Choice Voucher housing programs.

Office, Facility, and Program Accessibility

HAMC will make every effort to assure that its offices; facilities and programs are accessible to persons with a full range of disabilities. If offices, facilities and programs are not accessible, alternate arrangements will be made, subject to the undue financial and administrative burden test.

Documents and presentations intended for use by applicants and participants will be made available in formats accessible for those with vision or hearing impairments. At the point of initial contact, the Housing Authority of Maricopa County staff will ask all applicants whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation, having materials explained orally by staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials (24 CFR § 8.6).

Staff will be trained to provide examples, verbally and in written format, of complicated concepts such as eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance to enable applicants with learning or cognitive disabilities to understand as much as possible. (24 CFR 8.6).

At a minimum the Housing Authority of Maricopa County will prepare the following information in clearly written and accessible formats:

- a) Marketing and informational materials
- b) Information about the application process
- c) The application form
- d) All form letters and notices to applicants and participants
- e) General statement about reasonable accommodation
- f) Briefing materials for applicants
- g) All information related to applicant's rights

Providing Information to Applicants with Limited Comprehension

Applicants and participants with limited written comprehension will be assisted by HAMC staff. Applicants and residents who desire to be assisted by person(s) other than HAMC staff are welcomed to do so, however, the Housing Authority of Maricopa County is not required to pay this or any costs associated with this assistance.

Reasonable Accommodations (24CFR 100.202)

Reasonable accommodations shall include assistance for persons with disabilities in locating appropriate accessible units, referrals to other community agencies that provide such assistance and intervention with property owners to negotiate permission to make reasonable modifications in accordance with all provisions of the law.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before HAMC will treat a person differently than anyone else. HAMC's practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on forms and letters.

This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such an impairment.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition.

Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, HAMC will require that a professional third party competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

Undue Burden

If HAMC finds that the requested accommodation creates an undue administrative or financial burden, the PHA will either deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of HAMC (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on HAMC.

HAMC will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

Translation Of Documents

The primary language of the Housing Authority of Maricopa County is English and the Agency has bilingual staff to assist non-English speaking families and translates documents into other languages (such as Spanish) upon request. Many standardized HUD documents are available only in English and HAMC staff will provide verbal translations as needed.

In determining whether it is feasible to provide translation of documents into other languages, the PHA will consider the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.
- Availability of bi-lingual staff to provide translation for non-English speaking families.

Privacy Rights [24 CFR 982.551 and 24CFR5.212]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD and/or HAMC will release family information. HAMC will not release other information except as otherwise specifically identified in this Administrative Plan.

All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff. PHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

Family Outreach

HAMC will publicize the opening of the Housing Choice Voucher Program waiting list in a newspaper of general circulation, minority media, and by other suitable means when there are insufficient applicants to maintain full program utilization.

To reach persons, who cannot read the newspapers, HAMC will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of community service agencies serving the populations most likely to need housing assistance.

Owner Outreach (24 CFR 982.54(d)(5))

The Housing Authority of Maricopa County will develop, implement and update an ongoing marketing campaign designed to consistently attract new property owners to the Housing Choice Voucher Housing Assistance Program. Components of this program include but are not limited to the following activities:

- Establish and maintain a strong relationship with Maricopa County Real Estate community, participating in local real estate associations and related networking functions.
- Create and update an inventory of all multi-family apartment complexes in Maricopa County and communicate regularly with the corresponding management agents.
- Preparation and issuance of a landlord newsletter on a quarterly basis for existing program landlords and for attracting new program landlords.
- Conduct annual seminars for property owners to inform them of the program and its benefits.
- Create and update program materials designed to attract new landlords particularly in areas of low poverty.
- Periodic advertising of programs in print and electronic media throughout Maricopa County.
- Courtesy inspections to assist landlords in making a determination of the work which may be needed to place a unit on the program.

HAMC will maintain lists of available housing units submitted by owners in all neighborhoods within the Housing Agency's jurisdiction to ensure greater mobility and housing choice to very low- income households. Interested owners must submit a property information form to the designated staff that will perform a minimum of a “drive-by” inspection prior to placement on the available unit listing. The unit list will be provided to all applicants in their briefing packet and to program participants upon request.

HAMC periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choice and better housing opportunities to families. Voucher holders are informed of a broad range of areas where they may lease units inside the PHA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration

SECTION 2 ELIGIBILITY FOR ADMISSION

General [24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

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

Eligibility Factors (24CFR 982.201(b))

HAMC will accept applications only from families whose head or spouse is at least 18 years of age or an emancipated minor.

To be eligible for participation in the Housing Choice Voucher Housing Assistance Program, an applicant must meet the following criteria established by HUD:

- An applicant must be a "family"
- An applicant must be within the applicable Income Limits
- An applicant must furnish Social Security Numbers for all family members age six and older
- An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and at least one member of the applicant family must be either a U.S. citizen or have eligible immigration status.

Placement on Waiting List

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors identified above. However, eligibility factors will not be verified before the family is placed on the waiting list. Placement on the waiting list will be based solely on the household's certification.

Reasons for denial of placement on the waiting list or denial of admission are addressed in the "Denial or Termination of Assistance" further in this Administrative Plan. These reasons for denial constitute additional admission criteria.

Family Composition [24 CFR 982.201 (c)]

The applicant must qualify as a family as follows:

1. One or more persons sharing residency, whose income and resources are available to meet the family's needs who may not be related by blood, marriage or operation of law, but who will give evidence of a stable relationship which has existed a minimum of one year. Evidence of a stable family relationship may include, but is not limited to, any of the following: birth certificates of the children, joint tax return, prior lease (held jointly or one adult listed as "head" but other adult was included on the lease), joint bank accounts, insurance policies, prior joint credit history, or similar documentation. Evidence used to verify stable relationship would be documented in the family file.
2. A single person family may be: an elderly person; a displaced person; a disabled person; or any other single person.
3. A remaining household member who is a member of an assisted household whose original head/spouse is no longer living in the rental unit. Such remaining household members must have been listed on the most recent HUD 50058 and lease, must be of legal age and must be able to carry out the terms of the lease and family obligations. A live-in aid is not a remaining family member. (A household member for whom a subsidy was not paid because the household member did not have eligible citizenship status will not be considered a remaining household member).

Children in Foster Care

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Co-Head

The co-head of the household is any adult individual designated by the household, who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aide:

- Is determined by HAMC to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

The following distinct provisions apply to a live-in aide:

- Income of the live-in aide will not be counted for purposes of determining eligibility or amount of housing assistance.
- Live-in aides are not subject to Non-Citizen Rule requirements.
- Live-in aides are not considered as a remaining member of the participant family and are therefore not entitled to any continued housing assistance if the household member they were aiding no longer participates in the program.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

A Live in Aide may only reside in the unit with the approval of the PHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member as described above. Verification must include the hours the care will be provided.

At any time, the PHA will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the PHA or to another PHA in connection with Housing Choice Voucher or public housing assistance under the 1937 Act.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, HAMC will determine the family unit that retains the children as the applicant family. If there are no children, HAMC will require the applicants to jointly agree to the continued applicant or solicit a court decision.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide appropriate documentation, they will be denied continued placement on the waiting list for failure to supply information requested by the PHA.

Multi-generational Families

Families applying for assistance, which consist of two or more generations living together, (such as a mother, and a daughter with her own children), will be treated as a single family unit and will be entitled to only one housing voucher for assistance.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively. Legal documentation must be provided for families who claim joint custody or temporary guardianship.

Income Limitations [24 CFR 982.201(b), 982.353]

The following income restriction provisions apply to applicants for admission to the Housing Choice Voucher Housing Assistance Programs:

- An applicant must be a very low-income family, which is defined as a family whose annual income does not exceed 50% of the area median income.
- Applicants in excess of the very low-income limits but within the low income limits (80% of the area median income) will only be admitted based on the following criteria:
 - A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance.
 - A low-income family displaced by rental rehabilitation activity under 24CFR part 511.
 - A low-income non-purchasing family residing in a project subject to homeownership program under 24CFR 248.173.
 - A low-income or moderate-income family that is displaced as a result of a prepayment of a mortgage or voluntary termination of mortgage insurance contracts under 24 CFR 248.165.
 - A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

- To determine if the family is income-eligible, HAMC will compare the Annual Income of the family to the applicable income limit for the family's size.
- Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.
- Families using portability must be within HAMC's applicable income limits at the time of initial lease up in HAMC's jurisdiction.
- 75% of all newly admitted applicants must fall within 30% of the area median income.

Mandatory Social Security Numbers [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if the Social Security Administration has issued them a number. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days.

Citizenship/Eligible Immigration Status [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. The status of each member of the family is considered individually before the family's status is defined as follows:

- **Mixed Families** - A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Assistance to such applicant families will be prorated and applicants will be notified accordingly.
- **All Members Ineligible** - Applicant families that include no eligible members are not eligible for assistance. Such families will be denied admission.
- **Non-citizen Students**- Defined by HUD in the non-citizen regulations and not eligible for assistance.

Applicants are entitled to a hearing for denial of placement on the waiting list or denial of assistance if such denial is based on the immigration status criteria described above.

Other Criteria For Admissions [24 CFR 982.552(b)]

HAMC will apply the following additional criteria for admission to the program. Violation of any of the following will result in denial of admission.

- The family must not have violated any family obligation during a previous participation in the Housing Choice Voucher Program for three years prior to final eligibility determination.
- No family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the last three years prior to final eligibility determination for the first offence.
- The family must pay any outstanding debt owed to HAMC or another PHA in connection with Housing Choice Voucher or Public Housing assistance under the 1937 Act within 15 working days of HA notice to repay.
- No member of the family may have engaged in drug related or violent criminal activity for three years prior to final eligibility determination.
 - To determine whether this has occurred, the HA will check criminal history for all adults in the household to determine whether any member of the family has been arrested and/or convicted of violent or drug-related criminal activity within three years prior to final eligibility determination.
- No family member may have been evicted from public housing for any reason during the last three years prior to final eligibility determination.
- No family member may have engaged in or threatened abusive or violent behavior toward HA personnel for three years prior to final eligibility determination.

Persons evicted from other federally assisted housing because of an arrest and/or conviction for drug-related criminal activity are ineligible for admission to Housing Choice Voucher Programs for a three year period beginning on the date of such eviction. After the three-year period, the person must certify they are no longer engaging in a drug-related criminal activity and demonstrate successful completion of a rehabilitation program approved by HAMC.

The applicant may not misrepresent the information on which eligibility or tenant rent is established. In addition to denial of admission, HAMC will refer the family file/record to the proper authorities for appropriate disposition.

Tenant Screening [24 CFR 982.307]

HAMC will not screen the applicant household for family behavior or suitability of tenancy. At or before HAMC's approval of the tenancy, HAMC will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as:[24 CFR 982.307(a)(3)]

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
- Compliance with other essential conditions of tenancy.

HAMC will advise and assist families if they feel that the screening criteria applied by an owner violates any basic Fair Housing Rights of the family. HAMC will make referrals to the local Fair Housing Agency and/or the appropriate HUD office.

Changes In Eligibility Prior To Effective Date Of The Contract

Admission to the Housing Choice Voucher Program occurs at the time that an initial Housing Assistance Payments contract is executed with an owner for an eligible unit. Prior to that time, a family is considered an applicant. After execution of the HAP contract, a family is considered a participant. Therefore, changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility.

Ineligible Families

Families who are determined to be ineligible will be notified in writing of the reason for this determination and given an opportunity to request an informal review (or an informal hearing if they were denied due to non-citizen status) as discussed further in this Administrative Plan.

SECTION 3 APPLYING FOR ADMISSION

General [24 CFR 982.204]

The policy of HAMC is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but HAMC will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be pulled from the waiting list in accordance with this Plan.

Opening and Closing the Waiting List

The Housing Authority of Maricopa County will open the waiting list at periodic intervals as determined based on need to assure that an adequate pool of application is available to maintain full program utilization and assist the maximum number of families based on available program funding.

When HAMC determines that the waiting list should be opened, a notice will be published in a local newspaper of general circulation and in any other suitable media. The notice will state the limitations on who may apply for any available slots and provide information on where and when families may apply for the program.

The PHA may open the waiting list for a specific time period or may choose to accept applications on certain days and times. The public notice will specify the time period in which applications will be accepted. Under no circumstances will applications be accepted when the waiting list is closed unless the public notice indicates that HAMC will continuously accept applications for specific identified preferences.

Local Preferences [CFR982.207]

The Housing Authority of Maricopa County has the following local preferences for waiting list placement and selection. All preferences should be prioritized as follows.

1. “Displaced person (s): individuals or families displaced by disaster, Government Action, Action of Housing Owner, Inaccessibility, or Property Disposition.”
2. “Working families and those unable to work because of age or disability.”
3. “Victims of Domestic Violence”
4. “Veterans and veterans’ families”
5. “Those enrolled currently in educational, training, or mobility programs”

The Housing Authority of Maricopa County will have a special preference superseding all others for those families displaced by Hurricane Katrina.

Waiting list selection will be based on date and time of the application and the preference selected.

Application Process

The application process will consist of a two-step process: the pre-application and the formal application. Applicants will be placed on the waiting list based solely on the information provided in the pre-application form. The formal application will be completed at the time of the application interview as described below.

Applicant Status While On Waiting List [CFR 982.204]

If an applicant is determined to be ineligible based on the information provided on the pre-application, HAMC will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review.

Applicants are required to inform HAMC in writing of changes in address. Applicants are also required to respond to requests from HAMC to update information on their application and to determine their continued interest in assistance.

Time Of Selection [24 CFR 982.204]

As vouchers are available, families will be selected from the waiting list strictly in the order of preferences as described above. At that time, any preference claimed by the applicant shall be verified.

Once the program reaches full utilization, HAMC will establish a group of applicants that will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verifications and vouchers will be issued to applicants who have completed the verification process first.

Requirement to Attend Interview

HAMC will require the applicant household to attend an interview once they have been pulled from the waiting list. HAMC utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information, which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs, which may be available.

All adult family members are required to attend the interview and sign the housing application. Exceptions may be made for students attending school out of state or for members for whom attendance would be a hardship unless such members are the head or co-head of the household.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than ten (10) days from the original appointment date. The request must be made to the staff person who scheduled the appointment. Failure to do so will result in rejection of the application.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

All adult members must sign the HUD Form 9886, Release of Information; the application form; the declarations and consents related to citizenship/immigration status; and any other documents required by HAMC. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to sign any consent forms will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing. The family will be given ten (10) days to supply the information. If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance.

Verification [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures found further in this Plan. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 120 days old at the time of issuance of the Voucher.

Final Determination And Notification Of Eligibility [24 CFR 982.201]

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the PHA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program.

SECTION 4 MANAGING THE WAITING LIST

General [24 CFR Part 5, subpart D; 982.54 (d)(1); 982.205, 982.206]

It is HAMC's objective to ensure that families are selected from the waiting list for admissions in accordance with the policies in this Administrative Plan. By maintaining an accurate waiting list, HAMC will ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

Waiting List [24 CFR 982.204]

HAMC will maintain three waiting lists for the Housing Choice Voucher Programs as follows:

1. Housing Choice Vouchers
2. Housing Choice Voucher Project Based Assistance
3. Housing Choice Voucher Homeownership

Applicants will be selected from the waiting lists in accordance with policies and income targeting requirements defined in this Administrative Plan. Applicants may apply for one or more programs in accordance with the criteria defined for each program.

HAMC will maintain information that permits proper selection from the waiting list. The waiting list contains the following information for each applicant listed:

- Applicant name, address and other contact information;
- Family unit size (number of bedrooms family qualifies for under PHA subsidy standards);
- Annual household income; and,
- Racial or ethnic designation of the head of household.
- Other admission criteria needed to determine eligibility for special programs.

Targeted Funding (24 CFR 982.203)

Special programs have been developed under the Housing Choice Voucher Program to service certain family types or certain family situations. Most of these programs require that HAMC partner with a service agency in the community that provides supportive service to the particular family type. When HUD grants funding under these programs, families who meet the qualifications of the program and are referred through the partner agency will be placed on the regular waiting list with a designated code for each special program type. These families will then be selected in order from the waiting list.

HAMC will continue to receive referrals from partner agencies until all designated vouchers have been utilized. Upon 100% utilization, HAMC will request that the partner agencies suspend additional referrals until such time that any of the original designated vouchers are turned over and again become available for issuance to applicants. At that time, HAMC will contact the appropriate partner agency and advise them of the availability of the targeted voucher and a referral will be accepted accordingly.

The provisions for targeted funding identified herein apply to any future programs to be so designated by HUD.

Income Targeting

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year HAMC will reserve a minimum of seventy-five percent of its Housing Choice Voucher Program new admissions for “extremely low income households” who are defined as families whose income does not exceed 30 percent of the area median income.

Income targeting does not apply to low-income families continuously assisted as provided for under the 1937 Housing Act or to assistance to low income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

Removal From Waiting List And Purging [24 CFR 982.204(c)]

The waiting list will be purged once a year, in December to ensure that it remains current and accurate. A notice of continued interest will be mailed to all applicants requesting a response within 10 days.

If an applicant fails to respond to a mailing, the applicant will be sent written notification and given ten (10) business days to contact the PHA. If they fail to respond within ten (10) business days, they will be removed from the waiting list.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If a letter is returned by the Post Office with a forwarding address, the application will be re-mailed with a notice to respond within ten (10) business days.

SECTION 5 SUBSIDY STANDARDS

General [24 CFR 982.54(d)(9)]

HUD guidelines require that HAMC establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards, which will be used to determine the voucher size to be issued to families when they are selected from the waiting list, as well as the procedures when a family composition changes, or a family selects a unit size that is different from the size of the voucher.

Determining Voucher Size [24 CFR 982.402]

The subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines. The standards in this section relate to the number of bedrooms on which subsidy will be paid, not the family's actual living arrangements. The following basic principles will prevail when applying subsidy standards:

- No determination will be made regarding who shares a bedroom or sleeping room, but there must be at least one person per bedroom;
- One bedroom will be generally be assigned for each two members of the family;
- Consideration will be given to factors such as family characteristics including sex, age, or relationship, medical reasons and the presence of a live-in aide.
- Persons of the opposite sex other than spouses or significant others, will be allocated a separate bedroom with the following exceptions:
 - Children under the age of five will not be allocated separate bedrooms based on their sex.
 - A parent and their child under the age of five will not be allocated separate bedrooms
- Adults of different generations and unrelated adults will be allocated separate bedrooms.
- Children of the same gender with an age difference exceeding 10 years will be allocated separate bedrooms.
- Foster children will be included in determining unit size only if they have been in the unit for more than 6 months.
- Live-in attendants will be provided a separate bedroom but no additional bedrooms will be provided for the attendant's family members.

- Space will be provided for a child who is away at school but who lives with the family during school recesses.
- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.
- A single pregnant woman with no other family members will be treated as a two-person family.
- Single person families shall be allocated one bedroom.
- Children who are subject to a joint custody arrangement are not included in determining the voucher size if they will not live in the household at least 183 days per year.
- If the family selects a larger unit than the size allocated on the voucher, the voucher size will not be adjusted and will remain the same as long as the family composition remains the same.

Guidelines for Issuance of Vouchers

The voucher size issued will generally be based on the following guidelines taking into consideration the subsidy standards described above.

Voucher Size	Minimum Number of Household Members	Maximum Number of Household Members
0	1	2
1	1	4
2	2	6
3	3	8
4	4	10
5	6	12

Exceptions To Subsidy Standards [24 CFR 982.403(a),(b)]

HAMC shall consider request for exceptions from the subsidy standards if the family makes such request in writing within 10 days from the date the voucher was issued and provides sufficient justification based on health or disability of family members, or other individual circumstances that may warrant an exception to the standards. A doctor or medical professional must verify requests based on health related reasons.

Changes in Voucher Size

The voucher size is determined prior to the briefing by comparing the family composition to the HAMC subsidy standards. If an applicant requires a change in the voucher size, based on the requirements of the subsidy standards, the above referenced guidelines will apply.

If HAMC errs in the bedroom size designation, the voucher size will be corrected immediately if the family is not under contract. If the family is under contract the correct size voucher will be issued at the family's first regular reexamination.

All members of the family residing in the unit must be approved by HAMC. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA in writing within ten (10) days from the date of the action. Changes in voucher size will be applied if necessary based on the above referenced guidelines at the family's first regular reexamination following the change in family size.

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the PHA will issue a new voucher of the appropriate size at the anniversary date of the current lease agreement and assist the family in locating a suitable unit.

The PHA will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, court-awarded custody or the return of children that were in foster care.

Additions to the family will not be allowed if it will cause the family to exceed HQS standards.

Unit Size Selected [24 CFR 982.402(c)]

The family may select a different size dwelling unit than that listed on the Voucher but the following criteria shall apply:

- **Subsidy Limitation:** The family unit size as determined under the subsidy standards for a family assisted in the voucher program is based on the adopted payment standards. The payment standard for a family shall be the *lower of*:
 - The payment standard amount for the family unit size; or
 - The payment standard amount for the unit size rented by the family.
- **Utility Allowance:** The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's voucher.
- **Housing Quality Standards:** The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

Housing Quality Standards
Maximum Occupancy in Units Selected

Unit Size	Maximum Occupants
0	2
1	4
2	6
3	8
4	10
5	12

SECTION 6 TOTAL TENANT PAYMENT

General [24 CFR Part 5, Subparts E and F; 982.153, 982.551]

HAMC will use the methods set forth in this Administrative Plan to verify and determine that family income at admission and at annual re-certification is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. HAMC's policies in this Chapter address those areas, which allow HAMC discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

Income And Allowances [24 CFR 5.609]

The following definitions shall be applied when calculating total tenant payment, tenant rent and housing assistance payments:

- **Income:** Includes all monetary amounts, which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income, which is not specifically excluded in the regulations, is counted.
- **Annual Income:** Defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or re-certification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income, which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.
- **Adjusted Income:** Defined as the Annual income minus any HUD allowable expenses and deductions.
- **Allowable deductions:**
 - ✓ Dependent Allowance: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
 - ✓ Elderly/Disabled Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.

- ✓ Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.
- ✓ Child Care Expenses: Deducted for the care of children under 13 when childcare is necessary to allow an adult member to work, attend school, or actively seek employment. Cannot exceed the amount of earned income and must be reasonable based on comparative costs in the community.
- ✓ Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

Disallowance of Earned Income from Rent Determinations for Persons with Disabilities (24CFR 5.671; 982.201 (b) (3)).

The annual income for qualified disabled families may not be increased as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the disabled family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A disabled family qualified for the earned income exclusion is a disabled family that is receiving tenant-based rental assistance under the Housing Choice Voucher Program; and

- Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least \$500.

The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

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

Amounts to be excluded are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

Exclusions of Income shall be calculated as follows:

- **Initial Twelve-Month Exclusion** - During the cumulative 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.
- **Second Twelve-Month Exclusion and Phase-in** - During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the PHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member who is a person with disabilities as a result of employment over income of that family member prior to the beginning of such employment.
- **Maximum Four Year Disallowance** - The earned income disallowance is limited to a lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion. If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion). No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.
- **Applicability to Child Care and Disability Assistance Expense Deductions** - The amount deducted for child care and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for disabled families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care and disability assistance expense deductions.

- **Tracking System** - HAMC will maintain a tracking system to ensure correct application of the earned income disallowance.

Minimum Rent [24 CFR 5.616]

Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied. The established minimum rent for all vouchers holders is \$50.00

A family may request an exception to the minimum rent based on financial hardship, which is defined as follows:

- The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local financial assistance;
- The family would be evicted as a result of the imposition of the minimum rent requirement;
- The income of the family has decreased because of changed circumstances, including: loss of employment; death in the family; and, other circumstances as determined by the PHA or HUD.

HAMC will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. This notification will be included in the change of rent notice issued by HAMC at each re-certification of income. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly-adjusted income, 10% of monthly income or minimum rent.

Requests for minimum rent exception must be made in writing within 10 days from the date of notification of rent and must include documentation as proof of financial hardship. HAMC will use its standard verification procedures to verify circumstances, which have resulted in financial hardship.

Suspension of Minimum Rent

HAMC will grant the minimum rent exception to all families who request it, effective the first of the following month. The minimum rent will be suspended until the PHA determines whether the hardship is: covered by statute; temporary or long term.

"Suspension" means that the PHA must not use the minimum rent calculation until the HAMC made this decision. During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

If HAMC determines that the minimum rent is not covered by statute, HAMC will impose a minimum rent including payment for minimum rent from the time of suspension.

Temporary and long term are defined as follows:

- **Temporary Hardship** - If HAMC determines that the hardship is temporary; a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of suspension.
- **Long-Term Duration Hardships** [24 CFR 5.616(c)(3)] - If it is determined that there is a qualifying long-term financial hardship, the PHA must exempt the family from the minimum rent requirements for as long as the hardship continues. The exemption from minimum rent shall apply from the first day of the month following the family's request for exemption.

Definition Of Temporarily/Permanently Absent [24 CFR 982.54(d)(10), 982.551]

It is the responsibility of the head of household to report changes in family composition. HAMC will evaluate absences from the unit using this policy.

HAMC will compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, HAMC will count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

- **Temporarily Absent:** Defined as away from the unit for more than 30 days.
- **Permanently Absent:** Defined as away from the unit for 180 consecutive days except as otherwise provided in this Chapter.
- **Medical Absence:** Defined as any family member that leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center. HAMC will seek advice from a reliable medical source as to the likelihood and timing of their return. If the verification indicates that the family member will be away from the unit for at least 180 days, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent. This also applies if the sole member of the household has a medical absence.
- **Absence Due to Full-time Student Status:** A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Voucher size.

- **Absence Due to Incarceration:** If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for three (3) consecutive months. The PHA will determine if the reason for incarceration is for drug-related or violent criminal activity. Appropriate action regarding assistance will be taken in accordance with the provisions in this plan.

- **Absence of Children Due to Placement in Foster Care:** If the family includes a child or children temporarily absent from the home due to placement in foster care, HAMC will determine from the appropriate agency when the child/children will be returned to the home.
 If the time period is to be greater than six (6) months from the date of removal of the child/children, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the subsidy standards. If the children are returned to the household at a later date the voucher size will be adjusted at the first regular reexamination.

- **Absence of Entire Family:** Defined as situations when the family is absent from the unit, but has not moved out of the unit. "Absence" means that no family member is residing in the unit. In order to determine if the family is absent from the unit, HAMC may write letters to the family at the unit, telephone the family at the unit, interview neighbors, verify if utilities are in service, and check with the post office. Families are required both to notify HAMC before they move out of a unit and to give HAMC information about any family absence from the unit.
 - Families must notify the landlord and HAMC at least 30 days before moving out of the unit.
 - If the entire family is absent from the unit for more than 30 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.
 - In cases where the family has moved out of the unit, HAMC will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

- **Caretaker for Children:** Defined as a person placed in an assisted unit by an appropriate certified service agency that is acting as the legal guardian for children on the lease agreement. The following criteria will apply to these situations.
 - If an appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, HAMC will treat that adult as a visitor for the first 120 days.
 - If by the end of 120 days, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.
 - If the appropriate agency cannot confirm the guardianship status of the caretaker, HAMC will transfer the voucher to the caretaker on a temporary basis with the condition that the caretaker must release the voucher if the original parent(s) are awarded custody at a later date.

- **Absence Due to Court Order:** If a member of the household is subject to a court order that restricts him/her from the home for more than three (3) months, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than fourteen (14) consecutive days without HAMC approval, or a total of thirty (30) days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Statements from neighbors and/or the landlord will be considered in making the determination. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. HAMC may request lease agreements, utility bills or other such documentation identifying an address other than the assisted unit as the permanent residence of the individual in question. In the absence of such proof, the individual will be considered an unauthorized member of the household and the PHA will terminate assistance since prior approval was not requested for the addition.

College students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 90 days per year without being considered a member of the household.

Children who are subject to a joint custody arrangement or for whom the family has visitation privileges, that are not included as a family member because they live outside the household more than 182 days per year, are not subject to the time limitations of guests as described above.

Reporting Changes in Family Composition

Reporting changes in household composition is a basic family obligation under the voucher agreement between HAMC and the assisted family. The family obligations require approval to add any other family member as an occupant of the unit and to inform HAMC in writing of the birth, adoption or court-awarded custody of a child within 10 days of move-in.

The family must request prior approval from HAMC of additional household members in writing. In addition, the family must comply with the terms of their lease agreement with the owner which may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody. An interim reexamination will be conducted for any additions to the household.

If the family does not obtain prior written approval, any person the family has permitted to move in will be considered an unauthorized household member.

Averaging Income

When Annual Income cannot be anticipated for a full twelve months, HAMC will average known sources of income that vary to compute an annual income. Therefore, an interim recertification will not be completed when circumstances change.

If there are bonuses or overtime, which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

Minimum Income

There is no minimum income requirement for participation in the Section 8 Program. However, families who report zero income will be required to complete a written survival statement on a quarterly basis. Regular contributions and gifts will be considered as income, including payment of utilities or any other bills by any other individual or organization.

If the family's expenses exceed their known income, HAMC will make inquiry of the head of household as to the nature of the family's accessible resources and will use all available resources to determine if the family has unreported income.

Income Of Person Permanently Confined To Nursing Home [24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the PHA will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family:

- The income of the family member confined will be included and corresponding out of pocket medical expenses will be deducted; or,
- The income of the family member confined will not be included and corresponding out of pocket medical expenses will not be deducted.

Regular Contributions and Gifts (24CFR 5.609)

Regular contributions and gifts to the household are counted as income for calculation of the Total Tenant Payment and Tenant Rent. Any contribution or gift received every three months or more frequently will be considered regular unless such amount is less than \$100 on an annual basis. This includes utility and rent payments made on behalf of the family by an outside source and any other cash or non-cash contributions.

Alimony And Child Support [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment. If the amount of child support or alimony received is less than the amount awarded by the court, HAMC will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of such is provided as follows:

- Verification from the agency responsible for enforcement or collection;

- Documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or collection action filed through an attorney;

Lump-Sum Receipts [24 CFR 5.609]

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Deferred periodic payments, which have accumulated due to a dispute, are also counted as income.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt, HAMC will use a calculation method, which calculates retroactively or prospectively, depending on the circumstances.

- **Prospective Calculation Methodology:** If the payment is reported on a timely basis, (as required under interim reporting requirements) the calculation will be done prospectively and will result in an interim adjustment calculated as follows: the entire lump-sum payment will be added to the annual income at the time of the interim and total tenant payment and tenant rent will be calculated accordingly.
- **Retroactive Calculation Methodology:** If the payment is not reported on a timely basis, HAMC will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer and determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due to HAMC. The family will then be required to pay this amount to HAMC in full from the lump sum proceeds. Failure to make payment will result in termination of assistance.
- **Attorney Fees -** The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but are included as assets. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset.

Contributions To Retirement Funds (24 CFR 5.603(d))

While an individual is employed, contributions to company retirement/pension funds count as assets if the family can access the funds without retiring or terminating employment. After retirement or termination of employment, any amount the employee elects to receive as a lump sum is counted as a lump sum payment as described above.

Assets Disposed Of For Less Than Fair Market Value (24 CFR 5.603(d)(3))

HAMC will count assets disposed of for less than fair market value during the two years preceding certification or reexamination by including the difference between the market value

and the actual payment received when calculating total assets if the fair market value of such assets is greater than \$1,000.

Assets disposed of as a result of foreclosure or bankruptcy will not be considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation will also not be considered assets disposed of for less than fair market value.

Child Care Expenses [24 CFR 5.603]

Childcare expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time, or to actively seek employment. However, childcare expenses will not be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the childcare.

Examples of adult household members who would be considered *unable* to care for a child include the abuser in a documented child abuse situation or a person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

A childcare deduction will only be provided based on the following guidelines:

- **Childcare to Work:** The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
- **Childcare for School:** The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.
- **Amount of Expense:** The PHA will survey the local care providers in the community and collect data to serve as a guideline. If the hourly rate materially exceeds the guideline, HAMC will calculate the allowance using the guideline.
- **Reimbursement:** Childcare expense cannot be reimbursable from any other source. If a divorce decree provides for joint payment of childcare, expenses will be prorated accordingly unless the assisted family provides adequate documentation as described previously.

Medical Expenses [24 CFR 5.609(a)(2), 5.603]

Elderly and disabled households are entitled to deductions for allowable medical expenses. If the household qualifies for a medical deduction then the medical expenses of all household members are an allowable deduction.

Allowable expenses include but are not limited to insurance premiums; hospital and doctor costs; and, prescription medicines. Nonprescription medicines, acupressure, acupuncture, herbal medicines and chiropractic services will not be considered allowable medical expenses. The IRS Publication 502 will govern the final determination as to whether a particular medical expense is permitted or prohibited as an allowable deduction under the Section 8 programs.

Pro-ration Of Assistance For "Mixed" Families [24 CFR 5.520]

A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members. Housing assistance will be prorated for mixed families based on the following calculation.

The total housing assistance shall be calculated based on income, assets, allowances and deductions for all household members. The percent of eligible household members is determined by dividing the number of U. S. Citizens or eligible immigrants in the household by the total number of household members. The total amount of housing assistance is then multiplied by the percent of the eligible household members. This is the amount of housing assistance that will be paid on behalf of a mixed family.

Income Changes Resulting from Welfare Program Requirements

The PHA will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of:

- Fraud by a family member in connection with the welfare program; or
- Failure to participate in an economic self-sufficiency program; or
- Noncompliance with a work activities requirement.

However, the PHA will reduce the rental contribution if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has not complied with other welfare agency requirements; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment, such as the family member has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution and is treated as follows:

- Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.
- The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

- When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance with economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction. The welfare agency, at the request of the PHA, will inform the PHA of: amount and term of specified welfare benefit reduction for the family; reason for the reduction; and subsequent changes in term or amount of reduction.

Utility Allowance And Utility Reimbursement Payments[24 CFR 982.153, 982.517]

HAMC will develop a utility allowance schedule, which is intended to cover the cost of utilities not included in the rent to the owner. This allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type. Allowances are not based on an individual family's actual energy consumption.

The utility allowance for an individual family includes the utilities and services that are necessary in Maricopa County to provide housing that complies with the Federal Housing Quality Standards. No allowance will be provided for non-essential utility costs, such as telephone, cable, or satellite television. Where families provide their own range and refrigerator, HAMC will include an appliance allowance as part of the total utility allowance provided to the family.

Lease agreements with tenant paid utilities will only be approved for utilities that are individually metered for the unit receiving assistance. The individual meter must only service the living space in which the family has access. The property owner must retain responsibility for any utility that is not individually metered.

HAMC will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10% or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next re-certification.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the PHA will provide a Utility Assistance Payment (UAP) to the family each month. The UAP will be issued in the name of the head of the household via first class mail to the assisted unit.

SECTION 7 VERIFICATION PROCEDURES

General [24 CFR Part 5, Subparts B, D, E and F; 982.158; 24CFR Part 5.617]

All factors affecting eligibility for the Housing Choice Voucher Program and calculation of total tenant payment, tenant rent and housing assistance will be verified by HAMC. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information upon request by HAMC. Verification requirements are designed to maintain program integrity. This section explains the procedures and standards for verification of income, assets, allowable deductions, family status, and changes in family composition. HAMC will obtain proper authorization from the family before requesting information from independent sources.

Methods Of Verification And Time Allowed [24 CFR 982.516]

All required information will be verified using three methods of verification in the following order:

- **Third-Party Written** – This method requires a written document to be sent to the source of the verification and a written response to be received via facsimile or mail service. Hand carried third party verifications are not acceptable. Verifications received electronically directly from the source are also considered third party written verifications.
- **Third-Party Oral** – This method requires an authorization form signed by the applicant or participant to be sent to the source of the verification and a HAMC staff member verifies by telephone the required information and records such information on the required verification forms.
- **Review of Documents** – This method is used for documents that are hand-carried by the applicant or participant and copied at the HAMC office or reviewed by staff with the information recorded and certified by staff on the requisite forms.

Self-certification or self-declaration forms from the applicants or participants are not acceptable methods of verification.

HAMC will allow two (2) weeks for return of third-party verifications and two (2) weeks to obtain other types of verifications before going to the next method identified above. The file must be documented as to why third party written verification was not used.

Verifications may not be more than 120 days old at the time of issuance of a voucher to a program applicant or a program participant. Therefore, a re-certification must be completed prior to issuance of a voucher for any program move in which the last re-certification was completed more than a 120 days prior to issuance of the voucher.

Up-Front Income Verification Techniques

Even when applicant/participant interviews are thoroughly conducted, families may not disclose all sources of income. HAMC will make every effort to develop and implement use of up-front income verification methods to assist in accurately determining household income. Resources available for up-front income verification include the following:

- **TASS** – TASS matches Social Security (SS) and Supplemental Security Income (SSI) to comparable tenant data from MTCS and TRACS databases. HUD provides internet-based access to SS and SSI benefit information. Each month, HAMC will access the TASS database and extract the information on individuals who have unreported or underreported SS or SSI benefits.
- **SWICA (State Wage Information Collection Agencies)** – The Arizona Department of Labor is a source of information on employers and reported wages. SWICA's cans disclose wage information and whether an individual is receiving, has received, or has made application for unemployment compensation, and the amount of any such compensation. HAMC will make very effort to negotiate a Memorandum of Understanding with the Department of Labor to share this information electronically.
- **Credit Bureau Credit (CBA) Reports** – The CBA credit profile is derived from the Experian consumer credit database. The credit profile contains public record information, credit relationships, inquiries and demographic information. HAMC will utilize a credit report for all new applicants and annually for each participant as a way of screening for underreported or unreported income. Families must be able to provide HAMC will documentation of income for all open credit accounts. Payment by other persons outside the assisted household will be considered income in accordance with the provisions of regular contributions and gifts described elsewhere in this Plan.
- **The Work Number** – The Work Number is an automated service that provides controlled access to a national database of employment and income records. State and Federal agencies can have automated access to this information provided the employer's records are part of the Work Number. HAMC will utilize the service as available in Arizona.
- **Internal Revenue Service (IRS) Letter 1722** – Known as a tax account listing, this document shows the applicant/participants filing status, exemptions claimed, adjusted gross income, taxable income and taxed paid. Individuals can obtain their own listing by calling the IRS. HAMC will inform families with applicable taxable income identified through other sources, that they must provide this document on an annual basis.

Projecting Annual Income When Upfront Income Verification (UIV) Data is Available

The Housing Authority of Maricopa County will utilize the following HUD criteria to consistently and uniformly resolve income discrepancies between the up-front income verification data and information provided by the applicant/participant. HUD defines a *substantial difference* as one that is \$200 or more per month.

- **UIV Income Data is Not Substantially Different than Tenant-Provided Income Information**

HAMC will utilize only the UIV verification documents and will not secure 3rd party verifications when there is no substantial difference between UIV and tenant-reported income. The following guidelines will be utilized to calculate annual income:

- If UIV income data is less than **current** tenant-provided documentation, HAMC will use tenant-provided documents to calculate anticipated annual income.
- If UIV income data is more than **current** tenant-provided documentation, HAMC will use UIV income data to calculate anticipated annual income **unless** the family provides the PHA with documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, the PHA will use tenant-provided documents to calculate anticipated annual income.

- **UIV Income Data is Substantially Different than Tenant-Provided Income Information**

In cases where UIV income data is substantially different than tenant-reported income, HAMC shall utilize the following guidelines:

- The PHA shall request written third party verification from the discrepant income source, in accordance with the criteria described in this section of this plan (24 CFR 5.236(3)(i).
- The PHA should review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the PHA can not readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
- The PHA must analyze all data (UIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy.
- The PHA will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

If HAMC is unable to anticipate annual income using current information due to historical fluctuations in income, HAMC will average amounts received/earned to anticipate annual income.

If the tenant disputes UIV Social Security (SS)/ Supplemental Security Income (SSI) benefit data, the tenant shall provide a current, original Social Security Administration (SSA) notice or benefit letter within 10 business days of the PHA interview date.

Resources for Historical Income Data

The following documents serve as resources for historical income data if such data is needed in determining annual income based on a substantial difference between UIV and reported income.

- Social Security Earnings Statement (summary of gross earnings for each year that the participant has worked in his/her lifetime) may be obtained from the Social Security Administration. Request for this document may be done via mail or online at www.ssa.gov
- Two years of earnings may be obtained from the UIV System or local State Wage Information Collection Agency (SWICA). This information is not available to PHAs in States that the local SWICA has entered into an agreement with HUD to obtain wage and unemployment compensation data.
- Last eight (8) amounts of Social Security benefits paid to a participant (or household member) may be obtained from the TASS or UIV system.

Release Of Information [24 CFR 5.230]

All adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form. In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886. Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance based on violation of the family obligation to supply any information and to sign consent forms.

HUD Income Discrepancy Program

HUD is precluded from disclosing information from the Internal Revenue Service (IRS) to HAMC. However, if HUD receives information from federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family of the discrepancy. The family is required to disclose this information to the PHA (24 CFR 5.240). HUD's letter to the family will also notify the family that HUD has notified the PHA in writing that the family has been advised to contact the PHA. HUD will send the PHA a list of families who have received "income discrepancy" letters.

When the PHA receives notification from HUD that a family has been sent an "income discrepancy" letter, the PHA, after 40 days following the date of notification, will contact the tenant by mail, asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

When the family provides the required information, the PHA will verify the accuracy of the income information received from the family, review the interim re-certification policy, identify unreported income, charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, based on the information.

If the participant fails to respond to HAMC, HAMC will ask HUD to send a second letter. After an additional 40 days, HAMC will send a letter to the head of household, warning of the consequences if the family fails to contact the PHA within two weeks.

If the tenant claims a letter from HUD was not received, HAMC will ask HUD to send a second letter with a verified address for the tenant. After 40 days, the PHA will contact the tenant family. After an additional 40 days, the PHA will set up a meeting with the family to complete IRS forms 4506 and 8821.

If the tenant family fails to meet with the PHA or will not sign the IRS forms, the PHA will send a warning letter to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the PHA and/or sign forms.

If tenant does receive a discrepancy letter from HUD, The PHA will set up a meeting with the family. If the family fails to attend the meeting, the PHA will reschedule the meeting. If the family fails to attend the second meeting, the PHA will send a termination warning. The family must bring the original HUD discrepancy letter to the PHA.

If tenant disagrees with the tax data contained in the HUD discrepancy letter, the PHA will ask the tenant to provide documented proof that the tax data is incorrect. If the tenant does not provide documented proof, the PHA will obtain proof to verify the Federal tax data using third party verification.

Items To Be Verified [24 CFR 982.516]

The following information must be verified to determine initial program eligibility, to calculate total tenant payment, tenant rent and housing assistance and at each annual re-certification of income.

- All income not specifically excluded by the regulations.
- Full-time student status including High School students who are 18 or over.
- Current assets including assets disposed of for less than fair market value in preceding two years.
- Childcare expense where it allows an adult family member to be employed or to further his/her education.
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.
- Disability for determination of allowances or deductions.
- U.S. citizenship/eligible immigrant status
- Social Security Numbers for all family members over 6 years of age or older who have been issued a social security number.
- Familial/Marital status when needed for head or co-head definition.
- Verification of Reduction in Benefits for Noncompliance

HAMC will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

Verification Of Income, Assets and Allowances [24 CFR 982.516]

Verification will be conducted using the following procedures:

- **Employment Income** - Verification forms request the employer to specify the Dates of employment; Amount and frequency of pay; date of the last pay increase; likelihood of change of employment status and effective date of any known salary increase during the next 12 months; year to date earnings; estimated income from overtime, tips, bonus pay expected during next 12 months.
 - Acceptable methods of verification include, in this order: UIV SWICA statements; employment verification form completed by the employer; check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings; W-2 forms plus income tax return forms; income tax returns signed by the family must be used for verifying self-employment income, or income from tips and other gratuities.
 - Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.
 - In cases where there are questions about the validity of information provided by the family, HAMC will require the most recent federal income tax statements.
- **Social Security, Pensions, Supplementary Security Income (SSI), Disability Income** - Acceptable methods of verification include, in this order: UIV TASS statements; benefit verification form completed by agency providing the benefits; award or benefit notification letters prepared and signed by the providing agency; computer report electronically obtained or in hard copy.
- **Unemployment Compensation** - Acceptable methods of verification include, in this order: UIV SWICA statements; verification form completed by the unemployment compensation agency; computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts; payment stubs.
- **Welfare Payments or General Assistance** - Acceptable methods of verification include, in this order: UIV on-line statements from State Welfare systems; verification form completed by payment provider; written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months; computer-generated Notice of Action; computer-generated list of recipients from Welfare Department.
- **Alimony or Child Support Payments** - Acceptable methods of verification include, in this order: UIV on-line statements from Child Support agencies; copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules; a notarized letter from the person paying the support; copy of latest check and/or payment stubs from Court Trustee. PHA must record the date, amount, and number of the check.

- If payments are irregular, the family must provide: a copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules; a statement from the agency responsible for enforcing payments to show that the family has filed for enforcement; a notarized affidavit from the family indicating the amount(s) received; a written statement from an attorney certifying that a collection or enforcement action has been filed.
- **Net Income from a Business** - In order to verify the net income from a business, HAMC will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months. Acceptable methods of verification include: IRS Form 1040, including: Schedule C (Small Business); Schedule E (Rental Property Income); Schedule F (Farm Income); if accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules; audited or unaudited financial statement(s) of the business; credit report or loan application; Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- **Recurring Contributions** - The family must furnish a notarized statement which contains the following information: the person who provides the gifts; the value of the gifts; the regularity (dates) of the gifts; the purpose of the gifts and the
- **Zero Income Status** - Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, are not being received by the household. HAMC will also request information from the Department of Labor. A credit report will also be used if information is received that indicates the family has an unreported income source. Households processed with zero income must complete a detailed survival statement quarterly.
- **Full-time Student Status** - Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income. Financial aid, scholarships and grants received by full time students are not counted towards family income. Verification of full time student status includes: written verification from the registrar's office or other school official; school records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.
- **Savings Account Interest Income and Dividends** - Acceptable methods of verification include, in this order: account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution and broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification; IRS Form 1099 from the financial institution, provided that the PHA must adjust the information to project earnings expected for the next 12 months.

- **Interest Income from Mortgages or Similar Arrangements** - Acceptable methods of verification include, in this order: a letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.); amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.
- **Net Rental Income from Property Owned by Family** - Acceptable methods of verification include, in this order: IRS Form 1040 with Schedule E (Rental Income); copies of latest rent receipts, leases, or other documentation of rent amounts; documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense; lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.
- **Family Assets** - HAMC will require information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash). Acceptable verification may include any of the following: verification forms, letters, or documents from a financial institution or broker; passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker; quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate; real estate tax statements if the approximate current market value can be deduced from assessment; financial statements for business assets; copies of closing documents showing the selling price and the distribution of the sales proceeds; appraisals of personal property held as an investment.
- **Assets Disposed of for Less than Fair Market Value (FMV)** - For all certifications and re-certifications, HAMC will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or re-certification. If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.
- **Child Care Expenses** – Written verification from the person who receives the payment is required. Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. HAMC will also request verification as to whether the certifying individual is a licensed childcare provider and advise the provider that such income may be reported to other sources including the IRS. If the care provider is not licensed, the verification must be notarized.

- **Medical Expenses** - All expense claims will be verified by one or more of the methods: written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency; written confirmation by the insurance company or employer of health insurance premiums to be paid by the family; written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months.
- **Assistance to Persons with Disabilities** [24 CFR 5.611(c)] - Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed. Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care: Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided. Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus: Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment is needed.

Verifying Non-Financial Factors [24 CFR 5.617(b)(2)]

In order to prevent program abuse, HAMC will require applicants to furnish verification of legal identity for all family members. The following documents will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required: certificate of birth, naturalization papers; church issued baptismal certificate; U.S. military discharge (DD 214); or U.S. passport.

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following: certificate of birth; adoption papers; or custody agreements.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification. Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer. Verification of a separation may be a copy of court-ordered maintenance or other legal records. Verification of marriage status is a marriage certificate.

Verification of Permanent Absence of Family Member

If the family reports an adult member who was formerly a member of the household permanently absent, the following information must be presented as verification prior to removing any household member from the assisted household: legal evidence of divorce action; evidence of legal separation; order of protection/restraining order obtained by one family member against another; lease or rental agreement showing the individual listed as the member of another household; a document from a Court or correctional facility stating how long they will be incarcerated.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the following documents showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate: driver's license; identification card issued by a Federal, State or local agency; identification card issued by a medical insurance company or provider (including Medicare and Medicaid); an identification card issued by an employer or trade union; an identification card issued by a medical insurance company; earnings statements or payroll stubs; IRS Form 1099; benefit award letters from government agencies

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the PHA. The applicant/participant or family member will have an additional thirty (30) days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the PHA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated. If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

SECTION 8

VOUCHER ISSUANCE AND BRIEFINGS

General (24CFR 982.301, 982.302)

HAMC's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit; that families are provided sufficient knowledge and information regarding the program; and, how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, HAMC will conduct a mandatory briefing to ensure that families know how the program works.

The briefing will provide a broad description of owner and family responsibilities, program procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

Issuance Of Vouchers [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, HAMC will issue vouchers to applicants whose final eligibility has been determined. HAMC will strive to maintain 100% utilization of all program funds. Program capacity will be closely monitored to determine success rates, average lease up time, and monthly turnover. This statistical information will serve as the basis to determine the number of vouchers to be issued on an ongoing basis to achieve the 100% utilization rate.

Vouchers will be over-issued based on the average success rates from the previous fiscal year. All vouchers, which are over-issued, will be honored even if it results in being over-leased for a given period of time. In the case of over-leasing, HAMC will adjust future issuance of vouchers in order not to exceed the budget limitations over the entire fiscal year.

Briefing Types And Required Attendance [24 CFR982.301]

Initial Applicant Briefing

A full program briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups. However, families who attend group briefings and still have the need for individual assistance will be referred to eligibility staff for additional guidance. All briefings will be conducted in English and will utilize audio-visual aids to assist applicants with limited comprehension or second language needs. Other reasonable accommodations will be provided to individuals who are disabled upon notification to HAMC. While we recognize the inconvenience to the family, children will not be permitted at the briefing session in order to ensure an informative learning environment that will meet the needs of all applicants.

The purpose of the briefing is to explain how the program works and distribute the required documents in the voucher packet to applicants. This will enable families to utilize the program to their advantage, and prepare them to discuss the Housing Choice Voucher Program with potential owners and property managers.

HAMC will not issue a voucher to an applicant family unless the household representative has attended a briefing and signed the voucher form. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two (2) scheduled briefings will be denied admission based on failure to supply information needed for certification.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the voucher program include the following required items:

- HUD approved voucher form indicating the term of the voucher;
- Housing search record form;
- HAMC's policy for requesting extensions of the voucher;
- A description of the method used to calculate the housing assistance payment for a family;
- Payment standards and utility allowance schedule(s);
- Explanation of the maximum allowable rent for an assisted unit including the rent reasonableness standard and affordability standards;
- Where the family may lease a unit;
- Owner and family responsibilities;
- Portability procedures and an explanation of how portability works;
- HUD required tenancy addendum;
- HUD approved Request for Tenancy Approval (RTA) form;
- Owner disclosure of lead based paint;
- A statement of the HAMC policy on providing information about families to prospective owners;
- HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS;
- HUD required information on lead-based paint;
- Applicants rights to a review of HAMC decisions and participants rights to informal hearings;
- Requirements for reporting changes in income and family composition;
- Information on security deposits and legal referral services;
- Fair Housing rights and a housing discrimination complaint form;
- Available information related to prospective rental units; and,
- Information about the Family Self-sufficiency Program.

Program Move Briefing

Program participants that have been under lease for a period of one year may opt to move to another assisted unit at the anniversary date of their lease agreement and Housing Assistance Payments contract. An abbreviated briefing will be conducted by the caseworker at the annual re-certification interview describing the requirements for a successful move within the program. A briefing packet containing the following information will be provided to the program participant:

- HUD approved voucher form indicating the term of the voucher;
- Instructions for program moves;
- Housing Search Record forms;
- Vacate notice to be signed by the current landlord;
- Current payment standards and utility allowances;
- Request for Tenancy Approval; and,
- Owner disclosure of lead based paint.

Housing Opportunity and Mobility

HAMC will provide mobility counseling to assist applicants and program participants with assistance in locating to areas of low poverty. An analysis of unit location will be conducted by zip code and census tract and, compared with census data on poverty levels. This data will be geo-coded and tracked on a quarterly basis to determine movement. Specific effort will be made to identify property owners in those census tracts that are below the city-wide poverty level.

Security Deposit Requirements [24 CFR 982.313]

The payment of a security deposit is an issue strictly between the owner and the voucher holder. The Housing Choice Voucher program does not assist with security deposit payments and the Housing Choice Voucher Program does not provide for any special claims or payments for unpaid rent, damages or vacancy loss to the owner.

The owner is not required to, but may collect a security deposit from the assisted household in accordance with local market practices. Security deposits charged by owners may not exceed those charged to unassisted households nor exceed the maximum prescribed by state or local law.

Term Of Voucher [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a voucher, which represents a contractual agreement between HAMC and the Family, specifying the rights and responsibilities of each party. It does not constitute admission to the program, and the family remains an applicant, until such time that a lease and contract become effective.

The voucher is valid for a period of sixty calendar days from the date of issuance. The family must submit a Request Tenancy Approval (RTA) within the sixty-day period or request an extension in accordance with the extension provisions outlined below.

If the Voucher has expired, and has not been extended, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Extensions of the Voucher

Extensions will be granted only if the family provides a written documented record to HAMC indicating property owners contacted, units visited and the reasons why these units were unacceptable. Extensions may be granted for up to a period of an additional 60 days.

The family must submit an acceptable RTA within the extension period or assistance will be denied. The family will not be entitled to a review or a hearing.

HAMC will extend the voucher term up to 180 days from the beginning of the initial term if the family needs and makes a written request for an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability, provided that such request is made prior to the expiration of the initial term of the voucher.

Voucher Issuance Determination For Split Households (24 CFR 982.315)

In those instances when a family assisted under the Housing Choice Voucher program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, HAMC will issue the voucher to the family member who retains custody of the greatest number of minor children.

Transfer and Retention Of Voucher [24 CFR 982.315]

Assistance may only be transferred to someone other than the designated head of household or co-head of household if the head or co-head involuntarily leaves the household. No household member may voluntarily assign the assistance to another household member. Assistance will only be transferred if a remaining member of the household is a sole member or legally obtains custody of the remaining minor members of the household. To be considered the remaining member of the assisted family, the person must have been previously approved by HAMC to be living in the unit, identified on the HUD 50058 at the most recent re-certification and be listed on the most recent lease agreement with the owner.

A live-in attendant, by definition, will not be considered a remaining member of the family and will not be entitled to any continued assistance if the person who they were assisting ceases to receive assistance for any reason. A minor child may only be considered as a remaining member of the household if a court has awarded emancipated minor status to the minor. A reduction in family size may require a corresponding reduction in the voucher family unit size.

SECTION 9

APPROVAL OF TENANCY AND CONTRACT EXECUTION

General [24 CFR 982.302]

HAMC's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. Program objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the designated jurisdiction. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with HAMC. This Chapter defines the types of eligible housing, HAMC's policies, which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests Tenancy Approval (RTA).

Request For Approval Of Tenancy [24 CFR 982.302, 982.305(b)]

The Request for Approval of Tenancy (RFAT) must be submitted by the family during the term of the voucher. The family must submit the RTA in the form and manner required by HAMC as follows:

- All corresponding blanks on the RTA form must be fully completed and legible, including the age of the building and the most recent rent charged;
- The form must be signed by both the owner and voucher holder;
- The RTA addendum must be completed indicating the owners federal tax identification number or social security number and other requested information;
- The family may not submit more than one RTA at a time.

The PHA will review the RTA documents to determine whether or not they are approvable based on the following criteria:

- The unit is an eligible type of housing under the program;
- The rent to owner plus tenant paid utilities does not exceed the applicable payment standard for the bedroom size of the voucher issued to the family; or the rent requested meets the affordability test (does not exceed 40% of the households monthly adjusted income); and,
- The rent is reasonable in comparison to unassisted like units in the same location.

If HAMC cannot approve the RTA based on any of the above, HAMC staff will contact the owner to determine if they are willing to negotiate within terms that would be approvable under the program requirements. If the owner and HAMC are unable to reach acceptable terms, the voucher holder will be notified within 5 days and advised that the unit is not acceptable. The voucher holder will have the remaining period on their voucher to locate an acceptable unit. The voucher time will not be suspended or “tolled” during this period.

Eligible Types Of Housing [24 CFR 982.353]

Any of the following types of housing are eligible to be considered for assistance under the Housing Choice Voucher Program:

- All structure types: single family, duplex, multi-family, low rise or high-rise;
- Manufactured homes where the assisted family leases the mobile home and the pad;
- Manufactured homes where the assisted family owns the mobile home and leases the pad;
- Group Homes or shared housing;
- Congregate and Assisted Living facilities (only the shelter rent is assisted);
- Single Room Occupancy facilities;
- Units owned (but not subsidized) by the PHA;
- Units being purchased by the assisted family in accordance with the Housing Choice Voucher Homeownership criteria;
- A cooperative housing development in which the family owns shares would still be considered a lease arrangement under the voucher program.

Lease Review [24 CFR 982.308]

The family and owner must submit a standard form lease commonly used in Maricopa County and that is used for the owner’s unassisted tenants at the premises. The terms and conditions of the lease must be consistent with State and local law. The lease must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family.

The initial term of the lease agreement must be for a minimum of 12 months unless HAMC determines that a shorter term will improve housing opportunities for the assisted household. Owners may elect to execute a lease for an indefinite extension of the initial term (the endless lease), which will allow the owner the ability to terminate tenancy during the lease only by instituting a court action. However, owners may elect fixed, definite extensions of the initial lease, such as year-to-year. This option allows the owner to terminate tenancy without cause at the end of the initial term or any subsequent term.

The HUD prescribed tenancy addendum, which is attached to the Housing Assistance Payments contract, as Part C, will always take precedence over any other terms and conditions in the owner’s lease with the tenant. House rules of the owner may be attached to the lease as an addendum, provided they do not violate any fair housing provisions and do not conflict with the HUD tenancy addendum.

Actions Before HAP Contract Term

All of the following must always be completed before the beginning of the initial term of the HAP Contract for a unit: the unit has been inspected and meets all requirements of the federal Housing Quality Standards; the landlord and the tenant have executed the lease, the rent on the lease agreement is consistent with the rent approved by HAMC, and includes the HUD-prescribed tenancy addendum; and HAMC has approved leasing of the unit in accordance with program requirements

Separate Agreements

Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease. However, owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by HAMC.

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction. Any appliances, services or other items, which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. HAMC will only approve a separate agreement if the family has the option of not utilizing the service, appliance or other item.

Information To Owners [24 CFR 982.307(b), 982.54(d)(7)]

Upon written request from a prospective property owner, HAMC will provide the following information about a program applicant and/or participant.

- Current address as reflected in the file;
- Names, ages and relationship of household members;
- Former address if reflected in the file;

HAMC will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the HAMC's policy on release of information to prospective landlords will be included in the briefing packet, which is provided to the family.

Contract Execution Process [24 CFR 982.305(c)]

The Housing Assistance Payments Contract will be prepared by HAMC upon approval of the RTA and a passing inspection indicating that the unit is in compliance with all Federal Housing Quality Standards. Owners will be required to return a signed contract within 10 days of receipt.

Owners will be required to provide proof of ownership for the assisted unit in a form acceptable to HAMC. The HAP contract will be executed in the manner indicated on the proof of ownership. If the owner has assigned an agent to represent the owner, then appropriate documentation must be provided prior to execution of the HAP contract.

If HAMC fails to prepare the contract prior to the approved lease effective date, housing assistance will be retroactive to the date the unit passed inspection or the lease effective date whichever is later. However, if the owner fails to return a signed contract within 10 days of receipt, the housing assistance payment will be held until the signed contract is received.

SECTION 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

General [24 CFR 982.401]

The Housing Quality Standards (HQS) are federal standards established by HUD that serve to measure the minimum quality of housing acceptable in the Housing Choice Voucher Housing Programs. HQS standards are utilized to inspect housing units at initial occupancy and during the term of the Housing Assistance Payments contract. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the HAP contract. HAMC will inspect each unit under contract at least annually. HAMC will also maintain a quality control inspection program, which will re-inspect a minimum of 10% of all inspections on a monthly basis to assure consistency of enforcement of HQS.

This Chapter describes HAMC's procedures for performing HQS and other types of inspections, and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners.

Guidelines/Types Of Inspections [24 CFR 982.401(a), 982.405]

Effort will be made at all times to encourage owners to provide housing above HQS minimum standards. However, HAMC will not promote any additional acceptability criteria, which is likely to adversely restrict housing choice.

If the tenant is responsible for supplying the stove and/or the refrigerator, HAMC will complete the initial inspection without the stove and refrigerator in the unit, provided that the family certifies that the appliances will be placed in the unit and will be in proper working order.

The following types of inspections will be conducted as required:

- **Annual** - an inspection conducted on a property prior to its re-certification date;
- **Re-inspection** - an inspection of a property which failed its annual inspection;
- **24-Hour Re-inspection** – an inspection on a property which had a failing item considered a 24-hour emergency situation;
- **RTA/Initial** - inspection on a property which the tenant has selected and is requesting approval of a new unit;
- **Complaint** - inspection on a property which has been requested by the resident or other involved party due to perceived problems with the property;
- **Courtesy**- inspection requested on a property which is not yet a part of the HAP program but is being considered, by the landlord, for participation in the program;
- **Abatement Cure** - inspection on property where abatement has commenced but is still within the thirty-day window prior to termination;
- **Re-instatement inspection** - inspection in which the contract was terminated but a determination has been made to re-instate the contract;

- **QA (Quality Assurance)** – 10% re-inspection by the Quality Control Specialist of units previously inspected;
- **QA Re-inspection** - re-inspection on a failed QA;

Timing of HQS Inspection

Inspections will be conducted in accordance with the following timeframes:

Type of Inspection	To Be Scheduled	To be Completed
Initial	Within 24 hours from completion of rent negotiations	Within 72 hours from schedule.
Annual	120 days prior to anniversary date	90 days prior to anniversary date
Compliant	Within 24 hours from request	Within 48 hours from schedule
Courtesy	Within 24 hours from request	Within 48 hours from schedule
Emergency Re-inspection	At initial inspection	Within 24 hours of initial inspection
Annual Re-inspection	Upon notification by owner that the repairs have been completed by no later than 75 days prior to the anniversary date.	Within 60 days prior to anniversary date
Other Re-inspection	24 hours from notification by landlord that unit is ready for re-inspection	Within 5 days from schedule.

The family must allow the PHA to inspect the unit at reasonable times with reasonable notice. Reasonable hours to conduct an inspection are between 8:30 a.m. and 5:00 p.m. Notice will be provided to the family and the owner via first class mail a minimum of fifteen (15) days prior to the first attempt for an inspection. The family and/or the owner will be notified by telephone, mail or by a posted notice on the main entrance of the unit of a scheduled re-inspection.

Two attempts will be made for all inspection types. If access to the unit cannot be obtained after the second attempt, the unit will be considered in non-compliance with the HQS standards and appropriate action will be taken based on the inspection type. Responsibility for access for annual inspections and any related required re-inspections is the responsibility of the assisted

household and failure to provide access is a violation of the family obligations under the voucher contract.

Access for all other inspection types is the responsibility of the owner. The landlord must correct all HQS deficiencies, which cause a unit to fail, unless it is a fail for which the tenant is responsible.

The inspector will take digital pictures of all failed items as practical.

Time Standards for Repairs

The owner must correct emergency items, which endanger the family's health or safety, within 24 hours from the initial inspection. Non-emergency repairs must be made within 10 days from the date of an initial inspection or re-inspection and within 30 days from the date of all other inspections or re-inspections. If a unit fails to comply with HQS at an initial inspection or re-inspection, the applicant will be notified to continue their search for housing within the time frame remaining on the voucher. If a unit fails to comply with HQS at any other inspection, actions will be taken as described below.

Modifications

HAMC will strictly use the federal Housing Quality Standards for acceptance of units under the Housing Choice Voucher Program. Any modifications or adaptations to a unit to permit a reasonable accommodation for a person with a disability must meet all applicable HQS requirements.

Emergency Repair Items [24 CFR 982.404(a)]

The following items shall be defined as emergency and must be corrected within 24 hours of the initial inspection:

- Lack of an operable smoke detector;
- Ceiling damage reflecting imminent danger of falling;
- Major plumbing leaks or flooding;
- Natural gas leaks or fumes;
- Electrical problems which could result in shock or fire;
- No heat when outside temperature is below 40 degrees Fahrenheit and temperature inside unit is below 62 degrees Fahrenheit.
- Utilities not in service
 - No running hot water
 - Broken glass where someone could be injured
 - Obstacle which prevents tenant's entrance or exit
 - Lack of operable toilet

If the emergency repair item(s) are not corrected in the time period required and the owner is responsible for the repair, the housing assistance payment will be abated in accordance with the procedures outlined further in this plan.

If the emergency repair item(s) are not corrected in the time period required, and the assisted household caused the damage, a notice of pending termination will be issued to the to the family in accordance with the termination procedures outlined further in this plan.

Abatement and Contract Termination

Failure for a unit under contract to pass a re-inspection will result in abatement of the Housing Assistance Payment. Abatement means that a daily pro-ration of the Housing Assistance Payment will be deducted from any future payments for each day that the unit is not in compliance with the HQS standards. A notice of abatement will be sent to the owner informing them that abatement will commence effective the first of the month following the date of notification of abatement. The abatement period will not extend beyond 30 days.

If the owner has not made the required repairs during the abatement period, the Housing Assistance Payments contract will be terminated in accordance with the provisions in the contract. The assisted family will be notified of the termination and will be advised to secure program move documents to commence search for a new housing unit. Once a termination notice has been issued, the HAP contract will not be re-instated even if the landlord proceeds to make repairs.

Determination Of Responsibility for Repairs [24 CFR 982.404, 982.54(d)(14)]

The following HQS deficiencies are the responsibility of the family:

- Tenant-paid utilities not in service;
- Failure to provide or maintain family-supplied appliances;
- Documented damage to the unit or premises caused by a household member or guest beyond which is obvious as beyond normal wear and tear;
- Placement of large items of trash or inoperable vehicles anywhere on the assisted unit premises;
- Failure to maintain lawn and surrounding areas if a single-family structure.

“Normal wear and tear” is defined as items which could not be charged against the tenant security deposit under state law or court practice.

All other HQS violations shall be the responsibility of the owner including for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may take appropriate action in accordance with the lease. If the family is responsible for deficiencies but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

Consequences If Family Is Responsible [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family to make any repair(s) or corrections within 24 hours for emergency items and 30 days for non-emergency items. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family, after providing an opportunity for an informal hearing. The owner's rent will not be abated for items which are the family's responsibility. If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

SECTION 11

RENT AND PAYMENT STANDARDS

General [24 CFR 982.502, 982.503, 982.504, 982.505, 982.505]

It is HAMC's responsibility to ensure that Payment Standards are sufficient to assure maximum program utilization, to provide program applicants and participants with adequate housing choice and to assure that the rents charged by owners at the time of initial lease up and at each annual re-certification are reasonable based upon unassisted comparable units in the rental market. This Chapter explains HAMC's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

Initial Rent To Owner

HAMC will review the following items to determine if the rent requested by the owner meets the program requirements as follows:

- The requested rent plus the cost of tenant paid utilities (calculated on the most recent program utility allowance schedule) cannot exceed the applicable payment standard; or,
- Total tenant payment cannot exceed 40% of the assisted family's monthly-adjusted income.
- The rent to owner must be reasonable in comparison to rent for other comparable unassisted units.

Making Payments To Owners [24 CFR 982.451]

Once the HAP Contract is executed, HAMC will commence processing payments to the landlord. A month end process will occur on or around the 28th day of each month to process all housing assistance payments for the first of the following month. A HAP register and detailed reconciliation process will be used each month as a basis for monitoring the accuracy and timeliness of payments.

Payment will be made on a master basis for all units under contract with a single property owner. Payments for different properties will only be processed if the owner provides a separate federal tax identification number.

HAMC will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond HAMC's control, such as a delay in the receipt of program funds from HUD. HAMC will not use any program funds for the payment of late fee penalties to the owner.

Rent Reasonableness Determinations [24 CFR 982.507]

A rent reasonableness test will be conducted to determine if the requested rent is reasonable in comparison to rent for other comparable unassisted units in the market. Rent reasonable tests will be conducted for the following:

- An initial rent requested on the RTA form;
- Prior to any increase in the rent to owner;
- If there is a five percent decrease in the published FMR 60 days before the contract anniversary;
- If directed by HUD; and,
- Based on a need identified by HAMC.

At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by HAMC. The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. If requested, the owner must provide HAMC with information on rents charged by the owner for other units in the premises or elsewhere.

Rent reasonable data will be gathered from various sources which maintain a master database for all multi-family rental properties in Maricopa County. In addition, HAMC will conduct a county-wide rental survey at least every three years, for small rental properties including one to four unit rentals. Supplemental data may be gathered from newspapers, realtors, and professional associations. The market areas for rent reasonableness are zip codes and census tracts within Maricopa County.

The following items will be used for rent reasonableness documentation:

- Location by zip code and census tract;
- Quality;
- Size;
- Number of Bedrooms and bathrooms;
- Other identifiable amenities;
- Type and age of structure; and
- Tenant paid utilities.

Using an automated method, a search will be conducted in the HAMC rent reasonable database to identify comparable units by the factors identified above. A minimum of two similar units will be identified and the corresponding data will be recorded on the rent reasonableness form.

This data will be compared with the requested rent for the assisted unit. If the requested rent is greater than the comparable units selected, HAMC will negotiate with the owner to reach an agreed upon rent amount that meets the rent reasonable test. If the rent is less than the comparables, HAMC will approve the rent increase.

Payment Standards For The Voucher Program [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family and is based on Fair Market Rents (FMR) published by HUD on an annual basis for Maricopa County. HAMC payment standards will be no less than 90% and no more than 110% of the published fair market rents.

HAMC will review the appropriateness of the Payment Standard annually when the new FMR is published. In determining whether a change is needed, HAMC will consider all available resources including special requests to HUD to increase the published FMR from the 40th percentile of the area median to the 50th percentile, if warranted, to assure maximum housing choice for program applicants and participants and to encourage continued movement to areas of low poverty.

When reviewing the payment standard on an annual basis, HAMC will also consider the available budget authority and determine if a reduction in payment standards is needed including an amount below 90% of the published FMR, to assist a maximum number of households up to HAMC's baseline allocation. If it is determined that payment standards below 90% of FMR is needed, a waiver will be secured from HUD with corresponding justification.

Case by case reviews of a higher payment standard will be considered as a reasonable accommodation for a family that includes a person with disabilities. If appropriate, HAMC will make a request to HUD to use a payment standard up to 120% of the FMR.

Increase in Owner Rent (24 CFR 982.308 (g))

The owner is required to notify HAMC, in writing, at least 60 days before any change in the amount of the rent to owner is scheduled to go into effect. Rent increases will only be allowed at the time of annual re-certification.

Any changes in the rent to owner must comply with all provisions of the rent reasonableness requirements.

SECTION 12

RE-CERTIFICATIONS

General - [24 CFR 982.516]

HAMC will reexamine the income and household composition of all assisted families at least annually. Families will be provided accurate annual and interim rent adjustments. Re-certifications and interim examinations of income will be processed in a manner that ensures families are given reasonable notice of rent increases. This Chapter defines HAMC's policy for conducting annual re-certifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

Annual Activities [24 CFR 982.516, 982.405]

There are three activities that must be completed on an annual basis as follows:

- Re-certification of Income and Family Composition
- HQS Inspection
- Determination of rent reasonableness for any requested rent increase.

Annual Re-certification [24 CFR 982.516]

HAMC will maintain an automated re-certification tracking system and households will be notified by mail of the date and time for scheduled appointments a minimum of 90 days in advance of the anniversary date of their lease and Housing Assistance Payments contract. A listing of all required documentation necessary for the annual re-certification will be provided to the family with the notification of scheduled appointment. This information includes all documentation necessary to verify income, assets, allowances and deductions along with any additions or deletions of household members.

The head of household and spouse or co-head are required to be present at the re-certification interview. If the head of household is unable to attend the interview the appointment will be rescheduled. Priority for appointment dates and times will be given to assisted household's whose head or co-head is employed full time during normal working hours.

If the family does not appear for the re-certification interview, a second appointment will be scheduled and letter sent to the family. If the family does not appear for the second appointment and has not rescheduled or made prior arrangements, the caseworker will issue a notice of termination of assistance, notifying the family of their right to an informal hearing. However, if the family schedules and maintains an appointment prior to the expiration date of the time limit to request a hearing, the termination action will be suspended.

If the outcome of the annual re-certification results in an increase in the tenant rent, a thirty-day notice will be mailed to the family prior to the scheduled effective date of the annual re-certification. If less than thirty days are remaining before the scheduled effective date of the annual re-certification, the tenant rent increase will be effective on the first of the month following a thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the scheduled effective date of the annual re-certification.

If tenant rent decreases, it will be effective on the anniversary date. If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, the rent decrease will be effective on the first day of the month following completion of the reexamination processing by HAMC.

Interim Re-certifications [24 CFR 982.516]

Program participants are required to report all changes in household composition between annual re-certifications. This includes additions due to birth, adoption and court-awarded custody. The family must obtain PHA approval prior for all additions to the household prior to adding that person to the lease agreement.

If any new family member is added, an interim re-certification will be conducted to include any income of the new family member.

Program participants are required to report in writing, all increases of income between annual re-certifications. If the household income has increased at least \$100 per month from their last certification an interim re-certification will be completed.

When a family reports zero income at the time of the annual re-certification, the family will be required to complete a written survival statement on a quarterly basis. When a household that has reported zero income obtains an income, an interim re-certification will be conducted (the \$100 per month threshold does not apply).

Interims will not be conducted within 90 days of an annual reexamination unless the change would result in a lower family rent.

Participants may choose to report a decrease in income and other changes, which would reduce the amount of tenant rent, such as an increase in allowances or deductions.

Changes in rent for interim re-certification will become effective the first of the month following the month in which the change was reported if it is a decrease for the family. If it is an increase for the family the interim re-certification will become effective the first of the month at least 30 days after the interim re-certification has been completed

Any information, document or signature needed from the family, which is needed to verify the change, must be provided within 14 days of the request.

Dependent Allowances will not be removed at interim Re-certifications.

Income Changes Resulting From Welfare Program Requirements (24 CFR 5.615)

Decreases in income resulting from changes or discontinuance of welfare benefits will be processed as follows:

- Tenant rent will not be decreased if welfare assistance is reduced because of fraud, failure to participate in an economic self-sufficiency program, or noncompliance with a work activities requirement.
- Tenant rent will be decreased if welfare assistance is reduced because of the expiration of a lifetime time limit on receiving benefits or a situation where the family has complied with welfare program requirements but cannot or has not obtained employment.

SECTION 13

Program Moves and Portability

General - [24 CFR 982.314, 982.353, 982.355(a)]

HUD regulations permit families to move with continued assistance to another unit within HAMC's jurisdiction, or to a unit outside of HAMC's jurisdiction under the program portability provisions. The regulations also allow discretion to develop policies, which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of HAMC's jurisdiction, and the policies for restriction and limitations on moves.

Permissible Moves

Families will not be permitted to move during the initial year of occupancy. Assisted households will only be provided with program move documents for a voluntary move at the time of their scheduled annual re-certification process. Every effort will be made by HAMC to coordinate program moves with all regularly scheduled annual activities.

Program move documents for mandatory moves may be issued at times other than annual re-certification for the following reasons:

- The Housing Assistance Contract is terminated by HAMC for the owner's failure to comply with HQS or other terms of the contract;
- The owner has given the family a notice to vacate, or has commenced an action to evict the family through no fault of their own;
- A household member is newly diagnosed with a disability, which requires a reasonable accommodation.

Prior to issuance of program move documents; the family must present a notice of intent to move form signed by the owner and the family indicating that the family is current with all rent payments, has caused no damages beyond normal wear and tear, and is otherwise in compliance with all terms and conditions of the lease agreement. Upon receipt of this form, program move documents and a program move briefing will be provided to the family by their assigned caseworker. If the scheduled annual re-certification was completed more than 120 days prior to the program move, a complete re-certification will be conducted prior to issuance of the program move briefing packet. The annual re-certification date will be changed to coincide with the lease-up date for the new assisted unit.

Portability [24 CFR 982.353]

Portability applies to families moving out of or into HAMC's jurisdiction within the United States and its territories from another geographic location.

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit anywhere in the United States where a Public Housing Authority operates a tenant-based assistance program.

However, an applicant must reside within the jurisdiction of Maricopa County for one year prior to exercising the portability option. The family must be income eligible under the income limits of the jurisdiction to which they initially lease a unit with assistance under the program. Households with HAMC vouchers will only be authorized to port to jurisdictions in which the payment standards are equal or less than the payment standards in effect at HAMC at the time of the request to port.

If a family requests portability, the location where they intend to port must be identified in the request. HAMC will contact the “receiving” PHA in that jurisdiction and advise them of the family’s intent. A voucher and corresponding portability documents will be issued to the family.

HAMC may absorb incoming portable families provided there is funding available. A HAMC voucher will be issued to the incoming family for the period of time remaining on the voucher issued by the initial PHA. HAMC will notify the initial PHA of their action to absorb the voucher. All incoming voucher holders must attend a Port-In briefing. This briefing may be a group or individual briefing. If funding is not available, HAMC will administer the voucher on behalf of the initial PHA.

HAMC will not permit families to exercise portability if the family is in violation of any family obligations under their Housing Choice Voucher; if the family owes any money to HAMC; or, if the family has vacated the assisted unit in violation of the lease agreement.

Billing Procedures

The receiving PHA is responsible for billing HAMC for 100% of the Housing Assistance Payment and 80% of the Administrative Fee (at HAMC’s rate) for each "Portability" Voucher leased as of the first day of the month. HAMC will not issue payment until an invoice is received by the receiving PHA within the time limits established by HUD. Late billings will not be processed for payment and the Receiving PHA will be so notified. Payment beyond year one will only continue if HAMC receives the HUD 50058 form indicating that an annual re-certification has been completed in accordance with program requirements.

SECTION 14

CONTRACT TERMINATIONS

General [24 CFR 982.311, 982.314]

The Housing Assistance Payments (HAP) Contract is the contract between the owner and HAMC, which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by HAMC and by the owner, and the policies and procedures for such terminations.

Contract Termination [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The HAP Contract may be terminated by the PHA, or by the owner, or may terminate automatically if the tenant vacates the contract unit. No future subsidy payments on behalf of the family will be made to the owner after the month in which the contract is terminated. However, the owner may retain the housing assistance payment for the month in which the unit was vacated.

If the family continues to occupy the unit after the Housing Choice Voucher contract is terminated, the family is responsible for the total amount of rent due to the owner.

After a contract termination, if the family meets the criteria for a program move, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family vacated the previous unit and prorated housing assistance will be paid from the effective date of the new contract. This overlap of assistance may not exceed seven days.

Termination Of Tenancy By The Owner: Evictions (24 CFR 982.310, 982.455)

If the owner wishes to terminate the lease, the owner is required to provide proper notice as stated in the lease. During the term of the lease, the owner may not terminate the tenancy except for the following grounds.

- Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;
- Other good cause because of something the family did or failed to do (982.310)

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant. The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

If the owner has begun eviction and the family continues to reside in the unit, HAMC will continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant and the tenant has vacated the assisted unit. By receipt of the housing assistance payment, the owner certifies that the tenant is still in the unit, the rent is reasonable and she/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, HAMC will issue a program move packet so that the family can move with continued assistance.

Termination Of The Contract By HAMC [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The HAP contract terminates automatically when the family vacates the unit regardless of cause. The HAP contract will also terminate if the assistance to the family is terminated; funding is no longer available under the ACC contract with HUD; or 180 days have passed since the last housing assistance payment to the owner.

Notification will be provided to the owner and the tenant in accordance with the requirements of the HAP contract when action is taken by HAMC to terminate the contract. The effective termination date will be the end of the month following the month in which the notification was provided to the owner.

SECTION 15

DENIAL OR TERMINATION OF ASSISTANCE

General [24 CFR 5.902, 5.903, 5.905, 982.4, 982.54, 982.552, 982.553]

HAMC will deny or terminate assistance for a family because of the family's action or failure to act. Families are provided with a written description of the Family Obligations under the program, the grounds under which the PHA can deny or terminate assistance, and procedures for informal hearings. This Chapter describes when HAMC is required to deny or terminate assistance, and the policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

Denial/Termination [24 CFR 982.54, 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, HAMC will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

Denial of assistance for an applicant may include any or all of the following:

- Denial for placement on the waiting list;
- Denying a voucher or withdrawing a voucher;
- Refusing to enter into a HAP contract or approve a tenancy;
- Refusing to process or provide assistance under portability procedures;

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a tenancy;
- Terminating housing assistance payments under an outstanding HAP contract;
- Refusing to process or provide assistance under portability procedures.

Mandatory Denial and Termination [24 CFR 982.552(b) (10)(d)]

In accordance with federal regulations, HAMC must deny assistance to applicants, and terminate assistance for participants for the following reasons:

- If any member of the family fails to sign and submit HUD or PHA required consent forms for obtaining information;
- If no member of the family is a U.S. citizen or eligible immigrant;
- If the family is under contract and 180 days have elapsed since the last housing assistance payment was made;
- Persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law;

- A participant family is evicted from housing assisted under the program for serious violation of the lease;
- Any household member is currently engaging in illegal use of a drug;
- A household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- A member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)]

In addition to the above mandatory reasons for denial and/or termination of assistance, HAMC may deny program assistance to an applicant or terminate assistance to a participant for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551;
- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The family currently owes rent or other amounts to HAMC or to another PHA in connection with Housing Choice Voucher or public housing assistance under the 1937 Act;
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- The family has engaged in or threatened abusive or violent behavior toward HAMC personnel;
 - "Abusive or violent behavior towards PHA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.
 - "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
 - Actual physical abuse or violence will always be cause for termination.
- A member of the family's drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other project residents;
- If any member of the family commits drug-related criminal activity, or violent criminal activity;

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

Drug-related criminal activity - is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Violent criminal activity - includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property.

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

Guest- means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

Other person under the tenant's control - means that the person, although not staying as a guest (as defined in this chapter) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

Standard for Violation - HAMC will deny participation in the program to applicants and terminate assistance to participants in cases where there is reasonable cause to believe that a household member is illegally using a drug or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the PHA determines that there is a pattern of illegal use of a drug or a pattern of alcohol abuse. HAMC will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 12 months.

"Engaged in or engaging in" violent criminal activity - means any act within the past 3 years by an applicant or participant or household member which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage, which resulted in the arrest and/or conviction of the applicant, participant, or household member.

The existence of the above-referenced behavior by any household member, regardless of the applicant or participant's knowledge of the behavior, shall be grounds for denial or termination of assistance.

Family Obligations [24 CFR982.551]

All obligations of the family are explicitly stated on the Housing Choice Voucher form which serves as the contractual document between HAMC and program participants.

These obligations are discussed in detail with program participants at the mandatory briefing sessions prior to admission to the program. Violation of any of these family obligations will be grounds for termination of assistance.

Notice of Termination of Assistance

HAMC will provide a written notice of intent to terminate housing assistance, which will include the following information:

- The family obligation that has been violated;
- The specific action(s) which occurred in violation of the family obligation;
- The effective date of the proposed termination,
- The family's right, if they disagree, to request an Informal Hearing to be held prior to termination of assistance; and,
- The date by which a request for an informal hearing must be received by the PHA.

The PHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

Required Evidence

HAMC will pursue fact-finding efforts as needed to obtain evidence for termination of assistance. Pending termination actions will be based on the following rules of evidence:

- *Preponderance of evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
- *Credible evidence* may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

Confidentiality of Criminal Records

HAMC will make every reasonable effort to ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

Housing Authority Discretion [24 CFR 982.552(c)]

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HAMC will consider all of the circumstances in each case, including the seriousness of the case. HAMC will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred.

HAMC will also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

- If the owner terminates tenancy through court action for serious or repeated violation of the lease;
- If the owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and there are police reports, neighborhood complaints or other third party information, that has been verified by the PHA.
- Nonpayment of rent will always be considered a serious violation of the lease.

Notification of Eviction

If the family requests program move documents and an eviction is pending, HAMC will not issue program move papers. However, if the program move papers are issued because HAMC was not informed of the pending eviction, a new tenancy will not be approved. The voucher will be withdrawn until such time that a determination is made as to the household's violation of family obligations.

Proposed Additions to the Family

HAMC will deny a family's request to add additional family members who are:

- Persons who have been evicted from public housing;
- Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations;
- Persons who have been part of a family whose assistance has been terminated under the Housing Choice Voucher Program;
- Persons who commit drug-related criminal activity or violent criminal activity;
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- Persons who currently owe rent or other amounts to HAMC or to another PHA in connection with Housing Choice Voucher or public housing assistance under the 1937 Act; or
- Persons who have engaged in or threatened abusive or violent behavior toward PHA personnel.

Limitation on Profit-making Activity in Unit

Families are encouraged to use the assisted unit for legal profit making ventures provided that the owner and HAMC have approved such use at the time of initial lease up and such use is in compliance with all State and local laws and ordinances. However, if the business activity results in the inability of the family to use any of the critical living areas, such as a bedroom, utilized for a business which is not available for sleeping, it will be considered a violation of the family obligations and appropriate action will be taken.

Missed Appointments And Deadlines [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the PHA to fulfill its responsibilities. The PHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the PHA to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the PHA, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the PHA to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan. Appointments will be scheduled and time requirements will be imposed for the following events and circumstances: Eligibility for Admissions; Verification Procedures; Voucher Issuance and Briefings; Housing Quality Standards and Inspections; Re-certifications; and Appeals.

The only acceptable reasons for missing appointments or failing to provide information by deadlines are medical emergencies as approved by HAMC, and incarceration or other official detainment. If a family cannot attend an appointment due to an unchangeable medical appointment, school class or work schedule, the family must contact HAMC in advance to reschedule.

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given two opportunities before being issued a notice of termination or denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed requesting a hearing, the notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance.

SECTION 16

OWNER PROHIBITIONS AND RESTRICTIONS

General [24 CFR 982.54, 982.306, 982.453]

It is the policy of HAMC to recruit owners to participate in the Voucher program. HAMC will provide owners with prompt and professional service in order to attract an adequate supply of available housing for rent under the Housing Choice Voucher Program. Federal regulations define when HAMC must prohibit an owner from participating in the program, and when HAMC has the discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

Disapproval Of Owner [24 CFR 982.306, 982.54(d)(8)]

Owners participate in the Housing Choice Voucher Program at will and do not have a right of participation. For purposes of this section, "owner" includes a principal, management agent or any other party acting on behalf of an owner.

HAMC will prohibit the participation of property owners for any of the following reasons:

- The owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24;
- An administrative or judicial action has been instituted against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending investigation and/or resolution;
- A court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements;
- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program;
- The owner has engaged in drug-related criminal activity or any violent criminal activity;
- The owner has a history or practice of non-compliance with HQS for units leased under the Housing Choice Voucher programs or any other federal housing program;
- The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under the Housing Choice Voucher Program or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
 - Threatens the right to peaceful enjoyment of the premises by other residents;

- Threatens the health or safety of other residents, or of owner employees or other persons engaged in management of the housing.;
 - Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises;
 - Is involved in drug-related criminal activity or violent criminal activity;
- The owner has not paid State or local real estate taxes, fines, other fees or assessments.
 - The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

Restriction of Immediate Family Members

HAMC is prohibited from approving a Housing Assistance Contract with an owner that is the parent, child, grandparent, grandchild, sister or brother of any member of the household to be assisted. However, this provision may be waived as a reasonable accommodation for a family member who is a person with a disability, provided that the assisted household has made reasonable efforts to locate other suitable housing and has been unsuccessful.

In cases where the owner and tenant bear the same last name, HAMC will require the family and owner to certify whether they are not related to each other in any way. Failure to disclose relationship will be considered fraud and grounds for termination of tenancy and prohibition of future program participation by the owner.

Owner Restrictions And Penalties [24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, HAMC will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. HAMC may also terminate any additional Housing Assistance Contracts with the owner.

Before imposing any penalty against an owner the PHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

Proof of Ownership

Landlords will be required to provide proof of ownership prior to execution of a Housing Assistance Contract. Acceptable documentation may include a Real Estate Act of Sale; the property deed or title; or other acceptable legal documentation.

Landlords will also be required to provide proof of payment of all business license fees and other debt owed to the Housing Authority of Maricopa County prior to execution of a HAP contract. Failure to provide proof of payment will result in cancellation of the proposed action. If the tenant has moved into the unit prior to HAMC approval of the HAP contract, the tenant will be responsible for the full amount of the rent.

The Housing Assistance Payments Contract will be executed in the format as indicated on the proof of ownership. Ownership by more than one individual will require execution of all parties or appropriate legal documentation such as power of attorney, which designates a single individual to act on behalf of all owners.

Designation of a management agent or other payee will be approved with appropriate legal documentation signed and notarized by all owners of the property.

HAMC will approve the assignment and transfer of a HAP contract to a new owner at the request of an owner of record. The change of ownership will be processed upon written request accompanied by appropriate documentation showing the transfer of title and recorded deed or a last will and testament identifying an executor, along with a death certificate for the owner of record.

SECTION 17

OWNER OR FAMILY DEBTS

General (24 CFR 982.552)

This chapter describes the HAMC's policies for the recovery of monies, which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner; the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to Requests for lump sum payments; Civil suits; Payment agreements; Abatements; Reductions in HAP to owner; Collection agencies; Credit bureaus; and, Income tax set-off programs.

Payment Agreement For Families [24 CFR 982.552 (c)(v-vii)]

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

HAMC will not enter into a payment agreement if the family already has a Payment Agreement in place.

Payment Agreements will be executed between the PHA and the head of household.

Payments may only be made by money order or cashier's check.

A minimum down payment of one-third of the balance is required at the time the Agreement is executed.

The minimum monthly payment for any agreement will be \$50.

The family will not be allowed to move until their debt is paid in full unless the move is the result of the following causes:

- Family size exceeds the HQS maximum occupancy standards,
- The HAP contract is terminated due to owner non-compliance or opt-out.
- A natural disaster.

Payment Schedule for Monies Owed to the PHA

<u>Amount Owed</u>	<u>Maximum Term of Agreement</u>
\$ 1 – \$500	6 months
\$ 501 – \$1,000	12 months
\$1,001 – \$2,500	18 months
\$2,501 or higher	To be negotiated with Section 8 Supervisor

Payment Agreements - Late Payments

A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due. Payments will be due on the 5th of the month.

If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If a payment is not received by the due date, a Delinquency Notice will be sent to the family. If the family is sent 3 delinquency notices within a 12 month period the payment agreement will be in default.

An agreement will be in default when two payments have been missed.

If the family's payment agreement is in default, and the family has not made arrangements with the PHA, the PHA will require the family to pay the balance in full or terminate the housing assistance. The debt will then be turned over to a collection agency.

If the family requests a move to another unit and has a payment agreement in place, the family will be required to pay the balance in full prior to the issuance of a voucher.

Debts Due To Misrepresentations/Non-Reporting Of Information [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Housing Choice Voucher program funds in violation of Housing Choice Voucher program requirements.

Family Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

Program Fraud

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

If a family owes an amount, which equals or exceeds \$10,000 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the PHA will refer the case for criminal prosecution.

Owner Debts To The PHA [24 CFR 982.453(b)]

If the PHA determines that the owner has retained housing assistance payments the owner is not entitled to, the PHA may reclaim the amounts from future housing assistance or claim payments owed the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the PHA will require the owner to pay the amount in full within 30 days; pursue collections through the local court system; and restrict the owner from future participation.

Writing Off Debts

Debts owed to the Housing Choice Voucher Program from program participants or owners will be reviewed each year jointly with the Housing Choice Voucher staff and the Finance staff to determine if such debts are valid and collectible. Debts will be written off if:

- The debtor's whereabouts are unknown and the debt is more than 3 years old;
- A determination is made that the debtor is judgment proof;
- The debtor is deceased;
- The debtor is confined to an institution indefinitely or for more than 3 years; or,
- The amount is less than \$100.00 and the debtor cannot be located.

SECTION 18 COMPLAINTS AND APPEALS

General [24 CFR 982.401]

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

General Complaints

HAMC will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. However, HAMC does not require that complaints regarding HQS violations be put in writing. HQS complaints may be reported by telephone.

Complaints from families: If a family disagrees with an action or inaction of the PHA or owner, the family must first contact their caseworker. If a complaint is not resolved, it will be referred to a Supervisor.

Complaints from owners: If an owner disagrees with an action or inaction of the PHA or a family, the owner must also contact the assigned caseworker. If the complaint is not resolved, it should also be referred to a supervisor.

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to their assigned supervisor.

Complaints from the general public: Complaints or referrals from persons in the community in regard to the PHA, a family or an owner will be referred to an assigned supervisor.

Informal Review Procedures For Applicants [24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible;
- The procedure for requesting a review if the applicant does not agree with the decision; and,
- The time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision to deny was based.

The PHA must provide applicants with the opportunity for an informal review of decisions denying the following actions:

- Listing on or removal from the waiting list;
- Issuance of a voucher;
- Participation in the program; and,
- Assistance under portability procedures.

Informal reviews are not required and will not be provided for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- A determination of the family unit size under the PHA subsidy standards
- Refusal to extend or suspend a voucher
- A PHA determination not to grant approval of the tenancy
- Determination that unit is not in compliance with HQS
- Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an informal review must be received in writing by the close of the business day, no later than 10 days from the date of the PHA's notification of denial of assistance. The informal review will be scheduled within 15 days from the date the request is received.

The person who made or approved the decision under review, nor a subordinate of such person can conduct the informal review. All reviews will be conducted by a departmental supervisor other than the person who rendered the original decision.

In order to expedite the review and provide improved service to customers, HAMC will encourage the review to be conducted by telephone if acceptable to the applicant. The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

A notice of the review findings will be provided in writing to the applicant within 10 days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

Informal Hearing Procedures [24 CFR 982.555(a-f), 982.54(d)(13)]

Hearings are only available to program participants. Participants are households in which a HAP contract has been executed. Prior to execution of the HAP contract, all households are considered applicants and are only entitled to a review as described above.

Hearing procedures will be provided to families in the briefing packet at the time of issuance of the voucher.

HAMC will provide participants with prompt notice of determinations, which will include:

- The proposed action or decision of the PHA;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the PHA's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.

When terminating assistance for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the tenant/participant with a copy of the criminal record upon which the decision to terminate was based

HAMC will provide participants with the opportunity for an informal hearing for decisions related to any of the following determinations. The opportunity for an informal hearing will be provided before termination of assistance.

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment;
- Determination to terminate assistance for any reason.

Informal hearings are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination not to approve a unit or lease

- A PHA determination that an assisted unit is not in compliance with HQS (PHA must provide hearing for family breach of HQS because that is a family obligation determination)
- A PHA determination that the unit is not in accordance with HQS because of the family size
- A PHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract
-

Notification of Hearing

It is HAMC's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the PHA will ensure that participants will receive all of the protections and rights afforded by the law and the regulations.

When the PHA receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

- The date and time of the hearing;
- The location where the hearing will be held;
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense;
- The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing.
- A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing.

Requests for documents or evidence must be received by with party no later than 15 days before the scheduled hearing date.

Hearing Procedures

After a hearing date is confirmed, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family. If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the PHA within 24 hours, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the PHA's determination;
- Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the Hearing Officer;

- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue of the hearing;
- Request that PHA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or designated representatives at their own expense.

If the family requests copies of documents relevant to the hearing, the PHA will make the copies for the family and assess a charge of \$.25 per copy. In no case will the family be allowed to remove the file from the PHA's office.

In addition to other rights contained in this Chapter, the PHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person.

The PHA may appoint hearing officers who are managers from other departments in the government of the jurisdiction or are professional mediators or arbitrators, employed by the Bar Association or a mediation, dispute resolution, or arbitration service.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the PHA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the hearing findings shall be provided in writing to the PHA and the family within 10 days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed;
- The date the decision goes into effect.

The PHA is not bound by hearing decisions:

- Which concern matters in which the PHA is not required to provide an opportunity for a hearing
- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer's determination within 10 days. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

Provisions For "Restrictions On Assistance To Non-Citizens" [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending but assistance to an applicant may be delayed pending the PHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral
- Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status shall be handled as follows:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

Mitigating Circumstances For Individuals With Disabilities [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process. Such circumstances shall be considered when making the final determination of the review or hearing.

SECTION 19

SPECIAL HOUSING TYPES

General [24 CFR 982.601]

HAMC will permit the use of all types of special housing arrangements in the Housing Choice Voucher Program. Special housing arrangements include such housing alternatives as shared housing, congregate housing, assisted living, cooperative housing and other housing choices that meet the needs of program participants. Families may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

HAMC will not set aside any program funding from the Housing Choice Voucher Program for use in special housing types. However, HAMC will administer any vouchers it may receive from HUD as the result of a national set aside for special program types.

Single Room Occupancy [24 CFR 982.602]

Single room occupancy (SRO) refers to a housing unit that generally lacks a kitchen and may have a shared bathroom. A single person may use a Housing Choice Voucher to reside in an SRO housing unit.

A separate lease and housing assistance payment contract will be executed for each assisted person residing in an SRO. The payment standard used for an SRO unit is 75 percent of the zero bedroom payment standard as determined annually by HAMC. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance. The PHA will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR 982.605.

Congregate Housing [24 CFR 982.606]

Congregate housing normally refers to a housing unit located in a home or building that shares a central kitchen facility. The facility may have shared bathrooms or may offer individual bathroom facilities for each living unit. A warm up kitchen with a small counter and microwave may also be included in the unit.

An elderly person or a person with disabilities may use their Housing voucher to reside in a congregate housing unit. The PHA may also approve a family member or live-in aide to reside with the elderly person or person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

A separate lease and HAP contract will be executed for each assisted family residing in a congregate housing unit. Unless there is a live-in aide, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the PHA payment standard schedule. However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

Group Homes [24 CFR 982.610, 982.612]

A group home is defined as a facility that is licensed, certified, or otherwise approved in writing by the State, or the State's licensing department for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities. It is more common to see group homes used for persons with disabilities than for elderly persons.

An elderly person or a person with disabilities may use their Housing Voucher to reside in a State approved group home. If approved by the PHA, a live-in aide may reside with a person with disabilities. The PHA 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. However, HAMC will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities. No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in Aide.

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

Unless there is a live-in aide, the family unit size will be determined as a zero bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size (total number of bedrooms in the group home).

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size. The PHA will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

Shared Housing [24 CFR 982.615]

Shared housing is a single housing unit occupied by more than one household. The unit normally consists of both common space for shared use by both households and separate private space (sleeping and bathing quarters) for each household. An assisted family may use their Housing Voucher to reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The PHA may approve a live-in aide to reside with a family in order to care for a person with a disability. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit.

The owner of a shared housing unit may also reside in the unit. A resident owner may enter into a HAP contract with the PHA. However, housing assistance may not be paid on behalf of an owner. The PHA will not approve assistance for a person or family that is related by blood or marriage to a resident owner. There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit. The PHA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

Cooperative Housing [24 CFR 982.619]

A cooperative refers to a type of housing in which an individual has an ownership interest, normally shares or a percentage, in the overall property. Co'ops are always designated on the ownership documents as cooperative housing and the PHA will confirm that a property is so designated prior to processing a voucher under this housing arrangement.

The PHA will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families. The PHA will not approve assistance for a family in cooperative housing until the PHA has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperative's debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any tenant paid utility.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Housing Choice Voucher limitations on rent to owner. The payment standard is applied in accordance with standard procedures for applicability of payment standards described earlier in this plan. Utility allowances are also applied in accordance with standard procedures.

The PHA will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in the "Housing Quality Standards and Inspections" chapter, and regulated by 24 CFR 982.401.

Manufactured Homes [24 CFR 982.620]

A manufactured home is a structure that is built on a permanent chassis, is designed for use as a principal residence but is movable, is not anchored to a foundation but does have tie downs. The PHA will permit a family to lease a manufactured home and space with assistance under the program. The PHA will also provide assistance for a family that owns the manufactured home and leases only the space.

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:

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

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space. Rent to owner does not include the cost of utilities and trash collection for the manufactured home.

However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the PHA. The PHA will not approve a lease for a manufactured home space until the PHA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the PHA will re-determine that the rent is reasonable.

The PHA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The PHA will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the PHA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the PHA, the owner must provide the PHA information on rents for other manufactured home space.

The FMR for a manufactured home space will be determined by HUD and published annually. The initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space. The FMR for rental of a manufactured home space is generally 40 percent of the published FMR for a two-bedroom unit.

During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

- The payment standard minus the total tenant payment; or
- The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the PHA:

- Rent to owner for the manufactured home space;
- Owner maintenance and management charges for the space;
- The utility allowance for tenant paid utilities.

The PHA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place. Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

SECTION 20 PROGRAM INTEGRITY

General [24 CFR 792.101 to 792.204, 982.54]

The US Department of Housing and Urban Development conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

HAMC is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained. The PHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously. This chapter outlines HAMC's policies for the prevention, detection and investigation of program abuse and fraud.

Criteria For Investigation Of Suspected Abuse And Fraud

Under no circumstances will the PHA undertake an inquiry or an audit of a participating family arbitrarily. The PHA's expectation is that participating families will comply with HUD requirements, provisions of the voucher, and other program rules. The PHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the PHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the PHA's attention, to investigate such claims.

The PHA will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips. The PHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.

Internal File Review. A follow-up will be made if PHA staff discovers (as a function of a certification or recertification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the PHA's knowledge of the family, or is discrepant with statements made by the family.

Verification of Documentation. A follow-up will be made if the PHA receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

Steps To Prevent Program Abuse And Fraud

The PHA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

Program Orientation Session. Mandatory orientation sessions will be conducted by the PHA staff for all prospective program participants, either prior to or upon issuance of a voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.

Resident Counseling. The PHA will routinely provide participant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and explanation of Forms. Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.

Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse

Participant Certification. All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.

The PHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews. Prior to initial certification, and at the completion of all subsequent re-certifications, 100% of participant files will be reviewed by a Quality Control Specialist. Such reviews shall include, but are not limited to:

- Assurance that verification of all income and deductions is present.
- Changes in reported Social Security Numbers or dates of birth.
- Authenticity of file documents.
- Ratio between reported income and expenditures.
- Review of signatures for consistency with previously signed file documents.
- All forms are correctly dated and signed.

Observation. The PHA Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

Public Record Bulletins may be reviewed by Management and Staff.

State Wage Data Record Keepers. Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits

Credit Bureau Inquiries. Credit Bureau inquiries may be made (with proper authorization by the participant) in the following circumstances:

- At the time of final eligibility determination
- When an allegation is received by the PHA wherein unreported income sources are disclosed.
- When a participant's expenditures exceed his/her reported income, and no plausible explanation is given.

Handling Of Allegations Of Possible Abuse And Fraud

The PHA staff will encourage all participating families to report suspected abuse to their assigned caseworker. The caseworker will be responsible for conducting a preliminary review of allegations to determine their validity. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file.

All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. HAMC will not follow up on allegations which are vague or otherwise non-specific. Caseworkers will be responsible for referring cases to their assigned supervisor if it is determined to be a valid allegation and supervisors will be responsible for following up or referring the case to HAMC's Quality Control Section. They will only review allegations, which contain one or more independently verifiable facts.

File Review. An internal file review will be conducted to determine: If the subject of the allegation is a client of the PHA and, if so, to determine whether or not the information reported has been previously disclosed by the family. It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Director of Housing will initiate an investigation to determine if the allegation is true or false.

Overpayments To Owners

If a landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, HAMC may terminate the Contract and will make every effort to recover any overpayments. Payments otherwise due to the owner may be deducted from other contracts in order to repay the PHA or the tenant, as applicable.

Investigation of Allegations Of Abuse And Fraud

If the PHA determines that an allegation is referred to the HAMC Quality Control Section, or a person designated to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the PHA will secure the written authorization from the program participant for the release of information.

- Credit Bureau Inquiries. In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.
- Verification of Credit. In cases where the financial activity conflicts with file data, a *Verification of Credit* form may be mailed to the creditor in order to determine the unreported income source.
- Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.
- Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the PHA's review.
- Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.
- Public Records. If relevant, the PHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.
- Interviews with Head of Household or Family Members. The PHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate PHA office. The PHA staff person who conducts such interviews will maintain a high standard of courtesy and professionalism. Under no circumstances will management tolerate inflammatory language, accusation, or any unprofessional conduct or language. If possible, an additional staff person will attend such interviews.

Documents, Evidence And Statements Obtained By The PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among PHA Staff unless they are involved in the process, or have information, which may assist in the investigation.

Conclusion Of The Investigative Review

At the conclusion of the investigative review, the reviewer will report the findings to the Housing Choice Voucher Program Director. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

Evaluation Of The Findings

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

- The type of violation (procedural, non-compliance, fraud);
- Whether the violation was intentional or unintentional.
- What amount of money (if any) is owed by the family.
- If the family is eligible for continued occupancy.

Action Procedures For Violations Which Have Been Documented

Once a program violation has been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

- 1. Procedural Non-compliance.** This category applies when the family "fails to" observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.
 - (a) Warning Notice to the Family.** In such cases a notice will be sent to the family, which contains the following:
 - A description of the non-compliance and the procedure, policy or obligation which was violated;
 - The date by which the violation must be corrected, or the procedure complied with;
 - The action which will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PH; and,
 - The consequences of repeated (similar) violations.
- 2. Procedural Non-compliance - Overpaid Assistance.** When the family owes money to the PHA for failure to report changes in income or assets, the PHA will issue a Notification of Overpayment of Assistance. This Notice will contain the following:
 - A description of the violation and the date(s);
 - Any amounts owed to the PHA;

- A ten day response period; and,
- The right to disagree and to request an informal hearing with instructions for the request of such hearing.

Participant Fails to Comply with PHA's Notice. If the Participant fails to comply with the PHA's notice, and a family obligation has been violated, the PHA will initiate termination of assistance.

Participant Complies with PHA's Notice. When a family complies with the PHA's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule which was violated. The staff person will complete a Participant Counseling Report, give one copy to the family and retain a copy in the family's file.

3. Intentional Misrepresentations. When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the PHA, the PHA will evaluate whether or not: the participant had knowledge that his/her actions were wrong, and the participant willfully violated the family obligations or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrong-doing.

The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- An admission by the participant of the misrepresentation.
- That the act was done repeatedly.
- If a false name or Social Security Number was used.
- If there were admissions to others of the illegal action or omission.
- That the participant omitted material facts which were known to him/her (e.g., employment of self or other household member).
- That the participant falsified, forged or altered documents.
- That the participant uttered and certified to statements at an interim (re)determination which were later independently verified to be false.

4. Dispositions of Cases Involving Misrepresentations. In all cases of misrepresentations involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

- Criminal Prosecution: If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will notify HUD's RIGI, and terminate rental assistance.

- (b) Administrative Remedies: The PHA will terminate assistance and execute an administrative repayment agreement in accordance with the PHA's Repayment Policy.

5. The Case Conference for Serious Violations and Misrepresentations. When the PHA has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the PHA. The purpose of such conference is to review the information and evidence obtained by the PHA with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. Any documents or mitigating circumstances presented by the family will be taken into consideration by the PHA. The family will be given 10 days to furnish any mitigating evidence.

A secondary purpose of the Participant Conference is to assist the PHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the PHA will consider:

- The duration of the violation and number of false statements.
- The family's ability to understand the rules.
- The family's willingness to cooperate, and to accept responsibility for his/her actions
- The amount of money involved.
- The family's past history
- Whether or not criminal intent has been established.
- The number of false statements.

6. Notification to Participant of Proposed Action. The PHA will notify the family of the proposed action no later than 15 days after the case conference by certified mail.

SECTION 21
SECTION 8 MANAGEMENT ASSESSMENT PROGRAM

General

The U. S. Department of Housing and Urban Development implemented the Section 8 Management Assessment Program (SEMAP) on October 13, 1998 to serve as a management tool for objectively measuring program compliance, identifying management capabilities and deficiencies, as well as improving risk assessment for potential program problems. SEMAP also provides local housing agencies with a structured self-assessment system for evaluating the tenant-based rental assistance programs.

Performance Indicators

The following performance indicators have been established to help meet HUD’s overall goal of getting the right Housing Choice Voucher families in the right units at the right cost. Effective delivery of rental assistance and family-self-sufficiency goals is also measured. The individual indicators and their assigned points are presented below.

Performance Indicator	Total Possible Points
1. Selection from the Waiting List	15
2. Rent Reasonableness	20
3. Adjusted Income	20
4. Utility Allowance	5
5. HQS Quality Control	5
6. HQS Enforcement	10
7. Expanding Housing Opportunity	5
8. Payment Standards	5
9. Annual Reexaminations	10
10. Tenant Rent Calculations	5
11. PreContract HQS Inspections	5
12. Annual Inspections	10
13. Lease-Up	20
14. FSS Escrowing and % of Families with Escrow Accounts	5 5
15. Deconcentration Bonus	5
TOTAL POSSIBLE POINTS	150

High Performer: 90+% Standard Performer: 61-89%
Troubled: <=60%

Certification Period

HAMC is required to submit a certification to HUD by August 29th of each year for the period from July 1st through June 30th (HAMC's fiscal year).

The SEMAP Certification Process

The certification for each of the performance indicators is supported by documentation from the following sources:

- ◆ Family files and MIS (HAB) computer records
- ◆ Multi-Family Tenant Characteristic System (MTCS)
- ◆ Management files, marketing materials, studies, and surveys.

Family Files and HAB Computer Records

A random sample of family files and HAB Computer Records along with management files, marketing materials, studies and surveys were reviewed to support the following SEMAP indicators:

- ◆ Indicator 1: Selection from the Waiting List
- ◆ Indicator 2: Rent Reasonableness
- ◆ Indicator 3: Adjusted Income
- ◆ Indicator 4: Utility Allowance Schedule
- ◆ Indicator 5: HQS Quality Control
- ◆ Indicator 6: HQS Enforcement
- ◆ Indicator 7: Expanding Housing Opportunities
- ◆ Indicator 8: Payment Standards
- ◆ Indicator 15: De-concentration (Bonus)

MTCS Data

The Multi-Tenant Characteristic System (MTCS) is a computerized tracking and monitoring system used by HUD to track family data in both the Housing Choice Voucher and public housing programs. Family information is electronically submitted to MTCS upon completion of a HUD 50058 Family Report.

The following SEMAP indicators are evaluated based on information from the MTCS database.

- ◆ Indicator 9: Annual Reexaminations
- ◆ Indicator 10: Tenant Rent Calculations
- ◆ Indicator 11: Pre-Contract HQS
- ◆ Indicator 12: Annual Inspections

- ◆ Indicator 13: Lease-Up
- ◆ Indicator 14: FSS Enrollment and Escrow Account

Summary by Indicator

Indicator 1: Selection from the Waiting List

The purpose of this indicator is to determine whether the local housing agency has written admission policies in its Administrative Plan and to confirm whether the agency follows their admission policies when selecting applicants from the waiting list. The Administrative Plan must be formally adopted by the Housing Authority and must be submitted to HUD.

Verification Process

HUD will rate this indicator on the SEMAP certification. An agency can earn either all or none of the 15 points for this indicator. To earn all 15 points, the review must confirm that the agency has written admissions policies in its Administrative Plan and at least 98% of the families in the sample were selected from the waiting list in accordance with these policies and met the selection criteria that determined their places on the waiting list and their order of selection.

Indicator 2: Rent Reasonableness

The purpose of this indicator is to determine whether the housing agency has implemented a written, reasonable method for determining and documenting the rent charged for each unit leased. The method used must ensure that the rent charged is reasonable based on current rents for comparable unassisted units at the time of initial leasing; when there is any increase in the rent to owner; and at the HAP contract anniversary if there is a 5 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary.

Verification Process

This indicator will be rated by HUD on the PHA's SEMAP certification. An agency can earn a maximum of 20 points for this indicator if the review confirms that:

- ◆ The PHA has a reasonable method it follows to determine reasonable rent which considers location, size, type, quality, and age of the units, and the amenities, housing services, and maintenance and utilities provided by the owner; and
- ◆ A random sample of tenant files demonstrates that the rent reasonable system was used and documented in 98% of the files sampled for initial lease-up, any rent increase to owner, and if there is a 5% decrease in the published FMR in effect 60 days prior to the HAP contract anniversary.

Fifteen points can be earned if the review confirms that the above criterion is met in 80-97% of the units sampled for the review. Zero points are earned if the rent reasonableness method is used and documented in less than 80% of the random sample files that are reviewed.

Indicator 3: Adjusted Income

The purpose of this indicator is to determine whether the housing agency has verified and correctly determined adjusted annual income for each assisted family at the time of admission; and at annual reexamination.

Verification Process

This indicator will be rated by HUD on the SEMAP certification. An agency can earn a maximum of 20 points for this indicator if the review confirms that based on a random sample in at least 90% of the families:

- ◆ The HA obtains 3rd party verification of reported family income, the value of assets totaling more than \$5000, expenses related to deductions from annual income and other factors that affect the determination of adjusted income, and/or the HA documents in tenant files why third party verification was not available;
- ◆ The HA properly attributes and calculates allowances for any medical, child care, and/or disability assistance expenses;**and**
- ◆ The PHA uses the appropriate utility allowance to determine gross rent for the unit leased.

Fifteen points can be earned if the review confirms that the above criteria are met in 80-89% of the files sampled for the review. Zero points are earned if adjusted income determinations are correct and properly documented in less than 80% of the random sample files reviewed.

Indicator #4 – Utility Allowance Schedule

The objective of this indicator is to determine whether the PHA maintains an up-to-date utility allowance schedule in accordance with HUD program regulations, (24 CFR 982.517.)

Verification Process

This indicator will be rated by HUD on the SEMAP certification. An agency can earn a maximum of 5 points for this indicator if the review confirms that the PHA reviewed utility rate data within the last 12 months, and adjusted its utility allowance schedule if there has been a change of 10 percent or more in a utility rate since the last time the utility allowance schedule was revised.

Indicator #5 – HQS Quality Control Inspections

The purpose of this indicator is to determine whether a PHA supervisor or other qualified person re-inspects a sample of the units under contract during the last completed PHA fiscal year. The quality control inspection process tests consistency in adherence to the Housing Quality Standards and also helps to determine if inspectors require additional training.

Verification Process

This indicator will be rated by HUD on the PHA's SEMAP certification. An agency can earn a maximum of 5 points for this indicator, if the review confirms that:

- ◆ A sample of assisted units were quality control inspected based on the sample size required for the number of units under contract.
- ◆ The sample represents units recently inspected (HQS inspections perform during the 3 months preceding the quality control inspection)
- ◆ The sample represents cross-section of inspectors and neighborhoods

Indicator #6 – HQS Enforcement

The purpose of this indicator is to test the Housing Authority's ability to insure that life-threatening HQS deficiencies are corrected within 24 hours from the date of inspection and that all other HQS deficiencies are corrected within no more than 30 calendar days from the date of the inspection or any HA-approved extension. The indicator also tests whether the Authority has appropriately abated the rent to owner no later than the first of the month following the specified correction period, and if not corrected termination of the HAP contract. This indicator also measures the response of the HA for family caused defects, and whether or not the Authority takes prompt and vigorous action to enforce the family obligations.

Verification Process

This indicator will be rated by HUD on the HA's SEMAP certification. An agency can earn a maximum of 10 points for this indicator if the review confirms that based on a random sample:

- ◆ 100% of life threatening emergencies were completed within 24 hours;
- ◆ 98% of all other cited HQS deficiencies were corrected within no more than 30 days or any HA approved extension;
- ◆ If deficiencies were not corrected within required time frame, the HAP payment was abated no later than the first of the month following the correction period or the HAP contract was terminated or for family-caused defects took prompt and vigorous action to enforce the family obligations.

Indicator #7 – Expanding Housing Opportunities

The purpose of this indicator is to determine whether the housing agency has adopted and implemented a written policy to encourage participation by owners with units located outside areas of poverty or minority concentration; informs rental voucher and certificate holders of the full range of areas where they may lease units both inside and outside of the PHA's jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find

units, including units outside areas of poverty or minority concentration.

Verification Process

This indicator will be rated by HUD on the HA's SEMAP certification. An agency can earn a maximum of 5 points for this indicator if the review confirms that:

- ◆ The HA has a written policy to encourage participation by owners of units outside areas of poverty or minority concentration; the HA clearly delineates areas in its jurisdiction that the HA considers areas of poverty or minority concentration, and which includes actions the HA will take to encourage owner participation.
- ◆ The HA encouraged participation by owners outside areas of poverty and minority participation.
- ◆ The HA has prepared maps that show various areas, both within and outside of its jurisdiction.
- ◆ The HA's information packet for certificate and voucher holders contains either a list of owners who are willing to lease, or properties available for lease, under the rental voucher or certificate programs, or a list of other organizations that will help families find units and the list includes properties or organizations that operate outside areas of poverty or minority concentration
- ◆ The HA's information packet includes an explanation of how portability works and includes a list of neighboring HA with the name, address and telephone number of a portability contact person at each.
- ◆ PHA has analyzed whether rental voucher and certificate holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, if such difficulties have been found, PHA documentation shows that the PHA has analyzed whether it is appropriate to seek approval of area exception rents in any part of its jurisdiction and has sought HUD approval of exception rents when necessary.

Indicator #8 – Payment Standards

The purpose of this indicator is to determine whether the housing agency has verified and correctly determined adjusted annual income for each assisted family at the time of admission; and annual reexamination.

Verification Process

This indicator will be verified by HUD through the use of payment standard information submitted to HUD on the SEMAP certification form and MTCS gross rents and FMR data. An agency can earn a maximum of 5 points for this indicator if:

- ◆ At least 98% of the families newly leased in the certificate program, excluding over-FMR families, have initial gross rents at or below the applicable FMR or approved exception rent limit, and
- ◆ That the PHA has adopted payments standards which do not exceed the applicable FMR or approved exception rent limit and which are not less than 80% of the current FMR, unless approved by HUD.

Zero points are earned if the random sample demonstrates that more than 2% of the files sample have gross rents that exceed the applicable FMR, or HUD-approved exception rent limits, or the HA's rental voucher program payment.

Indicator #9 – Annual Re-Certifications

The purpose of this indicator is to determine whether the housing agency completes an annual re-examination for each participating family at least every 12 months.

Verification Process

This indicator will be verified by MTCS reports showing the percent of reexaminations that are more than 2 months overdue. An agency can earn a maximum of 10 points for this indicator if the MTCS report confirms that fewer than 5% of all PHA reexaminations are more than 2 months overdue. Five points can be earned if the report confirms that 5 to 10% of all PHA reexaminations are more than 2 months overdue. Zero points are earned if more than 10% of all PHA reexaminations are more than 2 months overdue.

Indicator #10 – Correct Tenant Rent Calculations

The purpose of this indicator is to determine whether the housing agency correctly calculates tenant rent in the rental certificate program, and the family's share of the rent to owner in the rental voucher program.

Verification Process

This indicator will be verified by MTCS reports. The reports will demonstrate the percent of tenant rent and family's share of the rent to owner calculations that are incorrect based on data sent to HUD on the HUD-50058 form.

An agency can earn a maximum of 5 points for this indicator if the MTCS report confirms that 2% or fewer of all PHA tenant rent and family's share of rent to owner calculations are incorrect. Zero points will be awarded if more than 2% of all PHA tenant rent and family's share of rent to owner calculations are incorrect.

Indicator #11 – Pre-contract HQS Inspections

The purpose of this indicator is to determine whether newly leased units passed HQS inspection on or before the beginning date of the assisted lease and HAP contract.

Verification Process

This indicator will be verified by the MTCS report which shows the percent of newly leased units where the beginning date of the assistance contract is before the date the unit passed HQS inspection.

If 98 to 99 percent of newly leased units passed HQS inspection before the beginning of the HAP contract, the PHA will receive 5 points. If fewer than 98% passed inspection prior to execution of the contract, the PHA will receive 0 points.

Indicator #12 – Annual HQS Inspections

The purpose of this indicator is to determine whether the housing agency inspects each unit under contract at least annually.

This indicator will be verified by the MTCS report, which shows the percent of HQS inspections that are more than 2 months passed due. It should be noted that the 2-month allowance is provided to accommodate a possible lag in the housing agency's electronic submission and not in the completion of the inspection.

Verification Process

This indicator will be verified by the MTCS report, which shows the percent of HQS inspections that are more than 2 months passed due. It should be noted that the 2-month allowance is provided to accommodate a possible lag in the housing agency's electronic submission and not in the completion of the inspection. The PHA will receive 10 points if fewer than 5% of the annual inspections are more than two months late, 5 points if 5% to 10% are more than two months late and, 0 points if more than 10% of annual inspections are more than two months late.

Indicator #13 – Lease-Up

The purpose of this indicator is to determine whether the housing agency entered into HAP contracts for the number of units under budget for the last fiscal year.

Verification Process

This indicator will be verified by the percent of units leased during the last completed HA fiscal year as determined by taking unit-months under HAP contract as shown on the HA's latest approved year-end operating statement, dividing that result by 12, and then dividing that result by the number of units budgeted as shown on the PHA's approved budget for the same fiscal year.

An agency can earn a maximum of 20 points for this indicator if the percent of units leased during the last fiscal year was 98% or more. Fifteen points will be awarded if 95-98% of the units were leased during the last fiscal year. Zero points will be awarded if less than 95% of the units were leased during the last fiscal year.

Indicator #14 – Family Self-Sufficiency

The purpose of this indicator is to determine whether the PHA has enrolled families in the FSS program as required, and the extent of the PHA's progress in supporting FSS by measuring the

percent of current FSS participants with FSS progress reports entered in MTCS that have had increases in earned income which resulted in escrow account balances.

Verification Process

HUD will verify this indicator through the MTCS report that shows the number of families currently enrolled in FSS. This number is divided by the number of mandatory FSS slots based on funding reserved for the PHA through the second to last completed Federal Fiscal Year, or based on a reduced number of mandatory slots under a HUD-approved exception. An MTCS report also shows the percent of FSS families with FSS progress reports who have escrow account balances. HUD also uses information reported on the SEMAP certification by initial PHA's concerning FSS families enrolled in their FSS programs but who have moved.

Indicator #15 – Deconcentration

The purpose of this indicator is to determine what percentage of Housing Choice Voucher families with children who live in and who have moved during the reporting period, moved to low-poverty census tracts in the PHA's principal operating area.

Verification Process

This indicator will be verified by the PHA data submitted for the de-concentration bonus and the latest independent auditor annual audit report.

Required Action Plan

An operational improvement plan is required for any PHA deemed substandard under the Section 8 Management Assessment Program. Upon HUD's confirmation of a substandard score the PHA must prepare a detailed action plan identifying the tasks necessary to improve each failed indicator. HUD may also require an action plan for any individual indicator that does not reach a passing score even if the overall rating of the PHA is standard.

SECTION 22

PROJECT BASED ASSISTANCE PLAN

General

The Housing Authority of Maricopa County will provide Project Based Housing Choice Voucher Vouchers in accordance with the provisions set forth in CFR Part 983 and the guidance notice issued by the U. S. Department of Housing and Urban Development on January 16, 2001, the plan set forth herein and any future notices issued by HUD.

Program Set-Aside

The number of project based units that will be made available for the PBA Program will be equal to 20% of the total funding available under the Annual Contributions Contract (ACC) for tenant based assistance (Housing Choice Voucher funding), equivalent to 20% of the baseline units established by HUD.

Up to 20% of any new funding increments may also be designated for project-based assistance provided that the funding is not designated for any other special purpose under the Housing Choice Voucher Program.

Agency Plan

Prior to entering into a Housing Assistance Payments Contract for Project Based Assistance, HAMC will determine that said contract is consistent with the Annual Agency Plan. Consistency with the Plan will be determined through the existence of circumstances indicating that project-basing of Housing Choice Voucher assistance, rather than tenant-basing of the same amount of assistance, is an appropriate option and is consistent with the requirements of “deconcentrating poverty and expanding housing and economic opportunities”.

To assure consistency with deconcentration of poverty all new project based assistance agreements or Housing Assistance Payments contracts must be for units located in census tracts with poverty rates of less than 20%, unless HAMC secures an exception from the HUD.

Eligible Housing Units

HAMC will provide project based assistance for new construction, rehabilitation and existing housing based on the criteria established further in this plan.

A housing unit will be considered an existing unit for purposes of the project-based voucher program, if, at the time of selection of the project, the unit requires a maximum expenditure of less than \$1,000 per assisted unit to comply with the Federal Housing Quality Standards (HQS). A housing unit will be considered a rehabilitation unit if the unit requires a minimum of more than \$1,000 per assisted unit to comply with HQS.

All proposed sites for rehabilitation and new construction must meet the site and neighborhood standards as defined in 24CFR 983.6. Ineligible properties include the following:

- Housing for which the construction or rehabilitation is started before execution of the PBA agreement;
- Shared housing, nursing homes, and facilities providing continual psychiatric, medical, nursing services, board and care, or intermediate care;
- Properties within the grounds of penal, reformatory, medical, mental and similar public or private institutions;
- Properties located in the Coastal Barrier Resources;
- Properties located in areas having special flood hazards unless, it is located in an area participating in the National Flood Insurance Program.

Other federal requirements to determine eligibility of units include the following: prohibition from using PBA in units with other assistance under the U.S. Housing Act of 1937 within five years prior to PBA; minimizing displacement as defined in 24CFR983.10; Equal Opportunity and environmental requirements defined in 24CFR983.11 and Uniform Federal Accessibility Standards (UFAS) as defined in 24 CFR Section 8.23,

Income Mix

No more than 25% of the total units in a multi-family development may receive project-based assistance unless the assisted units are made available to elderly or disabled families.

This provision only applies to units assisted with project-based vouchers; there is no limitation on the income of other tenants in a PBA project or on households with tenant-based voucher assistance.

Notification of Program Availability

HAMC will accept applications for the PBA program on an annual basis until such time that the full program set-aside has been placed under HAP contract.

The availability of project-based assistance will be advertised in a newspaper of general circulation once a week for three consecutive weeks. In addition, HAMC will conduct an owner's workshop to advise all interested parties of the program advantages, proposal requirements, evaluation criteria, tenant selection requirements and other general program requirements.

The following items will be included in the program advertisement:

- The deadline for submission of applications (not less than 60 days from the date of the announcement of availability).
- The total estimated number of units to be selected for assistance.
- The proposal evaluation criteria and timelines for selection of units.

Owner Application Requirements

Property owners responding to the notification of PBA funding must submit an application in the form prescribed by HAMC. The application must contain at a minimum the following information:

- A description of the housing including the number of units by size, bedroom count, bathroom count, sketches of the proposed new construction or rehabilitation, unit plans and estimated date of construction, if applicable. Amenities and other services should also be included in this description.
- Evidence of site control and for new construction, identification and description of the proposed site, site plan and neighborhood.
- Evidence of current zoning or evidence to indicate that rezoning is likely and will not delay the project.
- The proposed contract rent for the project including which utilities are included and for those utilities not included an estimate of average monthly costs for the first year of occupancy.
- A statement identifying all information related to displacement and relocation and identification of the responsible party that will carry out the relocation.
- Identification of the owner and other project principals, investors and other parties that have a substantial interest in the project and information on the qualifications and experience of the principal participants.
- A management and maintenance plan for the project.
- Evidence of financing to support the project.
- Other relevant information as determined by HAMC.

Program Selection Criteria

In addition to the criteria identified above under eligible units, the following threshold criteria must be met for an application to be considered for selection for the PBA program.

- The proposed project must not permanently displace any current tenants. Tenants may be temporarily relocated if necessary during rehabilitation of the unit at the expense of the owner.
- Rental levels must not exceed 110% of the Fair Market Rent or any approved exception payment standard and must be reasonable in relation to rents charged in the private market for unassisted comparable units.

- If a unit has been allocated a low income housing tax credit (IRS Code 42) but is not located in a qualified census tract, as defined in the law, the rent levels may be set at any level that is comparable with unassisted market rate units.

Following are the review criteria with associated point values that will be used by HAMC in the evaluation process of proposals received under the PBA program. There is no minimum passing score, nor a specific maximum score. Projects will be ranked by score and the highest ranked projects will undergo further review by HAMC. The selected projects must comply with all requirements set forth in this plan and all application HUD regulations.

Evaluation Criteria	Points
The proposed housing serves a target population in order of priority: developmentally disabled; other disabled; elderly; and large families.	20
The proposal preserves and rehabilitates historic properties or develops new affordable housing through new construction.	20
The proposal submitted demonstrates a thorough, in-depth, well-planned project meeting all federal requirements and other eligibility criteria.	20
The applicant’s qualifications are appropriate for the project under consideration and firm financial commitments are adequately documented.	20
Rental subsidy is necessary for the viability of the project, management of the project is consistent with Housing Choice Voucher requirements and the degree to which supportive services will be provided to the project.	20
TOTAL MAXIMUM POINTS	100

Prior to selecting the units for project based assistance, HAMC will make a determination that the application is responsive and in compliance with all selection criteria and is otherwise in compliance with HUD program regulations and requirements.

Establishment of Initial Rents

The Housing Authority will contract with a State certified general appraiser and establish the rents in accordance with the provisions outlined above or seek approval of proposed rents from HUD for any HAMC owned units or HUD insured or co-insured mortgage.

Rehabilitation Work and New Construction Requirements

The owner will be required to prepare work write ups, construction specifications and plans upon request as determined appropriate by HAMC for rehabilitation and new construction projects. In addition, new construction projects require certification by a design architect that the proposed new construction reflected in the working drawings and specifications complies with housing quality standards, local codes and ordinances and zoning requirements.

The owner is responsible for selecting a responsible contractor for rehabilitation and new construction and said contractor must provide HAMC with a non-debarment certification.

An agreement to enter in a Housing Assistance Payments (AHAP) Contract will be executed upon satisfactory completion of all requirements identified above. Upon execution of the AHAP, the construction period shall commence. The construction period shall be determined in accordance with the approved application and entered into the AHAP agreement. HAMC will perform regular inspections during the construction period.

Upon completion of construction, the owner must provide HAMC with a certificate of occupancy and an owner certification pursuant to 24CFR983.104. HAMC will perform a final inspection prior to acceptance of the units and notify the owner of any deficiencies that may exist. The owner will be allotted a time extension if warranted or HAMC may reject any units that do not meet program requirements. If deficiencies are not cured in the agreed upon time or the owner fails to complete the work within the timeframe identified in the AHAP agreement, HAMC may adjust the number of units to be placed under contract or not proceed with execution the HAP agreement.

Housing Assistance Payments Contract

Upon acceptance of the units by HAMC, a Housing Assistance Payments contract for Project Based Assistance for the Housing Choice Voucher Program will be executed in the format prescribed by HUD (52530-A).

HAMC will execute all PBA HAP contracts for a period of 10 years, subject to future availability of funding under the ACC with HUD. In addition, the HAP contract will permit two extensions for a period of five years each, based on a determination by HAMC that an extension is necessary to achieve long term affordability of the housing.

The HAP contract will provide for annual review of the rental amounts. Adjustments of rents will be subject to the annual adjustment factor provided that the rents charged for the PBA units are comparable to unassisted units in the rental market.

Special rent adjustments above the annual adjustment factor shall also be considered if it is determined that the rent continues to be reasonable. The owner shall be responsible for providing HAMC with market comparability data for any special rent increase that is requested.

HAMC will provide for vacancy payment under the PBA contract for up to 60 days provided that the vacancy is not the fault of the owner and the owner HAMC taken every reasonable action to minimize the likelihood and extent of vacancies.

Tenant Selection

Tenants residing in units selected for the PBA program who otherwise qualify for Housing Choice Voucher assistance will be placed on the HAMC Housing Choice Voucher waiting list. Owners may also refer applicants to the waiting list based on HAMC waiting list policies and selection criteria.

HAMC will maintain a combined waiting list for Moderate Rehabilitation and Project Based Assistance, but separate from the tenant based waiting list. Applicants will be referred to available PBA or MR units as they reach the top of the list and units are available.

Admission to PBA units is subject to HUD requirements and 75% of all new admissions on an annual basis must be at or below 30% of median income of the area. The remaining 25% shall have annual incomes between 30% and 50% of median income. An exception to this admission criteria will be made for any continuously assisted family in the Housing Choice Voucher tenant base program or the Public Housing program who wishes to locate to a PBA unit.

Owners must lease all assisted units to eligible families. Failure to do so will result in a reduction of the units under contract or other legal remedies including suspension or debarment from HUD programs.

After one year of occupancy in a PBA unit, a tenant may move. HAMC will convert PBA tenants wishing to move to Housing Choice Voucher participants by providing them with the next available voucher. Housing Assistance payments will continue on the PBA unit until the tenant vacates the PBA unit.

The owner is responsible for screening and selection of tenants in accordance with the written selection criteria approved as part of the original proposal for the PBA program. The owner must promptly notify HAMC in writing of the rejection of a family and the grounds for such decision.

If the owner rejects an applicant family who believes the rejection was unlawful discrimination, HAMC will assist the family or refer the family to the local Fair Housing Center or the HUD field office.

When a family is selected for a PBA unit, HAMC will brief the family and provide them with all required written information and documents identified in 24CFR983.203.

Ongoing Activities

HAMC shall administer the PBA program in accordance with all provisions under the Housing Choice Voucher program including issuing of monthly HAP payments, annual re-certification of household composition and income and annual inspection of all units to assure compliance with HQS.

The owner is responsible for managing the units in accordance with all requirements under the approved management plan and the Housing Assistance Payments contract. After initial occupancy, the owner must immediately notify HAMC of any vacancies. HAMC will refer a minimum of five families to the owner from its exiting waiting list.

If HAMC has not referred an adequate number of applicant families to the owner within 30 days from notification of the vacancy, the owner may advertise and solicit applications from otherwise eligible families. Upon selection of an applicant, the owner will refer the applicant to HAMC for processing and briefing.

If a determination is made that the unit does not meet HQS requirements due to overcrowding as defined in the subsidy standards in the HAMC Housing Choice Voucher program, then HAMC will issue tenant based assistance upon availability.

Other Policies

All other policies stated in the Housing Choice Voucher administrative plan related to occupancy of Housing Choice Voucher tenant-based assisted units will apply to Project Based units as appropriate.

SECTION 23 OTHER SPECIAL PROGRAMS

General

The US Department of Housing and Urban Development periodically provides funding under the Housing Choice Voucher Program for special programs. HAMC generally will apply for these programs and if successful may have a set aside of special use vouchers that will be administered in accordance with the provisions of the funding notification issued by HUD. The following is a summary description of the special programs currently administered by HAMC. Unless otherwise stated, the general administrative requirements of these programs will be the same as stated throughout this Plan.

Family Self-Sufficiency Action Plan

Goals And Objectives - The overall goal of the HAMC FSS Program is to enable families to become economically and socially independent through the coordination and delivery of existing community services. The HAMC approach to administration of an effective FSS Program requires a mixture of creativity and flexibility, in addition to accountability, for both the family and service providers.

The overall plan of the FSS Program is to achieve the following objectives:

1. Introduce FSS to all families who are eligible to participate with the understanding that the commitment to change "begins from within."
2. Implement a needs assessment to identify each family's strengths and barriers; establish interim goals that lay the foundation for the common final goals of each family joining FSS.
3. Establish interagency partnerships to achieve high quality and comprehensive service delivery to all members of a family with long term results.
4. Meet with FSS participants on a yearly basis to review goals and to assess the accountability of the families and the agencies involved.

HAMC's standards for completion of the FSS Contract of Participation include:

- to seek and maintain suitable employment.
- to become independent of welfare assistance and remain independent for 12 consecutive months before the FSS Contract expires.
- to be in good standing with no current or anticipated debt to either Housing Choice Voucher Program or the Landlord.

Family Objectives - The overall plan for the family participating in FSS is to achieve the following objectives:

1. Begin to recognize the connection between self-perceptions and self-imposed limitations. By learning that thoughts can shape and form one's life, the prescription for success is to "begin within."
2. Achieve a greater level of self-discipline, self-esteem and self-motivation by accepting responsibility for decisions and actions.
3. Demonstrate commitment and accountability to the Individual Training and Services Plan in which both goals and barriers are assessed.

Outreach Procedures - Recruiting must remain an ongoing effort. FSS is not a one time "take it or leave it" offer. The entire staff is encouraged to promote FSS during daily contact with families. Outreach procedures are objective and provide reasonable opportunity to find out about FSS.

Recruitment Of Participants - After the initial Briefing that offers FSS, the Housing Specialist will also offer FSS to every Housing Choice Voucher Program participant during his/her initial enrollment and/or recertification. Family Self-Sufficiency staff will explain the benefits of the program to each potential FSS participant who wishes to meet with FSS staff. If the participant desires to enroll in the program, he/she will meet with a Family Self-Sufficiency staff person to complete the Family Self-Sufficiency Assessment Form. An overview of the FSS Contract will be explained and completed during the face-to-face interview.

Selection Of Participants - Housing assistance shall not be delayed to an applicant for the HCVP on the basis that the applicant elects not to participate in FSS at the time it is introduced. Families will be recruited from current Housing Choice Voucher Program participants as well as from Project Based Assistance.

Eligibility For FSS - Every effort is made to promote the FSS concept to those least likely to participate as well as those already involved in FSS type activities. By using a self-select approach, the emphasis is for families to express a commitment to change by joining FSS.

Eligibility Factors

1. Families (including individuals) who qualify for any bedroom size will be eligible.
2. As a voluntary program, the Housing Choice Voucher Program does not screen or select families for participation.
3. In the event a family joined FSS and then left the Housing Choice Voucher program, later, if they return to the Housing Choice Voucher program, the family would be eligible to rejoin the FSS Program after a period of 12 months (from the date they left FSS) for good cause. Good cause means circumstances beyond the control of the FSS family as determined by HAMC, such as serious illness or involuntary loss of employment.
In this situation, no monies in escrow from the previous contract are transferable.
4. In the event a family does not complete their FSS Contract and remains on the Housing Choice Voucher program, they would be eligible to rejoin the FSS Program after a period of 12 months (from the date the FSS contract expired) for good cause (as defined above).

Motivational Factors - Limited motivational screening factors include:

1. Willingness to learn about FSS.
2. Willingness to enroll and participate in the FSS Program.
3. Demonstrated commitment to the Individual Training and Services Plan that establishes short range and long range goals.
4. Willingness to sign a release of information for other agencies to have access to file information.
5. Willingness to provide information and/ or meet with FSS as is deemed necessary regarding the family's participation in FSS.

Information Assessment - The FSS staff person will review the Assessment Form with the enrollee to identify client strengths and determine areas of interest. The FSS staff person will evaluate current client support systems and possible educational and training needs. With the FSS focus of achieving economic and social self-sufficiency through employment and continued career development, FSS staff will identify support services that may reduce the dependency of low-income families on welfare assistance and on Housing Choice Voucher.

The topics, which will be explored in the Family Self-Sufficiency Assessment Form, are: Child/Dependent Care, Social Systems, Health, Legal Issues, Budgeting, Transportation, Housing, Education/Training and Employment. These categories have been identified as areas upon which families begin the process of setting goals and developing an individual plan by which to become self-sufficient. Resources and referrals will be provided to FSS participants based upon areas of need identified on the Assessment Form.

Goal Development And Planning - With supportive counseling from FSS staff, each participant will be asked to work with FSS to develop an Individual Training and Services Plan by learning to set goals. With a goal being “the end toward which an effort is directed,” a family will be asked to decide what he/she wants to accomplish during the five year FSS Contract. The staff person will assist the participant to break down the long term goals into manageable steps. In addition, FSS staff will encourage the family to identify goals that are reasonable and attainable.

In the first year of the FSS contract, the family will be asked to identify 1-2 specific goals in order to start to accomplish the long-range goals of self-sufficiency. Sub-goals will be identified as active steps to lead to the goal to be accomplished during the first year. The participant will receive a copy of the Individual Training and Services Plan and the FSS Contract. The FSS staff person will explain the requirement to meet with FSS staff on an annual basis in order to review completion of the annual goals. The annual review for FSS will likely coincide with the participant’s annual recertification.

Annual Review - The Family Self-Sufficiency staff will review both HUD’s mandatory goals to successfully complete the program and the specific yearly goals relevant to the family as listed on the Individual Training and Services Plan. In addition, the family will be provided with a

balance of the current escrow amount. The previous year's goals will be reviewed and the family will work with FSS staff to set goals for the following year. The participant will have an opportunity to amend their long-term goals as needed. The FSS staff person will again assist the participant to set goals that are sufficiently specific and concrete so that the goals are measurable. Available resources will be provided as necessary.

During the Annual Review, the participant will also complete the HUD 50058 FSS Addendum. The participant will be reminded to return the following year to update and review goals until the contract expires or the family completes the FSS Contract (whichever occurs first).

Incentives - Including Escrow Clarification - To encourage participation in FSS, every effort will be made to collaborate with other agencies, companies and persons to identify resources that will benefit or enhance a family's life as they progress toward the goal of economic self-sufficiency.

Incentives may include:

1. Identifying volunteer activities in the community relevant to family's goals.
2. Resume service (by referral).
3. Internet access to search for jobs, scholarship and other information.
4. Making job referrals and also references for those families we come to know.
5. Scholarship opportunities, including writing letters of recommendation.
6. At the request of the family, delaying issuance of the Voucher for a period not to exceed twelve (12) months when it allows the family to complete a goal-oriented FSS type activity. By supporting a family's decision to complete a current goal, FSS is laying a foundation for a partnership with both the agencies already providing services and the family. In these cases, the family does not lose their place on the waiting list.
7. Establishing the escrow savings account and allowing interim disbursement of a portion of the family's escrow account during the Contract period for expenses deemed by FSS to be consistent with the goals of the family's Individual Training and Services Plan. Such needs may include, but are not limited to, the following:
 - a. School tuition or other school expenses
 - b. Job training expenses
 - c. Business start-up expenses
 - d. Transportation

The following limitations apply for partial disbursements:

- a. Withdrawals can be made only once during a 12-month period.
- b. No more than 50% of the total amount in escrow may be withdrawn (exception to this % may be considered).
- c. When withdrawal is to purchase an automobile, the family must have a minimum of \$ 4000.00 to withdraw 50% or \$2000.00.
- d. Payment to be made either to the family or to a pre-approved third party when possible.
- e. Receipt(s) must be submitted after purchase has been made.
- f. Limit of three payments to be made relevant to transportation.

8. No monthly deposit will be made to a family's escrow account if the FSS family has not paid the family contribution towards rent.
9. Assistance in completion of various applications for school enrollment and/or funds.

Consequences Of Noncompliance With FSS Contract Of Participation - Families are required to meet with FSS staff on an annual basis in order to review progress and/or completion of the most recent annual goals listed on the Individual Training and Services Plan. By use of a Goal Worksheet, a staff person will assess the FSS participant's current situation to set short-term goals with the family for the next twelve months. These short-term goals will be summarized on the Individual Training and Services Plan as part of the family's FSS contract. The following corrective actions will be taken in order of progression to determine if the FSS Contract will remain in effect:

1. The offer to counsel family to update interim goals and review what activities or services would be appropriate.
2. Notification in writing that supportive services will be withheld until family initiates or follows through on activities consistent with FSS goal.
3. Notification in writing of our intention to terminate FSS Contract will include right to an informal hearing.

Penalties for FSS action to terminate FSS Contract include:

1. Termination of supportive services.
2. Forfeiture of amount in FSS escrow saving account.
3. Family would not be eligible to rejoin FSS Program for a period of 12 months and then only if the family can demonstrate that they are ready to commit to FSS goals and objectives.

PHA will not terminate Housing Choice Voucher assistance as a consequence of termination of the FSS Contract of Participation. Family may continue to receive Housing Choice Voucher subsidies according to the terms of the Voucher and Lease/Contract in effect.

FSS and family may mutually agree to terminate FSS Contract. The same terms apply as listed under penalties.

Interims - HAMC will follow its established policy to determine whether an interim should be completed.

Portability Of FSS Contract And Escrow Account - A family participating in FSS becomes eligible for portability of FSS Contract and escrow account 12 months after the effective date of the FSS Contract as long as the family is in good standing with the Housing Choice Voucher Program and FSS.

1. As the Initial PHA, we will permit the family to continue to participate in our FSS Program if the family demonstrates it can meet its FSS goals and responsibilities in its new location. This option is available when the Voucher is administered by

the Receiving PHA. Cooperation of the receiving PHA is needed to confirm accuracy of deposits we would make in the escrow account.

2. As the Receiving PHA, we may absorb the FSS Contract when the Voucher is absorbed. Any monies in the escrow savings account will be transferred from the Initial PHA to the Receiving PHA.

Contract Completion - The Family Self Sufficiency staff will review the family's status relative to the goals listed in the Individual Training and Services Plan and the HUD mandated goals in the FSS Contract to determine whether the family has successfully completed the FSS program. All participants will be asked to complete an Exit Form. Participants who have funds in the escrow account will also complete the Application for Withdrawal of Escrow Accounts form. Upon review of the request for escrow funds, the Family Self-Sufficiency staff will determine whether to recommend that the escrow funds be released to the family.

The staff will process the request for payment of escrow for those participants who have achieved HAMC's standards for completion of the FSS Contract as stated above. This is accomplished by working with the family to set annual goals in the Individual Training and Services Plan that encourage the family to move toward personal and program goals of self-sufficiency.

Networking In The Community - An FSS program goal is to serve as a connector for families to available community services rather than to serve in the role of traditional case manager. For this reason, it is important to develop a support network of those agencies that have the common purpose of providing supportive services to enable families to achieve self-sufficiency.

Program Coordinating Committee – The FSS Program Coordinating Committee will coincide with the Community and Supportive Services Partnership Committee for the HOPE VI Program. This committee includes all service agencies with whom the Authority has partnership agreements for the provision of support services that assist families in working towards economic self-sufficiency.

Coordination Of Services - Services and activities under the FSS Program will be coordinated with relevant community services (including training, education and child care) in order to avoid duplication of services and activities.

Final Goal For Each Family Who Joins FSS - The head of each FSS family will seek and maintain suitable employment and become and remain independent of welfare assistance for 12 consecutive months prior to the end of the FSS Contract.

1. Definition of "seeking and maintaining employment" - Head of FSS family must apply for employment, attend job interviews and otherwise follow through on employment opportunities.
2. Definition of "suitable employment" - Based on the person's skills, education and available job opportunities within the Charleston County metropolitan area, a job should be analyzed according to the following criteria:
 - a. current level of income

- b. benefits including health & retirement, and costs involved
- c. tuition reimbursement
- d. location of job relevant to source and cost of transportation and day care
- e. job satisfaction
- e. potential for advancement

Definition of “minimum suitable employment” – minimum wage x 30 hrs. per week with consideration for extenuating circumstances such as health, child’s health, student status, long range career plan.

3. Verification of welfare free status (as currently defined by HUD) must be provided prior to final withdrawal of escrow account funds.

HOUSING AUTHORITY OF MARICOPA COUNTY

ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM

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Chapter 1 STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Public Housing Program was created by the U.S. Housing Act of 1937.

Administration of the Public Housing Program and the functions and responsibilities of the Public Housing Authority (PHA) staff shall be in compliance with the PHA's Personnel Policy, any union agreements of the PHA, and this Admissions and Continued Occupancy Policy. The administration of this PHA's housing program will also meet the requirements of the Department of Housing and Urban Development. Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 CFR, Parts 1, 5, 8, 100 and 900-966 (Code of Federal Regulations).

A. HOUSING AUTHORITY MISSION STATEMENT

The mission of the Housing Authority of Maricopa County is to increase the supply of and maintain existing affordable rental housing for low-income households who cannot afford to pay market rents and promote training, educational opportunities and economic self-sufficiency so they can become homeowners.

B. LOCAL OBJECTIVES

This Admissions and Continued Occupancy Policy for the Public Housing Program is designed to demonstrate that the PHA is managing its program in a manner that reflects its commitment to improving the quality of housing available to its public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, this Admissions and Continued Occupancy Policy is designed to achieve the following objectives:

- To provide improved living conditions for very low and low income families while maintaining their rent payments at an affordable level.
- To operate a socially and financially sound public housing agency that provides decent, safe, and sanitary housing within a drug free, suitable living environment for tenants and their families.
- To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood, or create a danger to PHA employees.
- To attempt to house a tenant body in each development that is composed of families with a broad range of incomes and rent-paying abilities that are

representative of the range of incomes of low-income families in the PHA's jurisdiction.

- To provide opportunities for upward mobility for families who desire to achieve self-sufficiency.
- To facilitate the judicious management of the PHA inventory, and the efficient management of the PHA staff.
- To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conducted without regard to race, color, religion, creed, sex, marital status, sexual orientation, national origin, disability or familial status.

C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to establish guidelines for the Public Housing Authority (PHA) staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents and the PHA.

The PHA Board of Commissioners must approve the original policy and any changes. Required portions of this Policy will be provided to HUD.

D. FAIR HOUSING POLICY

It is the policy of the Housing Authority to comply fully with all Federal, State and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The PHA will comply with all laws relating to Civil Rights, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1968)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)

- Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted

The PHA shall not discriminate because of age, race, color, gender, religion, familial status, disability, national origin, marital status, or sexual orientation in the leasing, rental or other disposition of housing or related facilities, including land, that is part of any project or projects under the PHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during the resident orientation session.

The PHA's main offices are accessible to persons with disabilities. The TDD telephone service provider provides accessibility for the hearing impaired.

The PHA shall not, on account of race, color, gender, religion, familial status, disability, national origin, marital status, or sexual orientation:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs
- Provide housing that is different from that provided to others
- Subject a person to segregation or disparate treatment
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Deny a person access to the same level of services

E. SERVICE AND ACCOMMODATIONS POLICY

It is the policy of the Housing Authority of Maricopa County to provide courteous and efficient service to all applicants for housing assistance. In that regard, the PHA will endeavor to accommodate persons with disabilities, as well as those persons with language and literacy barriers.

This policy is applicable to all situations described in this Admissions and Continued Occupancy Policy when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

It is the policy of this PHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

The PHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on PHA forms and letters to all families, and all requests will be verified so that the PHA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

With respect to an individual, the term "disability", as defined by the 1990 Act means:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual
- A record of such impairment
- Being regarded as having such impairment

Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for the PHA, meaning an action requiring "significant difficulty or expense".

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

- The nature and cost of the accommodation needed
- The overall current financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and
- The number of persons currently employed at such facility, the number of families likely currently to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation

Verification of a Request for Accommodation

All requests for accommodation or modification of a unit will be verified with a reliable, knowledgeable professional.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

The PHA may require verification from a knowledgeable professional when a request for a home visit reexamination is submitted.

Reasonable Accommodation

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Application Process

For purposes of this section, the Housing Authority of Maricopa County will make the following types of accommodations to elderly and/or persons with disabilities to facilitate the application process:

- Permitting the submission of applications or certification forms via mail or internet when available
- Permitting an authorized designee to participate in the application or certification process
- Notifying the applicant/participant that staff will assist them to find agencies that provide other assistance such as listening devices or certified sign language interpreters, or Braille interpreters to facilitate the application or certification process, when applicant/participant indicates a need for same.

Reexamination by Alternative Methods

The PHA will permit the family to submit annual and interim reexamination forms by alternate methods, when the PHA has determined that the request is necessary as a reasonable accommodation.

In such cases, the family may choose to have the PHA conduct the reexamination by a home visit or to have the able adult family members or other representative authorized by the family come in for the appointment and then take the necessary forms home to the member with a disability for completion and signature.

Home Visits

When requested and where the need for reasonable accommodation has been established, the PHA will conduct home visits to residents to conduct annual and interim reexaminations.

Other Accommodations

The Housing Authority utilizes organizations which provide assistance for hearing and sight-impaired persons when needed.

Families will be offered an accessible unit, upon request by the family, when an accessible unit is available.

The PHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

F. LITERACY ASSISTANCE

The Housing Authority of Maricopa County will assist persons with literacy barriers in completing the application and certification process.

G. PUBLIC HOUSING MANAGEMENT ASSESSMENT SYSTEM (PHAS) OBJECTIVES [24 CFR 901 & 902]

The PHA operates its public housing program with efficiency and can demonstrate to HUD or independent auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Parts 901 and 902 final published regulations.

The PHA is continuously assessing its program and consistently strives to make improvements. The PHA acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The PHA intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and procedures of this program are established so that the standards set forth by PHAS are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

H. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing units and housing-related services for low and very low-income families on a regular basis.

The PHA will communicate the status of housing availability to other service providers in the community. The PHA will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

When the PHA's waiting list is open, the PHA will periodically publicize the availability and nature of housing assistance for low and very low-income families on its web site

(when available) and in a newspaper of general circulation, including local minority publications and other suitable means.

To reach persons who cannot read the newspapers, the PHA will make available pre-recorded information via its telephone system.

I. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the form HUD-9886, "Authorization for Release of Information and Privacy Act Notice". This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The PHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

Any and all information, which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential." The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations, based on this information, must be approved by the Public Housing Supervisor, or other person(s) designated by the Administrative Director.

The PHA's practices and procedures are designed to safeguard the privacy of applicants and tenants.

Files will never be left unattended or placed in common areas.

PHA staff will not discuss or access applicant/tenant family information contained in files unless there is a business reason to do so. Inappropriate discussion of any applicant/tenant family information, or improper disclosure of family information by staff will result in disciplinary action.

J. POSTING OF REQUIRED INFORMATION

The PHA will maintain in a conspicuous area of the administrative offices:

- Statement of policies and procedures governing Admission and Continued Occupancy Policy (ACOP) and a notice of where the policy is available
- A notice of where the PHA 5-year Plan and PHA Annual Plan are available
- Information on application process
- Income limits for Admission
- Current schedule of routine maintenance charges

- A copy of the lease
- The PHA's grievance procedure
- A Fair Housing Poster
- An Equal Opportunity in Employment poster
- Current Resident Notices
- Requires public notices
- Security Deposit Amounts
- Information on preferences
- Schedule of Utility Allowances (if applicable)
- Zero Tolerance Policy
- Fraud Hot-line Information
- Mission Statement
- Information on Screening and Eviction for Drug Abuse and other Criminal Activity
- Board of Commissioner's Meeting Schedule

K. TERMINOLOGY

See Glossary for terminology.

L. COOPERATING WITH LAW ENFORCEMENT AGENCIES

The Housing Authority of Maricopa County will comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or parole or probation violators.

Any request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

- A. The law enforcement agency shall notify the PHA that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees; or (ii) is violating a condition

of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;

- B. The location of the recipient is within the PHA official duties; and the request is made in the proper exercise of the law enforcement agency's official duties.

Chapter 2 ELIGIBILITY FOR ADMISSION

[24 CFR 960, Subpart B]

INTRODUCTION

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

A. QUALIFICATION FOR ADMISSION

It is the PHA's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

- Is a family as defined in this Chapter
- Heads a household where at least one member of the household is either a citizen or eligible non-citizen. (24 CFR Part 5, Subpart E)
- Has an Annual Income at the time of admission that does not exceed the low-income limits for occupancy established by HUD and posted separately in the PHA offices.
- Provides a Social Security number for all family members, age 6 or older, or will provide written certification that they do not have Social Security numbers
- Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy

B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A Family may be a single person or a group of persons. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage, or operation of law.

A group of persons is defined by the PHA as two or more persons who intend to share residency whose income and resources are available to meet the family's needs, and will live together in PHA housing.

The temporary absence of a child from the home due to placement in foster care shall not be considered in determining the family composition and family size.

In order to provide an increased sense of security for public housing residents the PHA may allow public housing units to be occupied by police officers.

Police officers will not be required to be income eligible to qualify for admission to the PHA's public housing program.

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an Elderly Family, provided that the person either meets the age requirement to be considered elderly or, if disabled, is at least eighteen (18) years old and partially responsible for paying the rent.

Spouse of Head

Spouse means the husband or wife of the head.

The definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Live-In Attendants

A Family may include a live-in aide provided that such live-in aide:

1. Is determined by the PHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities.
2. Is not obligated for the support of the person(s), and
3. Would not be living in the unit except to provide care for the person(s).

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program.

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

Live-in aides are not subject to Non-Citizen Rule requirements.

Live-in aides may not be considered as a remaining member of the tenant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements required for the care of the resident

Family members of a live-in attendant may also reside in the unit, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit.

A Live-in Aide may only reside in the unit with the approval of the PHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

Verification of the need for a live-in aide must include the hours the care will be provided.

After the PHA approves the addition of a live-in aide on behalf of a resident, the resident must submit a specific live-in aide's name and information for approval by the PHA within 30 calendar days of the PHA's notification.

If the 30 calendar days expire, the resident will have to resubmit an application for approval of a live-in aide.

A specific live-in aide may only reside in the unit with the approval of the PHA. The PHA shall make the live-in aide subject to the agency's normal screening criteria.

The PHA will require the live-in aide to execute a lease rider agreeing to abide by the terms and conditions of occupancy set forth in the lease agreement. If the live-in aide violates provisions of the lease rider, the PHA may take action against the live-in aide separate from action against the assisted family.

If the live-in aide or their family members participate in drug-related or criminal activity, the PHA will rescind the aide's right to occupy the unit. When the agency takes such action against the live-in aide, the aide is not entitled to the grievance hearing process of the agency.

The PHA has the right to disapprove a request for a live-in aide based on the "Other Eligibility Criteria" (where applicable) described in this Chapter.

C. MANDATORY SOCIAL SECURITY NUMBERS

[24 CFR 5.216]

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if the Social Security Administration has issued them a number. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial of admission or termination of tenancy.

If a member does not have a Social Security Number they must sign a certification stating that they do not have one. The certification shall:

1. State the individual's name and that the individual has not been issued a Social Security Number.
2. State that the individual will disclose the Social Security Number, if they obtain one at a later date.
3. Be signed and dated.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their income-based assistance (TTP) will be pro-rated and that they may request a hearing if they contest this determination. If such a family chooses flat rent, the flat rent will not be pro-rated if the flat rent is greater than the Public Housing Maximum Rent. If the Public Housing Maximum Rent is greater than the flat rent, and the family chooses flat rent, the flat rent will be pro-rated.

No eligible members

Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students defined by HUD in the non-citizen regulations are not eligible for assistance.

The PHA will establish and verify eligibility no later than the date of the family's annual re-examination following October 21, 1998.

No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and past behavior the ability:

1. to pay rent and other charges required by the lease in a timely manner
2. to care for and avoid damaging the unit and common areas
3. to use facilities, appliances and equipment in a reasonable way
4. to create no health or safety hazards, and to report maintenance needs in a timely manner
5. not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others
6. not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off the PHA premises
7. not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed" on the premises of assisted housing
8. not to contain a household member subject to a lifetime sex offender registration requirement under a State Sex offender registration program
9. to comply with necessary and reasonable rules and program requirements of HUD and the PHA
10. to comply with local health and safety codes.

Denial of Admission for Previous Debts to This or Any Other PHA

Previous outstanding debts to this PHA or any PHA resulting from a previous tenancy in an assisted housing must be paid in full prior to admission. *No Payment Agreement* will be accepted.

At the time of initial application, the applicant must pay any previous debt to a PHA prior to being housed and may remain on the waiting list for a period of six (6) months from the date that the applicant was initially notified that the debt must be repaid.

All adults of the household are responsible for the *entire* debt incurred as a previous PHA tenant. Minor children of the head or spouse who had incurred a debt to the PHA will not be held responsible for the parent's previous debt.

F. DENIAL OF ADMISSION FOR DRUG-RELATED AND/OR OTHER CRIMINAL ACTIVITY

Purpose

It is the intention of the Housing Authority of Maricopa County to fully endorse and implement a policy, which is designed to:

- Help create and maintain a safe and drug-free community
- Keep our program participants free from threats to their personal and family safety
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, gender, familial status, disability or against other legally protected groups, and not to violate right to privacy.

To the maximum extent possible, the PHA will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy will be posted and copies made readily available to applicants and tenants upon request.

HUD Drug Related Definitions

See glossary

Screening for Drug Abuse and Other Criminal Activity

In an effort to prevent drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents, the PHA will endeavor to screen applicants as thoroughly and fairly as possible.

If in the past the PHA initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the Screening and Eviction for Drug Abuse and Other Criminal Activity Notice, for a family, as a prior resident of public housing, the

PHA shall have the discretion to consider all circumstances of the case regarding the extent of participation by non-involved family members.

If, as a result of the standardized inquiry, or the receipt of a verifiable referral, there is indication that the family or any family member was/is engaged in drug-related criminal or violent criminal activity, the PHA will conduct closer inquiry to determine whether the family should be denied admission.

If the screening indicated that any family member has been arrested or convicted within the prior three (3) years for drug-related or a history of criminal activity involving crimes of violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants, the PHA shall obtain verification through police/court records.

Use of FBI and Law Enforcement Records

The PHA will check criminal history for all adults in the household to determine whether any member of the family, who is eighteen (18) years of age or older, has engaged in criminal activity.

The PHA will check criminal history for all adults in the household to determine whether any member of the family, who is eighteen (18) years of age or older, is subject to a lifetime sex offender registration requirement.

Verification of any past activity will be done prior to final eligibility and will include a check of conviction records.

The PHA has applied to the Federal Bureau of Investigation (FBI) and obtained a unique Originating Agency Identifier (ORI) number in order to maximize its efforts in obtaining applicant criminal record history.

The PHA has contracted with the Maricopa County Sheriff's Office, an FBI approved channeling agent, to process and funnel requests in order to obtain National Crime Information Center (NCIC) data for the purpose of accessing FBI criminal records.

If the channeling agency indicates to the PHA that there is a criminal history record indexed in the Interstate Identification Index which might belong to the applicant, the PHA must ask the applicant to submit a fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record is in fact the applicant's. Should the applicant instead elect to withdraw their application, no further action will be necessary.

Standard for Violation

Persons evicted from any assisted housing program because of drug-related criminal activity are ineligible for admission to Public Housing for a five-year period beginning on the date of such eviction.

No member of the applicant's family may have engaged in drug related or criminal activity as defined above within the past three (3) years.

The PHA will deny participation in the program to applicants where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the PHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The PHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous 12 (twelve) months.

"Engaged in or engaging in or recent history of" drug-related criminal activity means any act within the past three (3) years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guest.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past three (3) years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative past behavior, the PHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

The PHA will waive the requirement regarding drug-related criminal activity if:

1. The person demonstrates successful completion of a credible rehabilitation program approved by the PHA; or
2. The person demonstrates consistent participation in professional rehabilitation for two of the past three years, or
3. The individual involved in drug-related criminal activity is no longer in the household because the person has died or is imprisoned.

Permanent Denial of Admission

The PHA will permanently deny admission to persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds. The PHA will not waive this requirement.

Applicants and/or their household members who have been convicted of criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness, or child abuse, and are required by law to register as a sex offender will be prohibited from participation in the public housing program. This provision will not be waived. The PHA shall perform necessary criminal history background checks in the State where the housing is located and in any other States where household members are known to have resided.

Lifetime Sex Offender (Arizona Revised Statutes A.R.S. 12-3821 through 13-3827) registration is required for individuals who have been convicted of a "crime against a child" and:

- Have been declared to be a sexually violent predator
- Have been convicted of one or more sexually violent offenses
- Have two or more sexual offenses against persons less than 18
- Have two or more crimes against a child

Lifetime sex offenders may petition the court for release from the registration requirement after a fifteen (15) year "offense fee" period.

Other Criminal Activity

"Other criminal activity" means a history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents.

For the purposes of this policy, this is construed to mean that a member of the current family has been arrested and/or convicted of any criminal or drug-related criminal activity within the past three (3) years.

HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and any family member is engaging in the activity.

No family member may have engaged in or threatened abusive or violent behavior toward PHA personnel at any time.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program at any time.

Evidence

The PHA must have evidence of the violation.

“Preponderance of evidence” is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence is not to be determined by the number of witnesses, but by the greater weight of all evidence.

“Credible evidence” may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by PHA inspectors and/or investigators, and evidence gathered from the PHA Fraud/Program Abuse Hot Line.

The PHA may pursue fact-finding efforts as needed to obtain credible evidence.

Obtaining Information from Drug or Alcohol Abuse Treatment Centers

The written consent form shall authorize the PHA to receive information from the drug abuse treatment facility stating only whether the facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance or is abusing alcohol.

The authorization will be sent to the drug/alcohol abuse treatment facility with a PHA postage paid return addressed.

The PHA will maintain such information received from a drug abuse treatment facility in a manner that respects its confidentiality.

Such confidential information will be reviewed by the Public Housing Supervisor or designee who will make a decision as to the outcome of the review.

Any and all information, which would lead one to determine the nature and/or severity of a person’s treatment must be kept in a separate folder and marked “confidential.” The personal information in this folder must not be released except on an “as needed” basis. All requests for access and granting of accommodations based on this information must be approved by the Public Housing Supervisor or other person(s) designated by the Administrative Director.

If the application is denied, the information will be destroyed within the statute of limitations for commencement of a civil action from the applicant based upon the denial of admission has expired.

Confidentiality of Criminal Records

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

The PHA will document in the family's file that the family was denied admission or the tenancy was terminated due to findings in the Criminal History Report.

Disclosure of Criminal Records to Family

Before the PHA takes any adverse action based on a criminal conviction record, the applicant and subject of record will be provided with a copy of the criminal record and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal hearing. Tenants may contest such records at the grievance hearing or court hearing in the case of evictions.

Hearings

(See Chapter titled "Complaints, Grievances and Appeals")

If information is revealed that would cause the PHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to the PHA's hearing procedures outlined in the Chapter on Complaints, Grievances, and Appeals.

G. SCREENING FOR SUITABILITY

[24 CFR 960.203, 960.204, 960.205]

It is the policy of the PHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

The PHA will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers will be subject to third party verification.

An applicant's misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent may result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance, which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.3, Definition: Qualified Individual with Handicaps). The availability of assistance is subject to verification by the PHA.

The PHA does not permit a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is under 18 and, under State/local law, does not have the legal capacity to enter into a legally binding contract.

As a part of the final eligibility determination, the PHA will screen each applicant household to assess their suitability as renters.

The PHA will complete a rental history check on all applicants.

The PHA shall rely upon sources of information which may include, but not be limited to, PHA records, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinic, physicians or the police department, and home visits for persons who have had negative landlord reference(s) for poor housekeeping habits.

This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant is 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.

The PHA may complete a home visit at the current residence of all applicants who have had landlord verifications returned to the PHA with unfavorable comments concerning their housekeeping habits. Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy, and whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project.

The PHA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

1. The applicant's past performance in meeting financial obligations, especially rent
2. Eviction or a record of disturbance reports from neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
3. Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
4. Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
5. Any history of initiating threats or behaving in a manner that indicates an intent to assault employees or other tenants.

6. Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the PHA. The information to be considered in the screening process shall be reasonable related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conduct and behavior must demonstrate that the applicant family can reasonable be expected not to:

1. Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare. [24CFR 960.203(c)]
2. Adversely affect the physical environment or financial stability of the project. [24CFR 960.203(c)]
3. Violate the terms and conditions of the lease. [24CFR 960.203(c)].
4. Require services from PHA staff that would alter the fundamental nature of the PHA's program. [24CFR 8.3]

Rent Paying Habits

The PHA will examine any Housing Authority records from a prior tenancy, and will request written references from the applicant's current landlord and may request written references from former landlords.

Based upon these verifications, the PHA will determine if the applicant was chronically late with rent payments, was evicted at any time during the past five (5) years for nonpayment of rent, or had other legal action initiated against him/her debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

The PHA will undertake a balancing test that will consider: (1) amount of former rent; (2) loss of employment; (3) death or divorce from primary support; (4) illness or other circumstances beyond applicant's control. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

Screening Applicants Who Claim Mitigating Circumstances

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both:

1. The reason for the unsuitable rental history and/or behavior;

2. That the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the PHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the PHA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The PHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

Examples of Mitigating Circumstances

1. Evidence of successful rehabilitation
2. Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by the PHA
3. Evidence of successful and sustained modification of previous disqualifying behavior

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The PHA will consider such circumstances in light of:

1. The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
2. The applicant's overall performance with respect to all the screening requirements.

Qualified and Unqualified Applicants

Information which has been verified by the PHA will be analyzed and a determination will be made with respect to:

1. The eligibility of the applicant as a family
2. The eligibility of the applicant with respect to income limits for admission
3. The eligibility of the applicant with respect to citizenship or eligible immigration status
4. Any local preference (if any) to which the family is entitled

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and PHA procedures, except for a pending PHA hearing.

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. The PHA shall provide applicants an opportunity for an informal hearing (see Chapter titled "Complaints, Grievances, and Appeals").

The PHA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the PHA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the PHA, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documentation of Findings

An authorized representative of the PHA shall document any pertinent information received relative to the following:

1. Criminal Activity – includes the activities listed in the definition of criminal activity in this Chapter.
2. Pattern of Violent Behavior – includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy of neighbors
3. Pattern of Drug Use – includes a determination by the PHA that the applicant has exhibited a pattern of illegal use of a controlled substance which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents
4. Drug Related Criminal Activity – includes a determination by the PHA that the applicant has been involved in the illegal manufacture, sales, distribution, use or possession of a controlled substance
5. Pattern of Alcohol Abuse – includes a determination by the PHA that the applicant's pattern of alcohol abuse might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents
6. Initiating Threats – or behaving in a manner that indicates intent to assault employees or other tenants
7. Abandonment of a Public Housing Unit – without advising PHA officials so that staff may secure the unit and protect its property from vandalism
8. Non-Payment of Rightful Obligations – including rent and/or utilities and other charges owed to the PHA or any other PHA
9. Intentionally Falsifying an Application for Leasing – including uttering or otherwise providing false information about family income an size, using an alias on the application for housing, or making any other material false statement or omission intended to mislead

10. Record of Serious Disturbances of Neighbors/Destruction of Property or Other Disruptive or Dangerous Behavior – consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence, or irresponsibility; which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant's inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.
11. Grossly Unsanitary or Hazardous Housekeeping – includes the creation of a fire hazard through acts such as hoarding rags, papers or other materials; severe damages to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in halls, or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors.
12. Destruction of Property from previous rentals
13. Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy – In the case of applicants for admission, the person's present living arrangements and a statement obtained from applicant's physician, social worker, or other health professional will be among factors considered in making this determination. The availability of a live-in attendant will be considered in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects.

The PHA may waive the policies prohibiting admission in these circumstances if the person demonstrates to the PHA's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and has successfully completed a supervised drug or alcohol rehabilitation program.

Prohibited Criteria for Denial of Admission

Applicants will NOT be rejected because they:

1. Have no income
2. Are not employed
3. Do not participate in a job training program
4. Will not apply for various welfare or benefit programs
5. Have children
6. Have children born out of wedlock
7. Are on welfare
8. Are students

H. HEARINGS

If information is revealed that would cause the PHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to the PHA's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

Chapter 3 APPLYING FOR ADMISSION

INTRODUCTION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the PHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Policy.

A. HOW TO APPLY

Families who wish to apply for any of the PHA's program must complete an application form in the following format:

Hand or type written, internet (when available)

Applications will be made available in an accessible format upon request from a person with a disability.

Persons with disabilities may contact the PHA to make other arrangements to complete their application.

Applications will be accepted at the following locations:

1. Main Office - 2024 North 7th Street, Suite 101, Phoenix, AZ.
2. Central Phoenix - 1510 South 19th Drive, Phoenix, AZ.
3. Mesa - 710 West 8th Avenue, Mesa, AZ.
4. Avondale – 1103 N. 6th Street #106, Avondale, AZ
5. Surprise – 12976 Cottonwood, Surprise, AZ.

The application process will involve two phases:

1. The first is the “application for admission”. This first phase is to determine the family’s eligibility for, and placement on, the waiting list. The application will be dated, time-stamped, and referred to the PHA’s office where tenant selection and assignment is processed.
2. The second phase is the “final determination of suitability for admission”. When the family reaches the top of the waiting list, the PHA ensures that verification of all HUD and PHA eligibility factors is current in order to determine the family’s eligibility for an offer of a suitable unit.

B "INITIAL" APPLICATION PROCEDURES

The application is taken in person or mail and the data is entered into the computer. The application may also be made available, if request, in an accessible format.

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

The application will contain questions designed to obtain the following information:

1. Names of head and spouse
2. Names of adult members and age of all members
3. Number of family members (used to estimate bedroom size needed)
4. Citizenship status
5. Street address and phone numbers
6. Mailing address (If PO Box or other permanent address)
7. Annual income
8. Source(s) of income received by household members to determine preference qualification
9. Information regarding request for reasonable accommodation or for accessible unit
10. Social Security Numbers
11. Race/ethnicity
12. Questions regarding previous participation in HUD programs
13. Arrest or convictions for drug-related and/or violent criminal acts

Submission of waiting list applications will not require interviews. Information on the application will not be verified until the applicant has been selected for final eligibility determination.

Applicants must inform the PHA in writing, within ten (10) business days, of changes in family composition, income, and address. Applicants are also required to respond to requests from the PHA to update information on their application, or to determine their continued interest in assistance.

Failure to provide information or to respond to mailings (HAMC is not responsible for lost or misdirected mail) within 10 working days will result in the applicant being removed from the waiting list. (See Chapter on Complaints, Grievances, and Appeals).

C. NOTIFICATION OF APPLICANT STATUS

If after a review of the application the family is determined to be preliminarily eligible, they will be notified in writing (in an accessible format upon request, as a reasonable accommodation).

This written notification of preliminary eligibility will be mailed to the applicant by first class mail or distributed to the applicant in the manner requested as a specific accommodation.

If the family is determined to be ineligible based on the information provided in the application, the PHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. See Chapter on “Complaints, Grievances and Appeals”.

Requirement to Attend Interview

The PHA utilizes the eligibility interview to discuss the family’s circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs which may be available.

All adult family members are required to attend the interview.

Exceptions may be made for students attending school out of state/for member for whom attendance would be a hardship.

All adult household members are required to attend the interview, however, if the head of household cannot attend the interview, the spouse may attend.

If an applicant fails to appear for their interview without prior approval of the PHA, the application will be denied unless they can provide acceptable documentation to the PHA that an emergency prevented them from calling. If an applicant fails to appear for a rescheduled appointment, the application will be withdrawn.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.

If an application is denied due to failure to attend the interview, the applicant will be notified in writing and offered an opportunity to request an informal hearing (see Chapter on Complaints, Grievances and Appeals).

All adult members, and head of household and spouse regardless of age, must sign form HUD-9886, “Release of Information”, the declarations and consents related to citizenship/immigration status and any other documents required by the PHA. Applicants will be required to sign specific verification forms for information that is not covered by the HUD-9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

Information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences, eligibility and rent calculation.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing.

The family will be given ten (10) business days to supply the information.

If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance. (See Chapter on Complaints, Grievances and Appeals).

D. PROCESSING APPLICATIONS

The following items will be verified to determine qualification for waitlist placement to the PHA's housing:

1. Annual Income
2. Debt to another assisted housing program
3. Citizenship or eligible immigration status
4. Criminal History Report

The following items will be verified to determine qualification for admission to the PHA's housing:

1. Family composition and type (elderly/non/elderly)
2. Annual Income
3. Assets and Asset Income
4. Deductions from Annual Income
5. Social Security Numbers of all family members
6. Information used in applicant screening
7. Citizenship or eligible immigration status
8. Criminal History Report

E. NOTIFICATION OF FINAL DETERMINATION

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the tenant suitability determination (see Chapter on Eligibility for Admission).

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that affect an applicant's eligibility, it is necessary to make final eligibility determination.

The household is not actually eligible for a unit offer until a final determination has been made, even though they may have been preliminarily determined eligible and may have been listed on the waiting list.

Any time after final eligibility determination, applicants must report changes, in writing, within ten (10) business days of the change. If the family did not report the change within the required time frame, the family may be determined ineligible and offered an opportunity for informal hearing.

Chapter 4 TENANT SELECTION AND ASSIGNMENT PLAN

(Includes Preferences and Managing the Waiting List)

[24 CFR 960.203, 960.204, 960.205, 960.206]

INTRODUCTION

It is the PHA's policy that each applicant shall be assigned an appropriate place on a site based waiting list. Applicants will be listed in sequence based upon date and time the application is received, verified preferences and the size, location and type of unit they are eligible for and de-concentration efforts.

In filling an actual or expected vacancy, the PHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of accomplishing de-concentration of poverty and income-mixing objectives. The PHA will offer the unit until it is accepted. This Chapter describes the PHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

PHA's Objectives

PHA policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is the PHA's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

When appropriate units are available, families will be selected from the waiting list in their determined sequence.

By maintaining an accurate waiting list, the PHA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner.

Based on the PHA's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool". Selection from the pool will be based on completion of verification.

A. MANAGEMENT OF THE WAITING LIST

The PHA will administer its waiting list as required by 24 CFR Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

1. The application will be a permanent file.
2. All applicants in the pool will be maintained by date, time sequence, preference and bedroom size.
3. All applicants must meet applicable income eligibility requirements as established by HUD.

Opening and Closing the Wait Lists

The PHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The PHA may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit and the ability of the PHA to house an applicant in an appropriate unit within a reasonable period of time.

When the PHA opens the waiting list, the PHA will advertise through public notice and in the following newspapers, minority publications and media entities location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media and organizations including:

1. Arizona Republic Newspaper
2. Surprise Newspapers
3. Avondale Newspaper
4. The Tribune Newspaper

The notice will contain:

- The dates, times, and the locations where families may apply
- The name of the program(s) for which applications will be taken
- Limitations, if any, on who may apply

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the PHA address and telephone number, and referral to resources to obtain information concerning how to submit an application, information on eligibility requirements and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Taking is Suspended

The PHA may suspend the acceptance of applications if there are enough local preference holders to fill anticipated openings for the next twelve (12) months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, the PHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next twelve (12) months. The PHA will give at least thirty (30) days' notice prior to closing the list. When the period for accepting applications is over, the PHA will add the new applicants to the list where they will be separated into groups by unit size and ranked within each group by preference, and date and time of application. The PHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail. At the time of initial intake, the PHA will advise families of their responsibility to notify the PHA when mailing address or telephone numbers change.

Multiple Families in Same Household

When families apply that consist of two families living together (such as mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

B. WAITING LIST PREFERENCES

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the PHA's Selection Criteria as defined in this policy.

The PHA's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further de-concentration of poverty in public housing. When such matching is required or permitted by current law, the PHA will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the PHA to verify their preference. Among applicants with equal preference status, the waiting list will be organized by date and time.

If an applicant makes a false statement in order to qualify for a Local preference, the PHA will deny admission to the program for the family.

Local Preferences

Local preferences will be used to select among applicants on the waiting list. Public notice with opportunity for public comment will be held before the PHA adopts any local preference.

The PHA used the following Local Preferences:

1. Involuntary Displacement, Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition

Involuntary Displacement: This preference is available to applicants that are involuntarily displaced and are not living in standard, permanent replacement housing or will be involuntarily displaced within no more than six months from the date of preference.

Disaster: This preference is available to applicants whose unit is uninhabitable because of a disaster, such as a fire, flood or earthquake.

Government Action: This preference is available to applicants displaced due to an activity carried out by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or a public improvement or development program.

Action of Housing Owner: This preference is available to applicants where action by a housing owner forces the applicant to vacate its unit because (a) The family cannot control or prevent the owner's action; (b) The owners action occurs although the family met all previously imposed conditions of occupancy; and (c) the action taken by the owner is other than a rent increase. To qualify, a family having to vacate a housing unit includes, but is not limited to, conversion of a family's unit to non-rental or nonresidential use; closing of the unit for rehabilitation or for any other reason; or notice that the owner wants the unit for the owner's personal or family use or occupancy; sale of a unit which an applicant resides under an agreement that the unit shall be vacant when possession is transferred; or any other legally authorized act that results or will result in the withdrawal by the owner of the unit or structure from the rental market.

Reasons do not include the vacating of a unit by an applicant because they refuse to: (a) Comply with HUD program policies and procedures for the occupancy of under occupied or overcrowded units; or (b) To accept a transfer to another housing unit in accordance with a court decree or in accordance with policies and procedures under a HUD approved desegregation plan.

Inaccessibility: This preference is available to applicants that have mobility or other impairments that make the person unable to use critical elements of the unit; and the owner is not legally obligated to make the changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation.

Property Disposition: This preference is available to applicants who are displaced because of disposition of a multi-family rental housing project by HUD under Section 203 of the Housing and Community Development Amendments of 1978.

2. Victims of Domestic Violence.

This preference is available to applicants who are either actually or threatened physical violence directed against one or more members of the family by a spouse or other member of the applicant's household. (a) To qualify HAMC shall determine that the domestic violence occurred recently or is of a continuing nature; and (b) the applicant shall certify that the person who engaged in such violence will not reside with the

applicant family unless the HAMC has given advance written approval. If the family is admitted, HAMC may deny or terminate assistance to the family for breach of this certification.

3. Working Families and Those Unable to Work Because of Age or Disability.

This preference is available for applicants with at least one member who is employed and works a minimum of 20 hours a week. The PHA will require a statement from the employer. The PHA will also give the benefit of this preference to families where the head of household or spouse is age 62 or older and to families where the head of household or spouse meets the disability definition in CFR 5.403.

4. Veterans Preference.

This preference is available to current applicants that are members of the U.S. Military Armed Forces, veterans, or surviving spouses of veterans.

5. Those Enrolled Currently in Educational, Training or Upward Mobility Programs.

This preference is available to applicants who are graduates of, or tenants in educational or training programs designed to prepare the individual for the job market.

C. ORDER OF SELECTION FOR GENERAL OCCUPANCY (24 CFR 982.207 (e))

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the ACOP.

Local Preferences

Local preferences will be used to select families from the waiting list.

The PHA has selected the following system to apply local preferences.

- All preferences will be weighted as priority one (1) and will be organized by date and time as established by the date of the application.
- Single applicants will be treated as any other eligible family on the PHA waiting list.

D. VERIFICATION OF PREFERENCE QUALIFICATION

The Family may be placed on the waiting list upon their certification that they qualify for a preference. When the family is selected from the waiting list for the final determination of eligibility, their preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference and given an opportunity for a review.

If at the time the family applied, the preference claim was the only reason for placement of the family on the waiting list and the family cannot verify their eligibility for the preference, as of the date of application, the family will be removed from the list.

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstance changes. When an applicant claims a different preference, s/he will be placed on the waiting list in the proper order of their newly claimed preference.

E. PREFERENCE DENIAL

If the PHA denies a preference, the applicant will be placed on the waiting list without benefit of the preference.

The PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting. The applicant will have ten (10) business days to request the meeting in writing. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

Any applicant who falsifies documents or makes false statements in order to qualify for any preference; they will be removed from the waiting list with notification to the family.

F. INCOME TARGETING

The PHA will monitor its admissions to ensure that at least 40 percent (40%) of families admitted to public housing in each fiscal year shall have incomes that do not exceed thirty percent (30%) of area median income of the PHA's jurisdiction. Hereafter, families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families".

The PHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that admissions of extremely low income families to the PHA's voucher program during a PHA fiscal year exceeds the 75 percent minimum targeting requirement for the PHA's Section 8 Voucher Program. This fungibility provision discretion by the PHA is also reflected in the PHA's Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low income families by the lowest of the following amounts:

1. The number of units equal to 10 percent (10%) of the number of newly available vouchers in the fiscal year; or

2. The number of public housing units that 1) are in public housing projects located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

The Fungibility Floor

Regardless of the above two amounts, in a fiscal year, at least 30% of the PHA's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause the PHA's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

Fungibility shall only be utilized if the PHA is anticipated to fall short of its 40% goal for new admissions to public housing.

Low Income Family Admissions

Once the PHA has met the 40% targeted income requirement for new admissions of extremely low-income families, the PHA will fill the remainder of its new admission units with families whose incomes do not exceed 80% of the HUD approved area median income.

G. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, PHA shall affirmatively further fair housing to reduce racial and national origin concentrations.

The PHA shall not require any specific income or racial quotas for any development or developments.

A PHA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, gender, disability, familial status or national origin for purposes of segregating populations.

H. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within ten (10) business days s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice and the sealed envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable

accommodation for being unable to reply with the proscribed period; or the failure to respond was due to a medical emergency, death in the family, or a natural disaster.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

Applicants are notified with confirmation of the PHA's receipt of their application that they are responsible for notifying the PHA within ten (10) business days, if they have a change of address.

I. OFFER OF ACCESSIBLE UNITS

The PHA has units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, the PHA will offer such units:

First, to a current occupant of another unit of the same development, or other public housing developments under the PHA's control, who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, the PHA will require the applicant to agree to move to an available non-accessible unit within thirty (30) business days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

J. PLAN FOR UNIT OFFERS

The PHA plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, gender, religion, or national origin is:

The first qualified applicant in sequence on the waiting list will be made an offer of a unit of the appropriate size. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location.

The PHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

The applicant may not reject the one unit offer without good cause, and remain on the waiting list. (See Section M for Applicants Unable to take Occupancy).

K. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between removal from the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable (See Chapter on Complaints, Grievances and Appeals).

L. APPLICANT STATUS AFTER UNIT OFFER

When an applicant rejects (2) unit offers, the PHA will relocate the applicant's name to the bottom of the waiting list or withdraw at applicant request.

M. ACCEPTANCE OF UNIT

Applicants must accept (within 48 hours) a unit when offered or risk losing the unit to another applicant.

Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "*good cause*"; the applicant will retain their status.

Refusals due to the location of the unit alone are not considered to be good cause. Examples of "*good cause*" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

1. An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]
2. A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.
3. The unit is inappropriate for the applicant's disabilities.

Applicants with a Change in Family Size or Status

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. The PHA may lease a unit to a family whose occupancy will overcrowd or under-utilize the unit.

The family will take the appropriate place according to bedroom size on the waiting list according to the date they first applied.

N. REFUSAL OF OFFER

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

If the unit offered is refused for other reasons, the PHA will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Unit Offer" section.

Chapter 5 OCCUPANCY GUIDELINES

INTRODUCTION

The Occupancy Guidelines are established by the PHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. This Chapter explains the Occupancy Guidelines used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the occupancy guidelines.

A. DETERMINING UNIT SIZE

The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The PHA's Occupancy Guidelines standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

For occupancy standards, an adult is a person 18 years or older or a minor that meets the Courts definition of Necessities.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

Generally the PHA will assign units so that it will not be required for persons of different generations or of the opposite sex (other than spouses (including significant others)), or otherwise unrelated adults to occupy the same bedroom. Children of the opposite sex under five (5) years of age may occupy the same bedroom.

Foster children will be included in determining unit size only if they will be in the unit for more than six (6) months.

Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.

Space may be provided for a child who is away at school but who lives with the family during school recesses.

Space will not be provided for a family member who will be absent most of the time.

Single person families shall be allocated zero to one bedroom.

GUIDELINES FOR DETERMINING BEDROOM SIZE

<i>Bedroom Size</i>	<i>Persons in Household: (Minimum #)</i>	<i>Persons in Household: (Maximum #)</i>
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10

B. EXCEPTIONS TO OCCUPANCY STANDARDS

The PHA may grant exceptions from the guidelines in cases where it is the family's request or the PHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

Applicants may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines. The family must agree not to request a change in bedroom size on the waiting list until their family composition changes. At the PHA's discretion the family may be offered a unit smaller than the preferred unit size, based on the PHA's occupancy standards, if in doing so the family has an opportunity to be housed earlier.

In cases such as those above, a family that voluntarily accepts a unit that is smaller than what the family is eligible for will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least one (1) year.

The PHA may offer a family a unit that is larger than required by the PHA's occupancy standards, if the waiting list is short of families large enough to fill the vacancy or the PHA determines that the common area for the project is insufficient for accommodating any additional large families.

In all cases, where the family requests an exception to the general occupancy standards, the PHA will evaluate the relationship and ages of all family members and the overall size of the unit.

The family may request to be placed on a larger bedroom size waiting list than indicated by the PHA's occupancy guidelines. The request must explain the need or justification for a larger bedroom size, and must be verified by the PHA before the family is placed on the larger bedroom size list. The PHA will consider these requests:

1. **Person with Disability:** The PHA will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is

appropriately verified and meets requirements in the “Service and Accommodations Policy” section of Chapter 1.

2. Other Circumstances: Circumstances may dictate a larger size than the occupancy standards permit when:

Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. Requests for a larger bedroom due to medical equipment must be verified by a doctor.

Requests based on health related reasons must be verified by a knowledgeable licensed professional or a social service professional.

The PHA will not assign a larger bedroom size due to additions of family members other than by birth, adoption, or court-awarded custody.

An exception will be granted if the family has submitted a “Self-Certification of Physical Custody of Minor Child/Children” or an “Appointment of Temporary Guardian” to the PHA. If either of these forms has been submitted the PHA will also require that the family has initiated legal proceedings for guardianship or legal custody.

All members of the family residing in the unit must be approved by the PHA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA within ten (10) business days.

To avoid vacancies, the PHA may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is a suitable smaller unit available. This requirement is a provision of the lease.

C. ACCESSIBLE UNITS

The PHA has units designed for persons with mobility, sight and hearing impairments. These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

Preference for occupancy of these units will be given to families with disabled family members who require the modifications or facilities provided in the units.

No non-mobility-impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible

unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible.

D. FAMILY MOVES

When a change in the circumstances of a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested the family will be placed on the Transfer List.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not currently covered in this policy, the case should be taken to the Public Housing Supervisor who will make a determination after review of the situation, the individual circumstances, and the verification provided.

See chapter on Reexaminations for changes in unit size for tenants.

Chapter 6 DETERMINATION OF TOTAL TENANT PAYMENT

[24 CFR 5.609, 5.611, 5.613, 5.615, 5.628, 5.630]

INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the regulations. This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP).

Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instruction set forth in HUD Notices, Memoranda and Addenda. However, the Quality Housing and Work Responsibility Act now give PHAs broader flexibility. The PHA's policies in this Chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. *MINIMUM RENT*

The minimum rent for this PHA is fifty dollars (\$50). The Total Tenant Payment is the greater of:

1. 30% of the adjusted monthly income
2. 10% of the monthly income
3. The Minimum rent as established by the PHA

The Total Tenant Payment does not include charges for excess utility consumption or other charges.

HAMC recognizes that in some instances even the minimum rent may create a financial hardship for families. HAMC will review all relevant circumstances brought to its attention regarding financial hardship as it applies to minimum rent.

HAMC Procedures for Notification to families of Hardship Exemptions

HAMC will notify all participant families subject to a minimum rent of their right to request a minimum rent hardship exemption under the law.

HAMC will notify all families at the annual recertification appointment of their right to request a minimum rent hardship exemption.

HAMC will notify all families at time of lease-up of their right to request a minimum rent hardship exemption.

HAMC will document in the family's file that the family has been notified of their right to request a minimum rent hardship exemption.

HAMC notification will advise the family that hardship exemption determinations are subject to HAMC grievance procedures.

HAMC will review all tenant requests for exemption from the minimum rent due to financial hardships.

All requests for minimum rent exemption are required to be in writing.

HAMC notification will be provided to residents in writing and verbally during the reexamination process.

Requests for minimum rent exemption must state the family circumstances that qualify the family for an exemption.

Exemptions to Minimum Rent

HAMC will immediately grant the minimum rent exemption to all families who request it, pending verification.

The Minimum Rent will not be suspended until HAMC determines whether the hardship is:

Covered by statute

Temporary or long term

If HAMC determines that the minimum rent is not covered by statute, it will impose a minimum rent including payment for minimum rent from the time of suspension.

HAMC will use its standard verification procedures to verify circumstances that have resulted in financial hardship, such as loss of employment, death in the family. Etc.

HUD Criteria for Hardship Exemption

In order for a family to qualify for a hardship exemption the family's circumstances must fall into one of the following criteria:

The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;

The family would be evicted as a result of the imposition of the minimum Rent requirement;

The income of the family has decreased because of changed circumstances,

Loss of employment

Death in the family

Other circumstances as determined by HAMC or HUD

HAMC Policy Regarding Hardship Exemption

For purposes of providing the hardship exemption to minimum rent in a fair and consistent manner, HAMC has established policy regarding the above-mentioned HUD criteria.

“Loss of employment” is:

defined as being laid off or terminated through fault or no fault of the employee.

Loss of employment does not, for the purposes of exemption to minimum rent,

include voluntarily quitting employment.

“Death in the family.” Family, for the purposes of exemption to minimum rent, includes head of house or spouse any adult on the public housing lease or any family member on the public housing Lease.

Temporary Hardship

If HAMC determines that the hardship is temporary (less than 90 days), a minimum rent will be imposed, including back payment from time of suspension, but the family will not be evicted for nonpayment of rent during the 90-day period commencing on the date of the family’s request for exemption.

Repayment Agreements for Temporary Hardship

HAMC will offer a repayment agreement to the family for any such rent not paid during the temporary period.

If the family owes HAMC money for rent arrears incurred during the minimum rent period, HAMC will calculate the total amount owed and divide it by 12 to arrive at a reasonable payment increment that will be added to the family’s regular monthly rent payment. The family will be required to pay the increased amount until the arrears are paid in full.

HAMC policies regarding repayment agreements are in the Chapter 14 entitled “Family Debts to the PHA.”

B. INCOME AND ALLOWANCES

Income

The types of money which are to be used as income for purposes of calculating the TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is documented. (See Income Inclusions and Income Exclusions in the Glossary of Terms of this policy). (See also, Chapter on Verification Procedures).

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or reexamination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 960.201)

Adjusted Income is defined as the Annual income minus any HUD allowable deductions.

Permissive Deductions

The PHA does not adopt any additional permissive deductions to annual income of tenants.

The PHA has established the following coordination with local TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) agencies:

Local TANF agencies verify TANF benefits received.

Allowable Deductions

HUD has five allowable deductions from Annual Income:

1. Dependent allowance: \$480 each for family members (other than the head or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. "Elderly" allowance: \$400 per household for families whose head or spouse is 62 or over or disabled.
3. Allowable medical expenses for all family members are deducted for elderly and disabled families.
4. Child care expenses for children under 13 are deducted when child care is necessary to allow an adult member to work, actively seek work, or attend school (including vocational training).
5. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

C. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS

The annual income for qualified families may not be increased as a result of increases in earned income beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the family receives 12

cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A family qualified for the earned income exclusion is a family that occupies a dwelling unit in a public housing project, is paying income-based rent; and

1. Whose annual income increases as a result of employment of a family member who was previously unemployed for one or more years prior to the employment;
2. Whose earned income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job-training program;
3. Whose annual income increases, as a result of new employment or increased earnings of a family member during or with six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least \$500. The qualifying TANF assistance may consist of any amount of monthly income maintenance, and/or at least \$500 in such TANF benefits and services as one-time payments, wage subsidies, and transportation assistance.

The HUD definition of “previously unemployed” includes a person who has earned in the previous twelve (12) months no more than the equivalent earnings for working ten (10) hours per week for fifty (50) weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

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

Amounts to be excluded are any earned income increases of a family member during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member. The incremental increase in income is calculated by comparing the amount of the family member’s income before the beginning of qualifying employment to the amount of such income after the beginning of employment or increase in earned income.

Initial Twelve-Month Exclusion:

During the cumulative twelve (12) month period beginning on the date a member of a qualified family is first employed or the family member first experiences an increase in employment income, the PHA will exclude from annual income any increase in income of the family member as a result of employment over the prior income of that family member.

Second Twelve-Month Exclusion:

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the PHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four Year Disallowance:

The earned income disallowance is limited to a lifetime 48-month period for each family member. For each family member, the disallowance only applies for a maximum of twelve (12) months of full exclusion of incremental increase, and a maximum of twelve (12) months of phased-in exclusion during the 48-month period starting from the date of the initial exclusion.

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Applicability to Child Care and Disability Assistance Expense Deductions:

The amount deducted for child care and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care and disability assistance expense deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation will include:

1. Date the increase in earned income was reported by the family
2. Name of the family member whose earned income increased
3. Reason (new employment, participation in job training program, within six (6) months after receiving TANF) for the increase in earned income
4. Amount of the increase in earned income (amount to be excluded)
5. Date the increase in income is first excluded from annual income
6. Date(s) earned income ended and resumed during the initial cumulative twelve (12) month period of exclusion (if any)
7. Date the family member has received a total of twelve (12) months of the initial exclusion

8. Date the twelve (12) month phase-in period began
9. Date(s) earned income ended and resumed during the second cumulative twelve (12) month period (phased-in) of exclusion (if any)
10. Date the family member has received a total of twelve (12) months of the phased-in exclusion
11. Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance)

The PHA will maintain a tracking system to ensure correct application of the earned income disallowance.

Family's Responsibility to Report Changes

The PHA's policy is not to raise rent between annual reexaminations, except in the case of a change in family composition or results in a rent decrease.

However, if the family has a change of unit or an increase in earned income and wishes to benefit from the Family Self Sufficiency or earned income exclusion, the family must report the increase in income, in writing, within ten (10) business days of the date of the increase.

If the PHA determines that the family is a qualified family, the twelve (12) month exclusion will begin on the first day of the month after the family reports the increase in income. At annual reexamination, the remainder of the twelve (12) month full exclusion will be applied. After the twelve (12) month full exclusion ends, the twelve (12) month phased-in exclusion will begin. The family will be required to report any change in income or family composition during this period (while full or phased-in exclusion is applied).

Inapplicability to Admission

The earned income disallowance is only applied to determine the annual income of families residing in public housing, and therefore does not apply for purposes of admission (including the determination of income eligibility or income targeting that may be applicable).

D. INDIVIDUAL SAVINGS ACCOUNTS

The PHA chooses not to establish a system of individual savings accounts for families who qualify for the disallowance of earned income.

E. TRAINING PROGRAMS FUNDED BY HUD

All training income from a HUD sponsored or funded training program, whether incremental or not, is excluded from the resident's annual income while the resident is in training. Income from a Resident Services training program, which is funded by HUD, is excluded.

F. WAGES FROM EMPLOYMENT WITH THE PHA OR RESIDENT ORGANIZATION

Upon employment with the PHA or officially-recognized Resident Organization, the full amount of employment income received by the person is counted. There is no exclusion of income for wages funded under the 1937 Housing Act Programs, which includes public housing and Section 8.

G. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the PHA may:

1. Average known sources of income that vary to compute an annual income.
2. Annualize current income and conduct an interim reexamination if income decreases

If there are bonuses or overtime, which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

H. MINIMUM INCOME

There is no minimum income requirement.

Families that report zero income will be required to provide a monthly report regarding their means of basic subsistence, such as food, utilities, transportation, etc.

The PHA may request credit checks for all adult members of families that report zero income. Where credit reports show credit accounts open and payments current, the PHA will take action to investigate the possibility of fraud or program abuse.

I. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the PHA will calculate the Total Tenant Payment by calculating the income by using the following methodology and using the income figure which would result in a lower payment by the family:

- a) Excluding the income of the person permanently confined to the nursing home and not giving the family deductions for medical expenses of the confined family member, or
- b) Including the income of the person permanently confined to the nursing home

and giving the family the medical deductions allowable on behalf of the person in the nursing home.

J. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(a)(7)]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every one-month or more frequently will be considered a “regular” contribution or gift, unless the amount is less than six hundred dollars (\$600) per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter on “Verification Procedures” for further definition).

If the family’s expenses exceed their known income, the PHA will make inquiry of the family about contributions and gifts.

K. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(a)(7)]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the PHA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount.

The PHA will accept as verification that the family is receiving an amount less than the award if:

The PHA receives verification from the agency responsible for enforcement or collection.

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family’s responsibility to supply a certified copy of the divorce decree.

L. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(4 and 5), (c)(3 and 14)]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers’ compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be

considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt.

The PHA will calculate prospectively if the family reported the payment within ten (10) business days and retroactively to date of receipt if the receipt was not reported within that time frame.

Retroactive Calculation Methodology

The PHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The PHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the PHA.

The family has the choice of paying this “retroactive” amount to the PHA in a lump sum.

At the PHA’s option, the PHA may enter into a Repayment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family’s attorney fees may be deducted from lump-sum payments when computing annual income if the attorney’s efforts have recovered lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

M. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

N. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The PHA must count assets disposed of for less than fair market value during the two (2) years preceding certification or reexamination. The PHA will count the difference between the market value and the actual payment received in calculating total assets. The difference will be included in calculating total assets for two (2) years.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The PHA's minimum threshold for counting assets disposed of for less than Fair Market value is five thousand dollars (\$5,000). If the total value of assets disposed of within the two-year period is less than five thousand dollars (\$5,000) they will not be considered an asset.

O. CHILD CARE EXPENSES

Unreimbursable child care expenses for children under 13 may be deducted from annual income if they enable an adult to work, actively seek work, attend school full time, or attend full-time vocational training.

In the case of a child attending private school, only before or after-hours care can be counted as childcare expenses.

If a tenant is eligible for the earned income disallowance, the amount of deduction for child care expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, the disregarded or excluded amounts cannot be used in determining the cap for the childcare expense deduction.

Childcare expenses must be reasonable. Reasonable is determined by what the average childcare rates are in the PHA's jurisdiction.

Allowability of deductions for childcare expenses is based on the following guidelines:

1. **Childcare to work:** The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
2. **Childcare for school:** The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).
3. **Amount of Expense:** The PHA will establish guidelines for determining reasonable childcare expenses. If the hourly rate materially exceeds the guideline, the PHA may calculate the allowance using the guideline.

P. MEDICAL EXPENSES [24 CFR 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

A doctor or licensed health professional must prescribe nonprescription medicines in order to be considered a medical expense.

Acupressure, acupuncture, and related herbal medicines will be considered allowable medical expenses.

Chiropractic services will be considered allowable medical expenses.

Q. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]**Applicability**

Pro-ration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance (See Chapter titled "Recertification"). Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated TTP Calculation for Mixed Families

Prorated assistance will be calculated by subtracting the Total Tenant Payment from the applicable Maximum Rent for the unit the family occupies to determine the Family Maximum Subsidy. The family's TTP will be calculated by:

1. Dividing the Family Maximum Subsidy by the number of persons in the family to determine Member Maximum Subsidy
2. Multiplying the Member Maximum Subsidy by the number of eligible family members to determine Eligible Subsidy
3. Subtracting the amount of Eligible Subsidy from the applicable Maximum Rent for the unit the family occupies to get the family's Revised Total Tenant Payment

Prorated Flat Rent for Mixed Families

The PHA will compare the flat rent for the unit to the applicable Maximum Rent. If the flat rent is greater than the Maximum Rent, the family will pay the flat rent for the unit. If the Maximum Rent is greater than the flat rent, and the family chooses flat rent, the flat rent will be prorated by:

- Subtracting the flat rent from the Maximum Rent to determine Family Maximum Subsidy

- Dividing the Family Maximum Subsidy by the number of persons in the family to determine the Member Maximum Subsidy
- Multiplying the Member Maximum Subsidy by the number of eligible family members to determine Eligible Subsidy
- Subtracting the amount of Eligible Subsidy from the applicable Maximum Rent for the unit the family occupies to get the family's Revised Flat Rent

R. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The PHA will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

1. fraud; or
2. failure to participate in an economic self-sufficiency program; or
3. noncompliance with a work activities requirement

However, the PHA will reduce the rent if the welfare assistance reduction is a result of:

1. The expiration of a lifetime time limit on receiving benefits; or
2. A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment; or
3. A situation where a family member has not complied with other welfare agency requirements

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution. Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

The welfare agency, at the request of the PHA, will inform the PHA of:

1. amount and term of specified welfare benefit reduction for the family;
2. reason for the reduction; and
3. subsequent changes in term or amount of reduction

Cooperation Agreements

The PHA has a written cooperation agreement in place with the local welfare agency which assists the PHA in obtaining the necessary information regarding welfare sanctions.

The PHA has taken a proactive approach to culminating an effective working relationship between the PHA and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

The PHA has executed a written cooperation agreement with the local welfare agency to ensure timely and accurate verification of noncompliance.

The PHA and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs or services that would benefit public housing residents.

S. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

If the cost of utilities (excluding telephone) is not included in the Tenant Rent, a utility allowance will be deducted from the total tenant payment. The Utility allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost of reasonable consumption utilities in an energy conservative household, *not* on a family's actual consumption.

When the Utility Allowance exceeds the family's Total Tenant Payment, the PHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

Resident-Paid Utilities

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments.

1. If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit with resident paid utilities. This may mean that a current resident cannot transfer to a scattered site or that an applicant cannot be admitted to a unit with resident-paid utilities.

Paying the utility bill is the resident's obligation under the lease. Utility service interruption, or failure to pay utilities is grounds for eviction.

T. EXCESS UTILITY PAYMENTS

Residents in units where the PHA pays the utilities may be charged for excess utilities used in the unit. This charge shall be applied as specified in the lease. [24CFR 966.4(b)(2)]

U. CEILING RENTS

Ceiling Rents will no longer be available or allowed by HUD after September 30, 2002. Tenants who were paying ceiling rents under leases negotiated before September 30, 2002, must sign new lease agreements and choose either income based or flat rents effective October 1, 2002.

V. FAMILY CHOICE OF RENTS

Authority for Family to Select

The PHA shall provide for each family residing in a public housing unit to elect annually whether the rent paid by such family shall be:

1. determined based on family income, or
2. flat rent

The PHA may not at any time fail to provide both such rent options for any public housing unit owned, assisted, or operated by the PHA.

Annual Choice

The PHA shall provide for families residing in public housing units to elect annually whether to pay income-based or flat rent.

Allowable Rent Structures

Flat Rents

The PHA has established, for each dwelling unit in public housing, a flat rental amount for the dwelling unit, which:

1. Is based on the rental value of the unit, as determined by the PHA; and
2. Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The PHA's methodology used to establish flat rents is described in the PHA Plan.

The PHA shall review the income of families paying flat rent not less than once every three (3) years. Family composition and community service requirements will be reviewed annually for all families including those paying flat rent.

Income-Based Rents

The monthly Total Tenant Payment amount for a family shall be an amount, as verified by the PHA, that does not exceed the greatest of the following amounts:

1. 30 percent of the family's monthly adjusted income
2. 10 percent of the family's monthly income; or
3. The PHA's Minimum TTP of fifty dollars (\$50)

The PHA will provide the additional subsidy to cover all reduced income resulting from this policy.

Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay the PHA's flat rent, the PHA shall immediately provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the flat rent because of financial hardship, including:

1. Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment, death in the family, and reduction in or loss of income of other assistance;
2. An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items; and
3. Such other situations as may be determined by the PHA.

All hardship situations will be verified.

Once a family switches to income-based rent due to hardship, the family must wait until the next annual reexamination to elect whether to pay income-based rent or flat rent.

Annual Reexamination

Ninety (90) calendar days in advance of the annual reexamination, the family will be sent a form from the PHA, on which the family will indicate whether they choose flat rent or income-based rent. The PHA form will state what the flat rent would be, and an estimate, based on current information, what the family's income-based rent would be.

If the family indicates they choose flat rent, the family will fill out and return a PHA form to certify family composition. This form will be retained in the tenant file.

If the family indicates they choose income-based rent, a reexamination appointment will be scheduled according to PHA policy.

W. PHA'S FLAT RENT METHODOLOGY

The PHA has set a flat rent for each public housing unit, based on the reasonable market value of the unit. The PHA's methodology is described in the PHA Agency Plan.

The PHA's flat rents have been established using the following methodology:

- The PHA will utilize Section 8 rent comparability statistics to establish flat rents for each unit. The analysis will include relevant factors, such as age, location, condition, amenities, design and size of units, as well as unassisted rents for similar housing.

The PHA will review its schedule of flat rents every three (3) years and revise the flat rent schedules to reflect changes in market conditions, if any.

CHAPTER 7 VERIFICATION PROCESS

[24 CFR Part 5, Subpart B; 24 CFR 960.259]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the PHA. Applicants and program tenants must furnish proof of their statements whenever required by the PHA, and the information they provide must be true and complete. The PHA's verification procedures are designed to meet HUD's requirements and to maintain program integrity. This Chapter explains the PHA's procedures and standards for verification of preferences, income assets, allowable deductions, family status, and when there are changes in family members. The PHA will ensure that proper authorization for release of information is always obtained from the family before making verification inquiries.

A. METHODS OF VERIFICATION AND TIME ALLOWED

The PHA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-Party Written: The PHA's first choice is a written third party verification to substantiate claims made by an applicant or resident.
2. Third-Party Oral: The PHA may also use telephone verifications.
3. Review of Documents: The PHA will review documents, when relevant, to substantiate the claim of an applicant or resident.
4. Family Certification/Self-Declaration: A notarized family certification will be accepted when no other form of verification is available. If third party verification is not received directly from the source, the PHA staff will document the file as to why third party verification was impossible to obtain and another method was used (such as reviewing documents families provide). (See Chapter 3.D. Processing Applications).

The PHA will not delay the processing of an application beyond two weeks because a third party information provider does not return the verification in a timely manner.

For applicants, verifications may not be more than one hundred twenty (120) calendar days old at the time of a unit offer. For tenants, they are valid for one hundred and twenty (120) calendar days from date of execution.

Regardless of these time frames, Criminal History Reports will be useable as a valid verification for no longer than one year.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail or fax. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

The PHA will not accept verifications delivered by the family as third party documents with the exception of computerized printouts from the following agencies:

1. Social Security Administration
2. Veterans Administration
3. Welfare Assistance
4. Unemployment Compensation Board
5. City or County Courts
6. Pharmacies for prescription drugs
7. Child Support

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will originate the call and be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the PHA will compare the information to any documents provided by the Family.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within two weeks, the PHA will utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a contact form.

The PHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

1. Printed wage stubs
2. Computer print-outs from the employer
3. Signed letters (provided that the information is notarized or confirmed by phone)
4. Other documents noted in this Chapter as acceptable verification

The PHA will accept Faxed documents

The PHA will NOT accept photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the PHA will utilize the third party verification.

Self-certification/Self-declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit self-certification/self-declaration.

Self-certification/self-declaration means a notarized affidavit/certification/statement under penalty of perjury, which must be witnessed.

B. RELEASE OF INFORMATION

All adults, and head of household and spouse regardless of age, are required to sign HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

In addition, the family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886. Each member (18+ years of age will be) requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of tenancy because it is a family obligation under tenancy to supply any information requested by the PHA or HUD.

C. COMPUTER MATCHING

For some time, HUD has conducted a computer matching initiative to independently verify resident income. HUD can access income information and compare it to information submitted by PHA's on the 50058 form. HUD can disclose Social Security information to PHAs, but is precluded by law from disclosing Federal tax return data to PHAs. If HUD receives information from Federal tax return data indicating a discrepancy in the income reported by the family, HUD will notify the family of the discrepancy. The family is required to disclose this information to the PHA (24 CFR 5.240). HUD's letter to the family will also notify the family that HUD has notified the PHA in writing that the family has been advised to contact the PHA. HUD will send the PHA a list of families who have received "income discrepancy" letters.

When the PHA receives notice from HUD that a family has been sent an "income discrepancy" letter, the PHA will:

Wait forty (40) calendar days after the date of notification before contacting tenant.

After forty (40) calendar days following the date of notification, the PHA will contact the tenant by mail, telephone, or email asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

The PHA will fully document the contact in the tenant's file, including a copy of the letter or e-mail to the family and/or written documentation of phone call.

When the family provides the required information, the PHA will verify the accuracy of the income information received from the family, review the PHA's interim reexamination policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, based on the information.

If tenant fails to respond to PHA:

The PHA will ask HUD to send a second letter.

After an additional forty (40) calendar days, the PHA will ask HUD to send a third letter.

After an additional forty (40) calendar days, the PHA will send a letter to the head of household, warning of the consequences if the family fails to contact the PHA within two weeks.

If tenant claims a letter from HUD was not received:

The PHA will ask HUD to send a second letter with a verified address for the tenant.

After forty (40) calendar days, the PHA will contact the tenant family.

If a tenant family still claims they have not received a letter, the PHA will ask HUD to send a third letter:

After an additional forty (40) calendar days, the PHA will set up a meeting with the family to complete IRS forms 4506 and 8821.

If the tenant family fails to meet with the PHA or will not sign the IRS forms, the PHA will send a warning letter to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the PHA and/or sign forms.

If the tenant does receive a discrepancy letter from HUD:

The PHA will set up a meeting with the family.

The PHA will set up a meeting with the family.

If the family fails to attend the meeting, the PHA will reschedule the meeting.

If the family fails to attend the second meeting, the PHA will send a termination warning.

The family must bring the original HUD discrepancy letter to the PHA.

If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter:

The PHA will ask the tenant to provide documented proof that the tax data is incorrect.

If the tenant does not provide documented proof, the PHA will obtain proof to verify the Federal tax data using third party verification.

D. ITEMS TO BE VERIFIED

- All income not specifically excluded by the regulations
- Zero-income status of household
- Zero income applicants and residents will be required to complete a family expense form at each certification or reexamination interview
- Full-time student status including High School students who are 18 or over
- Current assets including assets disposed of for less than fair market value in preceding two years
- Child care expense where it allows an adult family member to be employed, seek employment, or to further his/her education
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus which allow an adult family member to be employed
- Legal Identity
- U.S. citizenship/eligible immigrant status
- Social Security Numbers for all family members 6 years of age or older or certification that a family member does not have a Social Security Number.
- Preference status, based upon PHA preferences
- Familial/Marital status when needed for head or spouse definition
- Disability for determination of preferences, allowances or deductions

E. VERIFICATION OF INCOME

This section defines the methods the PHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

1. Dates of employment
2. Amount and frequency of pay
3. Date of the last pay increase
4. Year to date earnings
5. Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include:

1. Employment verification form completed by the employer
2. Check status or earning statements which indicate the employee's gross pay, frequency of pay or year to date earnings
3. W-2 forms plus income tax return forms
4. Complete income tax returns, if available, signed by the family may be used for verifying self-employment income, or income from tips and other gratuities

Applicants and program tenants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income. In cases where there are questions about the validity of information provided by the family, the PHA may require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include:

1. Benefit verification form completed by agency providing the benefits
2. Computer report electronically obtained or in hard copy
3. Award or benefit notification letters prepared by the providing agency
4. Bank statements for direct deposits

Unemployment Compensation

Acceptable methods of verification include:

1. Computer report electronically obtained or in hard copy, stating payment dates and amounts
2. Verification form completed by the unemployment compensation agency
3. Payment Stubs

Welfare Payments or General Assistance

Acceptable methods of verification include:

1. PHA verification form completed by payment provider
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action
4. Computer-generated list of recipients from Welfare Department

Alimony or Child Support Payments

Acceptable methods of verification include:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules
2. Copy of latest check and/or payment stubs from Court Trustee. PHA must record the date, amount, and number of check
3. A notarized letter from the person paying the support
4. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received
5. If payments are irregular, the family must provide:
 - a) A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules
 - b) A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement
 - c) A notarized affidavit from the family indicating the amount(s) received
 - d) A Welfare Notice of Action showing amounts received by the welfare agency for child support
 - e) A written statement from an attorney certifying that a collection or enforcement action has been filed

Net Income from a Business

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. Appropriate IRS Forms including:
 - a) Form 1040
 - b) Schedule C (Small Business)
 - c) Schedule E (Rental Property Income)
 - d) Schedule F (Farm Income)
 - e) If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules
2. Audited or unaudited financial statement(s) of the business
3. Credit report or loan application
4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
5. Family's self-certification as to net income realized from the business during previous years.

The PHA may request the documentation identified in #4 above, regardless of the verification used.

Child Care Business

If an applicant/tenant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/tenant is operating a “cash and carry” operation (licensed or not), the PHA will require the applicant/tenant to complete a form for each customer giving: name of person(s) whose child(ren) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

If child care services were terminated, a third-party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must furnish a notarized statement which contains the following information:

1. The person who provides the gifts
2. The value of the gifts
3. The regularity (dates) of the gifts
4. The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, AFDC, SSI, etc. are not being received by the household.

The PHA will request information from the State Department of Economic Security.

The PHA will request IRS information from the family.

The PHA may check records of other departments in the jurisdiction (such as government, utilities) that have information about income sources of customers.

Full Time Student Status

Only the first \$480 of the earned income of full time students 18 years of age or older, other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students are not counted towards family income.

Verification of full time student status includes:

1. Written verification from the registrar's office or other school official
2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution

Verification of Income Exclusions

The PHA will attempt third party verification of income exclusions wherever possible.

When third party verification of income exclusions are not possible or practical, a review of documents or notarized self certification will be obtained.

Exclusions from income that must be verified and reported on the 50058 include the following:

- Expenditures for business expansion
- Amortization of capital indebtedness as deductions in determining net income of a business
- Withdrawals of cash or assets from a professional or business operation if the withdrawal is a reimbursement for cash or assets invested in the operation by the family
- Allowance for business asset depreciation, based on straight line depreciation, as provided in the Internal Revenue Service (IRS) regulations
- Income from employment of children or foster children under 18 years old
- Earnings in excess of \$480 for each full-time student 18 years old or older (excluding head of household and spouse)
- Earned income disallowance
- Amounts earned by temporary Census employees; terms of employment may not exceed 180 days for the purposes of the exclusion
- Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by the resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in the development
- Stipends to reimburse residents for expenses for serving as members of the PHA governing board or commission
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- The full amount of military pay of any family member other than the head and spouse. If other family members are away from home in the military, the PHA may remove their name from the lease and exclude their income
- Other military pay specifically excluded by law (e.g.: Desert Storm active duty)
- Income of a live-in aide
- Earnings and benefits from employment training programs funded by HUD
- Reimbursement for out-of-pocket expenses while attending a public assisted training program

- Incremental earnings and benefits from participation in qualifying state and local employment programs
- Payments to volunteers under the Domestic Volunteer Services Act
- Payments received under programs funded in whole or in part under the Workforce Investment Act (WIA) (formerly known as the Job Training Partnership Act (JTPA)).
- Earnings and benefits to any family member from an employment training and supportive services program during the exclusion period. The exclusion is applicable only if the family was admitted to the qualifying program prior to October 1, 1999.
- Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home
- Food stamps
- Annual Imputed Welfare Income if the family was not an assisted resident at the time of sanction
- Non-recurrent, short-term benefits under TANF assistance that:
 - Are designed to deal with a specific crisis situation or episode of need;
 - Are not intended to meet re-current or ongoing needs; and
 - Will not extend beyond four months
- Work subsidies under TANF assistance (i.e.: payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training)
- Supportive services under TANF assistance such as child care and transportation provided to families who are employed
- Refundable earned income tax credits
- Individual Development Accounts under TANF
- Services provided under TANF assistance such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support
- Transportation benefits under TANF assistance provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance
- Lump-sum pension benefits payable as a death benefit
- Deferred periodic amounts from SSI benefits that the family member received in a lump sum amount or in prospective monthly amounts
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Attain Self-sufficiency (PASS)
- Deferred periodic amounts from Social Security benefits that the family member received in a lump sum amount or in prospective monthly amounts
- Child care arranged or provided under the Child Care and Development Block Grant Act

- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
- Payments received under the Alaska Native Claims Settlement Act
- Income derived from certain submarginal land or the United States that is held in trust for certain Indian tribes
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians
- The first \$2000 of per capita shares from judgment funds awarded by Indian Claims
- Payments received under the Maine Indian Claims Settlement Act of 1980
- Payments received by Indian Claims Commission to the Confederate Tribe and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation
- The first \$2000 of income received by individual Indians derived from interests or trust or restricted land
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone)
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
- Full amount of student financial assistance and paid directly to the student or to the educational institution
- Temporary, nonrecurring or sporadic income (including gifts)
- 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
- Adoption assistance payments in excess of \$480 per adopted child
- Refunds or rebates under state or local law for property taxes paid on dwelling unit
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply
- Payments or allowances under DHHS' low-income home energy assistance program (LIHEAP)
- Federal scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work study program or under the Bureau of Indian Affairs student assistance program
- Payments received from programs funded under Title V of the Older Americans Act of 1965
- Payments received on or after January 1, 1989 from the Agent Orange Settlement Fund or any fund established pursuant to the settlement in the In Re Agent Orange product liability litigation
- Earned Income Tax Credit refund tax payments

- Any allowance paid under provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is a child of a Vietnam Veteran
- Any amount of crime victim compensation that the applicant (under the Victims Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims Crime Act because of the commission of a crime against the applicant

F. INCOME FROM ASSETS

Acceptable methods of verification include:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification
3. IRS Form 1099 from the financial institution, provided that the PHA must adjust the information to project earnings expected for the next 12 months

Interest Income from Mortgages or Similar Arrangements

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months (a copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or reexamination

Net Rental Income from Property Owned by Family

1. IRS Form 1040 with Schedule E (Rental Income)
2. Copies of latest rent receipts, leases, or other documentation of rent amounts
3. Documentation of allowable operating expenses of the property; tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense
4. Lessee's written statement verifying rent payments to the family and family's Notarized Statement as to net income realized

G. VERIFICATION OF ASSETS

Family Assets

The PHA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.

Real estate tax statements if the approximate current market value can be deduced from assessment.

Financial statements for business assets.

Copies of closing documents showing the selling price and the distribution of the sales proceeds.

Appraisals of personal property held as an investment.

Family's Notarized Statement describing assets or cash held at the family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value (FMV) during two years preceding effective date of certification or reexamination.

For all Certifications and Reexaminations, the PHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or reexamination.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows:

- all assets disposed of for less than FMV
- the date they were disposed of
- the amount the family received, and
- the market value of the assets at the time of disposition

Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical and Disability Assistance Expenses

Families who claim medical expenses or expenses to assist a person(s) with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family
3. Written confirmation from the Social Security Administration's of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
 - a) A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
 - b) Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services
 - c) Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months
 - d) Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months
 - e) Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, non-recurring expenses from the previous year
 - f) The PHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment

Assistance to Persons with Disabilities

In All Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or use of auxiliary apparatus to

permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

1. Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
2. Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

1. Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
2. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identify

In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identify for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

1. Certificate of Birth, naturalization papers
2. Church issued baptismal certificate
3. Current, valid Driver's license
4. U.S. military discharge (DD214)
5. U.S. passport
6. Voter's registration
7. Company/agency Identification Card
8. Department of Motor Vehicles Identification Card
9. Hospital Card

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

1. Certificate of Birth
2. Adoption papers
3. Custody agreement
4. Health and Human Services ID

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate or confirmation of an electronic record.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will be required if certification is insufficient:

Verification of relationship:

- a) Official identification showing name
- b) Birth Certificates
- c) Baptismal certificates
- d) Evidence of an established family relationship:
 - Joint bank accounts or other shared financial transactions
 - Leases or other evidence of prior cohabitation
 - Credit reports showing relationship

Verification of guardianship:

- a) Court-ordered assignment
- b) Notarized Statement of parent
- c) Verification from social services agency
- d) School records

Split Households: Domestic Violence

Verification of domestic violence when assessing applicant split households includes:

1. Shelter for battered persons
2. Police reports
3. District Attorney's Office

Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the PHA will consider any of the following as verification:

1. Husband or wife institutes divorce action
2. Husband or wife institutes legal separation
3. Order of protection/restraining order obtained by one family member against another

4. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available
5. Statements from other agencies such as social services that the adult family member is no longer living at that location

If no other proof can be provided, the PHA will accept a Notarized Statement from the family. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The PHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under 42 U.S.C. Section 423(d)(1)(A) of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42U.S.C. 6001(8) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

Eligible Immigrants 62 or over are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten (10) business days that the INS conduct a manual search.

Family member who do not claim to be citizens or eligible immigrants must be listed on a statement of non-contending family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of non-contending members.

Failure to Provide

If an applicant or tenant family members fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For tenant families, it is done at the first regular reexamination after June 19, 1995. PHA's that previously elected to "opt out" must immediately commence verification of families for whom eligibility status has not been undertaken. For family members added after other members have been verified, the verification occurs at the first reexamination after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial PHA does not supply the documents, the PHA must conduct the determination.

Extensions of Time to Provide Documents

The PHA will grant an extension of thirty (30) business days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register:

1. Resident Alien Card (I-551)
2. Alien Registration Receipt Card (I-151)
3. Arrival-Departure Record (I-94)
4. Temporary Resident Card (I-688)
5. Employment Authorization Card (I-688B)
6. Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

Verification of Social Security Numbers

Social security numbers must be provided as a condition of eligibility for all family members six and over if they have been issued a number. Verification of Social

Security numbers will be done through a Social Security Card issued by the Social Security Administration.

If a family member cannot produce a Social Security Card, only the documents listed below showing his/her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

1. A valid driver's license
2. Identification card issued by a Federal, State or local agency
3. Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
4. An identification card issued by an employer or trade union
5. An identification card issued by a medical insurance company
6. Earnings statements or payroll stubs
7. Bank statements
8. IRS Form 1099
9. Benefit award letters from government agencies
10. Retirement benefit letter
11. Life insurance policies
12. Court records (real estate, tax notices, marriage, divorce, judgment or bankruptcy records)
13. Verification of benefits or SSN from Social Security Administration

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the PHA.

If an applicant or tenant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or tenant must sign a certification to that effect provided by the PHA. The applicant/tenant or family member will have an additional thirty (30) calendar days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's tenancy will be terminated.

In the case of an individual at least 62 years of age, the PHA may grant an extension for an additional sixty (60) calendar days to a total of one hundred and twenty (120) calendar days. If, at the end of this time, the elderly individual has not provided documentation, the family's tenancy will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Verification of Medical Need or Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

J. VERIFICATION OF SUITABILITY FOR ADMISSION

Sources to be used to determine suitability include but are not limited to:

1. Criminal History Reports
2. Prior landlord references
3. Physicians, social workers, and other health professionals
4. Other PHAs to whom the family may owe debt (See Chapter 2, Eligibility)
5. Ability to meet financial obligations under the lease
6. All applicants will be subject to the following procedures to ensure their ability to meet financial obligations under the lease:

All applicants will be interviewed and asked questions about the basic elements of tenancy.

The PHA will complete a rental history check on all applicants. In the event that applicant does not provide a verifiable rental history, a credit check may be completed.

The PHA will determine if applicants owe any monies from previous tenancy or participation in any HUD housing program.

The PHA will independently verify the rent-paying history of all applicants.

Drug-related or violent criminal activity.

The PHA will complete a criminal background check of all applicants including other adult members in the household, or any member for which criminal records are available.

Housekeeping

The PHA will obtain references from prior landlords to determine acceptable housekeeping standards. The PHA may conduct a home visit prior to admission for all applicants who have had landlord verifications returned to the PHA with unfavorable comments concerning their housekeeping habits.

K. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 960.206]

Local Preferences

1. Involuntary Displacement, Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition.

Involuntary Displacement:

A city, state county or governmental body or agency must submit verification.

Disaster:

Verification by a city, state, county or governmental body or agency.

Government Action:

Verification by a Federal or Local government body or agency.

Action of Housing Owner:

The owner of the property specifying the reason/s must provide verification.

Inaccessibility:

Verification of need for accessibility by a licensed medical professional and type of accessibility required.

Property Disposition:

Verification by governmental agency.

2. Victims of domestic violence:

Verification from law enforcement agency, social service agency or other agency that provides assistance to victims of domestic violence.

3. Working families and those unable to work because of age or disability:

This preference is available for families with at least one member who is employed and works at a minimum of 20 hours a week. The PHA will require a statement from the employer. The PHA will also give the benefit of this preference to families where the head of house or spouse is age 62 or older; and to families where the head of house or spouse meets the disability definition in CFR 5.403.

4. Veterans Preference

This preference is available to current members of the U.S. Military Armed Forces, veterans, or surviving spouses of veterans.

The PHA will require U.S. government documents that indicate that the applicant qualifies under the above definition.

Those enrolled currently in educational, training, or upward mobility programs.

This preference is available for families who are graduates of or tenants in educational or training programs designed to prepare the individual for the job market. The PHA will require a statement from the agency or institution providing the education or training.

Chapter 8 TRANSFER POLICY

INTRODUCTION

The transferring of families is very costly procedure, both to the PHA and to the families. However, it is the policy of the PHA to permit a resident to transfer within or between housing developments when it is necessary to comply with occupancy standards or when it will help accomplish the Affirmative Housing goals of the PHA. The transfer policy will be carried out in a manner that does not violate fair housing.

For purposes of this transfer policy, the “losing development” refers to the unit from which the family is moving and the “gaining development” refers to the unit to which the family is transferring.

A. GENERAL STATEMENT

It is the policy of the PHA to require/to permit resident transfers, within and/or between PHA public housing developments for the following reasons:

- To abate dangerous and/or substandard living conditions.
- To accommodate verified physical conditions caused by long-term illness and/or disability; and
- To accommodate resident families that are determined to be over-or under-housed by virtue of their family size.
- To accommodate resident families that are for a minimum of one year, enrolled in an educational program, or working at least thirty-five (35) hours per week.

A family may be requested and may be approved to transfer for valid and certifiable reasons such as enabling the family to:

- Move from an upstairs to a downstairs unit for medical or accessibility reasons

The PHA will always consider a request to transfer as a reasonable accommodation for a person with a disability.

B. ELIGIBILITY FOR TRANSFER

In order to be determined eligible to receive a transfer, residents must submit the requisite documentation to the PHA, to substantiate their request, and must be in good standing with the PHA.

Families transferring to another development must have paid the security deposit in full at the losing development.

Except in emergency situations, transfers will be avoided when the family is:

- Delinquent in its rent;
- In the process of reexamination to determine rent and eligibility; or
- About to be asked to move for reasons other than non-payment of rent

- Not in good standing with the PHA due to rental history, disturbances or housekeeping

The PHA will not grant a transfer request solely to accommodate neighbors who “cannot get along”.

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

- Have been a tenant for one year;
- For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (20) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities.
- Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year which ever is less;
- The family is current in the payment of all charges owed to the HAMC and has not paid late rent for at least one year;
- The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or HAMC staff.

C. PRIORITY OF TRANSFERS

The Transfer Waiting List will be maintained in rank order according to the following priorities:

Emergency

Executed within 24 hours of documentation, verification and approval.

Transfer will be within the housing development unless emergency transfer cannot be accomplished in this manner.

Emergency transfers are initiated by the PHA and/or written family request.

Medical Hardship and Accessibility

Executed within 30 days of documentation, verification and approval.

Transfer will be within the housing development unless appropriate unit is not available to meet the family's needs within the development.

Medical hardship and accessibility transfers are initiated by the PHA and/or written family request.

Underhoused (Overcrowded)

Executed when family's name reaches the top of transfer list and authorized unit available.

Transfer will be within the housing development unless size and type of unit required does not exist within that development's inventory.

Transfers are initiated by the PHA.

Overhoused

Executed when family's name reaches top of transfer list and authorized unit available

Transfer will be within the housing development unless the size and type of unit required does not exist within that development's inventory.

Transfers are initiated by the PHA.

D. EMERGENCY TRANSFER

The PHA will authorize an emergency transfer for a participant family if one of the following conditions occurs:

The resident's unit has been damaged by fire, flood, or other causes to such a degree that the unit is not habitable, provided the damage was not the result of an act, on the part of the resident or a member of the resident's household.

E. SPECIAL CIRCUMSTANCES TRANSFER

The PHA will authorize transfers under special circumstances for a participant family if one of the following conditions occurs:

The resident's unit is being modernized or significantly remodeled.

F. SCATTERED SITES

In filling scattered sites, a transfer will take precedence over an admission. Tenants wishing to transfer, or have been referred by Housing Authority staff, must meet the following criteria:

- At least one year's residency in low rent Public Housing units owned by HAMC.
- No rent delinquencies in past year
- No violations of the lease
- Good housekeeping habits
- Enrolled in Job Training programs or FSS

Of families meeting this criteria, first consideration will be given to those that reside in an inappropriate unit size.

G. MANDATORY TRANSFERS

If there is a required change in the size of unit needed, it will be necessary for the resident to move to a unit of an appropriate size and a new lease will be executed.

If an appropriate unit is not available, the resident will be placed on a transfer list and moved to such unit when it does become available.

The family will be offered the next appropriately sized unit that becomes available after other such families already on the transfer list who are in need of the same size unit. If a family that is required to move refuses the offered unit, the PHA will evaluate the reason for the refusal and determine if it is one of good cause. If the PHA determines that there is no good cause, the PHA will begin lease termination proceedings.

The PHA will consider the living area for occupancy standards so that the family may avoid losing their assistance.

The PHA will offer the family an opportunity for an informal conference before terminating the family's lease. The family will have ten (10) business days from the issue date of the Notice to Terminate to request an informal conference.

H. NON-MANDATORY TRANSFERS

Non-mandatory transfers are approved at the discretion of the PHA. When a unit becomes available, and after the transfer list has been reviewed for families requiring a mandatory transfer based on occupancy standards, the transfer list will be reviewed for other families desiring a transfer.

I. MOVING COSTS

The resident, except when the transfer is due to inhabitability, through no fault of the resident, or when the transfer is due to the need of the PHA (Section 504 units excepted), will pay all moving costs related to the transfer.

J. SECURITY DEPOSITS

The family will be required to pay a deposit and upon acceptance of a unit will be informed of the manner in which it is to be paid.

Security deposits will always be transferred from the old unit/development to the new unit/development if unit size is decreasing.

The resident will be billed for any charges that occur as a result of the resident moving out of the apartment.

K. PROCESSING TRANSFERS

Transfers will be processed as follows:

- There will be no lapsed time between move-out and move-in.

- The resident's records will show a continuous residence in public housing in one development or the other, but not in both projects at the same time.
- The resident will be informed that once the family has leased up and been issued the new keys, the family has three days in which to complete the moving/cleaning/return process or will be charged rent on both units until the keys from the old unit are turned in.
- Both old and new unit/development involved must have a definite agreement as to when the old unit/development will move the resident out and the new unit/development will move the resident in.

L. TRANSFER REQUEST PROCEDURE

Residents applying for a transfer must complete a transfer request form stating the reason a transfer is being requested. The Housing Manager and/or Public Hsg. Supervisor will evaluate the request to determine if a transfer is justified.

Residents applying for a transfer will be interviewed by the Housing Manager and/or Public Housing Supervisor to determine the reason for the request and to determine whether a transfer is justified.

The Housing Manager and/or Public Housing Supervisor endorsement will be completed and the original of the Request for Transfer form will be maintained at the housing office until the family is offered and accepts a unit. Mandatory transfers due to occupancy standards will be maintained on the transfer list in a manner that allows the PHA to easily distinguish between those that are not mandatory.

The resident will be informed of the security deposit procedures.

If the request is denied, the family will be sent a letter stating the reason for denial, and offering the family an opportunity for an informal conference if they disagree with the decision.

M. RENT ADJUSTMENTS OF TRANSFERRED RESIDENTS

Residents who have had a change in income since the last reexamination will have their rent set at the applicable amount beginning with the first day of the new lease.

The PHA will notify the resident of the rent change by use of the Notice of Rent Adjustment Letter.

N. REEXAMINATION DATE

The date of transfer changes the reexamination date. The gaining development should be certain that the annual review is properly scheduled to give the staff time to re-determine rent in order to meet the established reexamination date.

Chapter 9 LEASING

[24 CFR 966.4]

INTRODUCTION

It is the PHA's policy that all units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations [24 CFR Part 966]. This Chapter describes pre-leasing activities and the PHA's policies pertaining to lease execution, security deposits, other charges, and additions to the lease.

A. LEASE ORIENTATION

Prior to execution of the lease, a PHA representative will provide a lease orientation to the family head and spouse. The orientation may be conducted with more than one family.

The family must attend an orientation before taking occupancy of the unit.

Orientation Agenda

When families attend the lease orientation, they will be provided with:

- A. A copy of Part II of the Lease
- B. A copy of the grievance procedure
- C. A copy of the Rules & Regulations
- D. A copy of the PHA Newsletter
- E. Pet Policy, if applicable
- F. Reasonable Accommodation Notice

Topics to be discussed will include, but are not limited to:

- 1. Applicable deposits and other charges
- 2. Provisions of the Lease
- 3. Family Choice of Rents
- 4. Orientation to the community
- 5. Unit maintenance and work orders
- 6. Explanation of occupancy forms
- 7. Terms of occupancy
- 8. Community Service (when community service is required)
- 9. Pet Policy (if applicable)

B. LEASE REQUIREMENTS

The initial term of the lease will be for twelve (12) months. The lease will renew automatically for twelve (12) month terms except for noncompliance with the community service requirement, as described in the chapter on community service (when community service is required).

Because the lease automatically renews for terms of twelve (12) months, an annual signing process is not required.

C. EXECUTION OF LEASE

The lease shall be executed by the head of household, spouse, all adult family members and by an authorized representative of the PHA, prior to admission.

The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

An appointment will be scheduled for the parties to execute the lease. One executed copy of the lease will be given to the tenant, and the PHA will retain one in the tenant's file. The lease is incorporated into this policy by reference. The lease document will reflect current PHA policies as well as applicable Federal, State and Local Law.

The following provisions govern lease execution and amendments:

1. A lease is executed at the time of admission for all new tenants.
2. A new lease is executed at the time of the transfer of a tenant from one PHA unit to another.
3. If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be amended by drawing a line through the party's name and HAMC initial and date the change.
4. Lease signers must be persons legally eligible to execute contracts.
5. The names and dates of birth of all household members are listed on the lease at initial occupancy. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.
6. Changes to tenant rents are made upon the preparation and execution of a "Notice of Rent Adjustment" by the PHA, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice.
7. Households that include a Live-In Attendant are required to execute a lease addendum authorizing the arrangement and describing the status of the attendant.
8. Households that include a Live-In Attendant will contain file documentation that the Live-In Attendant is not a party to the lease and is not entitled to PHA assistance, with the exception of occupancy while service as the attendant for the participant family member.

The PHA may modify its form of lease from time to time, giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A tenant's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

D. ADDITIONS TO THE LEASE

Requests for the addition of a new member of the household must be approved by the PHA, prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, the PHA will conduct a pre-admission screening, including the Criminal History Report, of the proposed new member. Only new members approved by the PHA will be added to the household.

Factors Determining Household Additions which are Subject to Screening:

1. Resident plans to marry
2. Resident is awarded custody of a child over the age for which juvenile justice records are available
3. Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren)
4. A unit is occupied by a remaining family member(s) under age 18 (not an emancipated minor) and an adult who was not a member of the original household requests permission to take over as the head of household

Factors Determining Household Additions that are not Subject to Screening:

Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process.

Factors Determining Household Additions that may be subject to Screening, depending on PHA discretion:

Children below the age under which juvenile justice records are made available, who are added through a kinship care arrangement are exempt from the pre-screening process.

The PHA will request that the public housing tenant provide the PHA with a signed consent form from the parent(s) or legal guardian allowing the PHA to check the juvenile records of the child. Sources to be checked may include any of the following:

1. School Records (attendance/behavior)
2. Juvenile Probation/Court Records
3. Police Records

In such cases where the addition of a new member who has not been born, married, or legally adopted into the family, and the addition will affect the bedroom size required by the family, according to the PHA occupancy standards, the PHA will not approve the addition.

The PHA in making determinations under this paragraph will consider medical hardship or other extenuating circumstances.

The PHA will not approve adding a family consisting of more than one member to the lease. Such applicants will be encouraged to apply to the waiting list.

Residents who fail to notify the PHA of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons are considered to be unauthorized occupants by the PHA, and the entire household will be subject to eviction [24 CFR 966.4(f)(2 and 3)].

Family members age 18 and over who move from the dwelling unit to establish new households shall be removed from the lease. The tenant must notify the PHA of the move-out within ten (10) business days of its occurrence. These individuals will not be readmitted to the unit and must apply as a new applicant for placement on the waiting list.

The PHA in making determinations under this paragraph will consider medical hardship or other extenuating circumstances.

The resident may not allow visitors to stay overnight more than fourteen (14) days in a twelve-month period. The family must request PHA approval prior to visitors arriving who will be in the unit in excess of fourteen (14) consecutive days in a year. Visitors who remain beyond this period shall be considered unauthorized household members, and their presence constitutes a breach of the lease.

If an individual other than a lease holder is representing to an outside agency that they are residing in the lessee's unit, the person will be considered an unauthorized member of the household.

Roomers and lodgers are not permitted to occupy a dwelling unit, nor are they permitted to move in with any family occupying a dwelling unit.

Residents are not permitted to allow a former tenant of the PHA who has been evicted to occupy the unit for any period of time.

Residents must advise the PHA when they will be absent from the unit for more than thirty (30) consecutive calendar days and provide a means for the PHA to contact in the event of an emergency. Failure to advise the PHA of extended absences is grounds for termination of the lease.

E. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES

[24 CFR 8.27(a)(1)(2) and (b)]

Before offering a vacant accessible unit to a non-disable applicant, the PHA will offer such units:

First to a current occupant of another unit of the same development, or other public housing developments under the PHA's control who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

The PHA will require a non-disabled applicant to agree to move to an available non-accessible unit within thirty (30) calendar days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

F. UTILITY SERVICES

Tenants responsible for direct payment of utilities must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits.

Failure to maintain utility services during tenancy is a lease violation and grounds for eviction.

Non-payment of excess utility charge payments to the PHA is a violation of the lease and is grounds for eviction.

G. SECURITY DEPOSITS

Security Deposit

New tenants must pay a security deposit to the PHA at the time of admission.

The amount of the Security Deposit required is:

1-BR	\$150
2-BR	\$200
3-BR	\$250
4-BR	\$300
5-BR	\$350

The amount of the Pet Deposit is: \$100.00 per pet. (See also Chapter 10 – Pet Policy).

The PHA may permit installment payments of security deposits when a new tenant demonstrates a financial hardship to the satisfaction of the PHA. However, no less than one-half (1/2) of the required deposit must be paid before occupancy.

The remainder of the deposit must be paid within thirty (30) calendar days.

The PHA will hold the security deposit for the period the tenant occupies the unit.

The PHA will refund to the Tenant the amount of the security deposit, less any amount needed to pay the cost of:

1. Unpaid Rent
2. Damages listed on the Move-Out Inspection Report that exceed normal wear and tear

3. Other charges under the Lease

The PHA will refund the Security Deposit less any amounts owed, within thirty (30) calendar days after move out and tenant's notification of new address.

The PHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.

The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

The PHA will provide the tenant or the person designated by the former tenant in the event of the former tenant's incapacitation or death with a written list of any charges against the security or pet deposits. If the tenant disagrees with the amount charged to the security or pet deposits, the PHA will provide a meeting to discuss the charges.

The resident must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to the PHA. All keys to the unit must be returned to Management upon vacating the unit.

The PHA will not use the security deposit for payment of rent or other charges while the tenant is living in the unit.

Pet Deposit

(See Chapter 10 on Pet Policy)

H. RENT PAYMENTS

The tenant rent is due and payable at the PHA-designated location on the first day of every month. If the first day of the month falls on a holiday, the rent is due and payable on the first business day thereafter.

There is a grace period of five (5) business days.

If the PHA does not receive payment by the end of the grace period, a "Fourteen-Day Notice" will be sent in accordance with Section I below.

I. FEES AND NONPAYMENT PENALTIES

If the tenant fails to make payment by the fifth day of the month, and the PHA has not agreed to accept payment at a later date, a Notice of Intent to Vacate will be issued to the tenant with a fourteen (14) day notice period for failure to pay rent, demanding payment in full or the surrender of the premises.

If the tenant fails to make payment by the fifth day of the month, a late fee of twenty five dollars (\$25.00) will be charged.

A charge of twenty-five dollars (\$25.00) will be assessed against the tenant for checks, which are returned for non-sufficient funds (NSF), or checks written on a closed account.

The PHA will always consider the rent unpaid when a check is returned as NSF or a check is written on a closed account.

If the PHA has not agreed to accept payment at a later date, a *Notice of Intent to Vacate* will be issued for failure to pay rent.

Any payment received will be applied to the oldest charges in the resident's account with the exception of debts currently under a payment agreement.

J. SCHEDULES OF SPECIAL CHARGES

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the lease by reference shall be publicly posted in a conspicuous manner in the housing office, and they will be provided to applicants and tenants upon request.

K. MODIFICATIONS TO THE LEASE

Schedules of special charges and rules and regulations are subject to modification or revision. Residents and resident organizations will be provided at least thirty (30) calendar days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

A copy of such notice shall be posted in the central office, and:

1. Mailed by first class mail to the tenant.
2. Posted in at least two conspicuous places within each site office in which tenants affected by the modifications or revisions are located.

After the proposed changes have been incorporated into the lease and approved by the Board, each family will be notified of the effective date of the new lease.

Any modifications of the lease must be accomplished by a written addendum.

L. CANCELLATION OF THE LEASE

Cancellation of the tenant's lease is to be in accordance with the provisions contained in the lease agreement and as stated in this policy.

M. INSPECTIONS OF PUBLIC HOUSING UNITS

Initial Inspections

The PHA and the family will inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the PHA and the tenant, will be kept in the tenant file.

If, during an inspection, it is found that there is no property damage and housekeeping is good, no follow-up inspections will be scheduled. If, during an inspection, it is found that property has been damaged, and/or housekeeping is poor, the new tenant will be issued a warning and another follow-up inspection will be scheduled for two weeks from the inspection date. If there has been no improvement as of the date of the second inspection, another warning will be issued and an additional follow-up inspection will be scheduled for two weeks from the date of the second inspection. If, at the third inspection, compliance is not achieved, procedures will begin to evict the tenant for non-compliance with the lease.

Any adult member may sign the inspection form for the head of household.

Vacate Inspections

The PHA will access the Vacate Report prepared by housing management staff and will perform a move-out inspection when the family vacates the unit, and will encourage the family to participate in the move-out inspection.

The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The PHA will determine if there are tenant caused damages to the unit. Tenant caused damages may affect part or all of the family's security deposit.

The move-out inspection also assists the PHA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

The Head of Household is encouraged to participate in the move-out inspection.

Annual Inspections

The PHA will inspect all units annually using HUD's Uniform Physical Condition Standards (UPCS) as a guideline.

The unit will be considered to have failed HUD's Uniform Physical Condition Standards if there are any life-threatening Health and Safety deficiencies (or if:)

There is one or more non-life-threatening Health and Safety deficiencies.

There are two or more Level 2 (major) deficiencies.

If a unit fails inspection due to housekeeping or tenant-caused damages notice will be given of fourteen (14) calendar days to correct noted items, after which a follow-up inspection will be conducted.

If necessary to bring the unit into UPCS compliance, needed repairs will be completed by the PHA.

All inspections will include a check of all smoke alarms to ensure proper working order.

Work orders will indicate whether required corrections are to be charged to the resident or covered by the PHA.

Required corrections, which are considered emergencies, will be abated by the PHA immediately and functionality will be restored within twenty-four (24) hours of the inspection date.

Required corrections, which are considered non-emergency will be repaired by the PHA within twenty calendar days of the inspection date.

Damages beyond “normal wear and tear” will be billed to the tenant.

Residents who repeatedly “fail” the inspection or cause excessive damage to the unit will be considered in violation of their lease and subject to eviction.

Special Inspections

Housing management staff may request the Housing Inspector, Maintenance Supervisor, or Resident Services Coordinator to conduct a special inspection for housekeeping, unit condition, or suspected lease violation.

HUD representatives or local government officials may review PHA operations periodically and as a part of their monitoring may inspect a sampling of the PHA's inventory.

Other Inspections

The PHA inspector will periodically conduct windshield and/or walk-through inspections to determine whether there may be lease violations, adverse conditions or local code violations.

Playground inspections are conducted quarterly to determine playground safety.

Building exterior and grounds inspections are conducted at all Public Housing properties to determine hazardous conditions as well as to assist in budget preparation.

Emergency Inspections

Housing management staff, including PHA inspectors may initiate an emergency inspection report to generate a work order if they believe that an emergency exists in the unit or on a Public Housing site.

In addition, the inspector may conduct an emergency inspection without a work order and generate a work order after the inspection has been conducted (see Entry of Premises Notice in this chapter). Repairs are to be completed within twenty-four (24) hours from the time the work order is issued.

Emergency Repairs to be Completed in Less than Twenty-four (24) Hours

The following items are to be considered emergency in nature and require immediate (less than 24 hours) response:

1. Escaping gas or smell of fumes
2. Plumbing leaks which have the capacity to create flooding or cause damage to the unit
3. Inoperable PHA-owned cooling unit/heater(seasonal)
4. Inoperable smoke detectors will be treated as a 24-hour emergency and will be made operable by the PHA if the smoke detector is in need of repair.
5. Backed-up sewage
6. Electrical hazard

Residents who disengage smoke detectors for convenience purposes will be cited (See "Lease Violations" below).

Entry of Premises Notices

The PHA will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day.

The PHA will provide the family with forty-eight (48) hour notice prior to entering the unit for non-emergency reasons other than the annual inspection.

If no person is at home, the inspector will enter the unit and conduct the inspection.

Where the PHA is conducting regular annual examinations of its housing units, the family will receive reasonable advance notice of the inspection to allow the family to prepare and be able to pass the inspection.

Reasons the PHA will enter the unit are:

1. Inspections and maintenance
2. To make improvements and repairs
3. To show the premises for leasing
4. In cases of emergency

The PHA will reschedule the inspection no more than twice unless the resident has a verifiable medical reason that has hindered the inspection. The PHA may request verification.

Repairs requested by the family will not require prior notice to the family. Residents are notified in the lease that resident-requested repairs presume permission for the PHA to enter.

Non-Inspection Emergency Entry

The PHA staff will allow access to the unit to proper authorities when issues of health or safety of the tenant are concerned.

Family Responsibility Allow Inspection

The PHA must be allowed to inspect the unit at reasonable times with reasonable notice. Forty-eight (48) hour written notice will be considered reasonable in all cases.

The resident is given written notification of the inspection appointment. The family must call the PHA at least four (4) hours before the inspection time to reschedule the inspection, if necessary.

The PHA will reschedule the inspection no more than twice unless the resident has a verifiable medical reason that has hindered the inspection. The PHA may request verification.

If the resident refuses to allow the inspection, the resident will be in violation of the lease and the PHA will notify the family of its intended action. If the resident refuses to allow the inspection, the resident will be in violation of the lease and subject to eviction.

Housekeeping Violations

Residents who “fail” an inspection due to housekeeping will be issued a Housekeeping Violation, and a re-inspection will be conducted within fifteen (14) business days by housing management staff.

If the family fails to comply with the re-inspection, it can result in lease termination. Lease violations will be issued to a resident who purposely and for convenience, disengage the unit’s smoke detector.

Tenant Damages

Repeated failed inspections or damages to the unit beyond normal wear and tear will constitute serious or repeated lease violations.

“Beyond normal wear and tear” is defined as items that could be charged against the tenant’s security deposit under state law or court practice.

Chapter 10 PET POLICY

[24 CFR Part 5, Subpart C and 24 CFR Part 960, Subpart G]

INTRODUCTION

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

This policy does not apply to animals that are used to assist, support, or provide service to persons with disabilities, or to service animals that visit public housing developments.

ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

Pet deposits will not be applied to animals that assist persons with disabilities. This exclusion applies to both service animals and companion animals as reasonable accommodation for persons with disabilities. This exclusion applies to such animals that reside in public housing and that visit these developments.

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

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

A. *MANAGEMENT APPROVAL OF PETS*

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

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

Registration of Pets

Pets must be registered with the PHA before they are brought onto the premises. Registration includes certificate signed by a licensed veterinarian of State/local authority that the pet has received all inoculations required by State of local law, and that the pet has no communicable disease(s) and is pest-free.

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

Dogs and cats must be spayed or neutered.

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

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Owner must supply one clear 3 x 5 photo of dog or cat to be permanently placed in the owner's file for future reference.

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Refusal to Register Pets

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

The PHA will refuse to register a pet if:

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

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

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

B. STANDARDS FOR PETS

If an approved pet gives birth to a litter, the resident must remove all pets from the premises except one within ninety (90) days. In any case, notification must be given to management of additional pets.

Types of Pets Allowed

Tenants are permitted to have only one (1) pet-with the exception of fish, birds, or rodents with prior PHA approval.

No types of pets other than the following may be kept by a resident:

1. Dogs
 - a) Maximum number: One (1)

- b) Maximum adult weight/height: 40 pounds
- c) Must be housebroken
- d) Must be spayed or neutered
- e) Must have all required inoculations
- f) Must be licensed as specified now or in the future by State law and local ordinance
- g) Vicious or dangerous dogs will not be permitted.

“Any dog with a known propensity or disposition which attacks or shall have at any time attacked, bites or shall have bitten, or in any way harms or shall have harmed, injures or shall have injured, any person or any animal without provocation shall be deemed to be vicious, ferocious or dangerous.”

- h) Exceptions will be granted for visually impaired residents if warranted

2. Cats

- a) Maximum number: One (1)
- b) Must be spayed or neutered
- c) Must have all required inoculations
- d) Must be trained to use a litter box or other waste receptacle
- e) Must be licensed as specified now or in the future by State law or local ordinance.

3. Birds

- a) Maximum number: One (1) unless prior PHA approval has been granted
- b) Must be enclosed in a cage at all times

4. Fish

- a) Maximum aquarium size fifty (50) gallons
- b) Must be maintained on an approved stand

5. Rodents (rabbit, guinea pig, hamster or gerbil ONLY)

- a) Maximum number: One (1) unless prior PHA approval has been granted

- b) Must be enclosed in an acceptable cage at all times
- c) Must have any or all inoculations as specified now or in the future by State law or local ordinance

6. Turtles

- a) Maximum number: One (1)
- b) Must be enclosed in an acceptable cage or container at all times

The following are NOT considered “common household pets”:

- Animals who would be allowed to produce offspring for sale.
- Wild, feral, or any other animals that are not amenable to routine human handling.
- Any poisonous animals of any kind.
- Non-human primates.
- Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.
- Pot-bellied pigs.
- Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children.
- Hedgehogs or other animals whose protective instincts and natural body armor produce a risk of serious puncture injuries to children
- Chicks or other animals that pose a significant risk of salmonella infection to those who handle them.
- Pigeons, doves, mynahs, psittacines and birds of other species that are hosts to the organisms that cause psittacosis in humans.
- Snakes or other kinds of reptiles.

C. PET AGREEMENT

Residents who have been approved to have a pet must enter into a Pet Agreement with the PHA.

The Resident will certify, by signing the Pet Agreement that the Resident will adhere to the following rules:

- Agree that the resident is responsible and liable for all damages caused by their pet(s).
- All complaints of cruelty and all dog bites will be referred to animal control or applicable agency for investigation and enforcement.
- All common household pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios or other outside areas.
- Residents shall not feed any stray animals: doing so, or keeping stray or unregistered animals, will be considered having a pet without permission.
- No animals may be tethered or chained outside or inside the dwelling unit.
- When outside the dwelling unit, all pets must be on a leash or in an animal transport enclosure and under the control of a responsible individual.
- All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge of \$25.00. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags and placed in a trash bin. Litter shall not be disposed of by being flushed through a toilet.
- The pet owner shall take precautions to ensure that the pet does not urinate on Authority buildings. Where the Authority has determined that such deposits pose a health hazard or detract from the appearance of the buildings, the pet owner will either be responsible for the related cleanup or receive a bill for the direct cost thereof.
- Litter boxes shall be stored inside the resident's dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced regularly. Failure to do so will result in a Pet Waste Removal charge.
- The Resident/Pet Owner shall be responsible for the removal of waste from any animal or pet exercise area by placing it in a sealed plastic bag and disposing of it in an outside trash bin immediately. The resident/pet owner shall take adequate precautions to eliminate any animal or pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

- The right of management to enter dwelling unit when there is evidence that an animal left alone is in danger or distress or is creating a nuisance.
- The right of management to seek impoundment and sheltering of an animal found to be maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense. The resident shall be responsible for any impoundment fees, and the PHA accepts no responsibility for pets so removed.
- That failure to abide by any animal-related requirement or restriction constitutes a violation of the "Resident Obligations" in the resident's Lease Agreement.
- Residents will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities.
- Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

D. PETS TEMPORARILY ON THE PREMISES

Pets that are not owned by a tenant will not be allowed.

Residents are prohibited from feeding or harboring stray animals.

This rule excludes visiting pet programs sponsored by a humane society or other non-profit organizations and approved by the PHA.

This rule excludes service animals, which are assisting visiting persons with disabilities. State or local laws governing pets temporarily in dwelling accommodations shall prevail.

E. ADDITIONAL FEES AND DEPOSITS FOR PETS

The resident/pet owner shall be required to pay a refundable deposit of one hundred dollars (\$100) for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat as follows:

1. An initial payment of fifty (\$50) on or prior to the date the pet is properly registered and brought into the property, and
2. Monthly payments in an amount no less than fifty dollars (\$50) until the specified deposit has been paid.

The PHA reserves the right to change or increase the required deposit by amendment to these rules.

The PHA will place the Pet Deposit in an escrow account and will refund the deposit, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.

The PHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

The PHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.

All reasonable expenses incurred by the PHA as the result of damages directly attributable to the presence of the pet will be the responsibility of the resident, including:

1. The cost of repairs and replacements to the dwelling unit;
2. Fumigation of the dwelling unit.

If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge.

If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit.

The pet deposit will be refunded when the resident either moves out or no longer has a pet on the premises, whichever occurs first.

The expense of flea de-infestation shall be the responsibility of the resident.

Pet Deposits are not a part of rent payable by the resident.

F. ADDITIONAL PET FEES

The PHA does not require a non-refundable nominal fee.

The PHA reserves the right to change or increase the required deposit by amendment to these rules.

G. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of twelve (12) hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

H. RESPONSIBLE PARTIES

The resident/pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

I. INSPECTIONS

The PHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed in order to determine whether or not pets are present and the condition of the pet and/or apartment.

The PHA may enter and inspect the unit if a documented complaint is received alleging that the conduct or condition of the pet in the unit constitutes a nuisance or threat to the health or safety of the pet, of the other occupants or other persons in the community under applicable State or local law.

J. PET RULE VIOLATION NOTICE

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Rule Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

1. That the resident/pet owner has ten (10) business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation
2. That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the ten (10) day period, the meeting will be scheduled no later than three (3) business days before the effective date of service of the notice, unless the pet owner agrees to a later date in writing.

K. NOTICE FOR PET REMOVAL

If the resident/pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The Notice shall contain:

1. A brief statement of the factual basis for the PHA's determination of the Pet Rule that has been violated.
2. The requirement that the resident/pet owner must remove the pet within ten (10) business days of the notice; and
3. A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

L. TERMINATION OF TENANCY

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

1. The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
2. The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

M. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner (includes pets who are poorly cared for or have been left unattended for over twelve (12) hours).

If the responsible party is unwilling or unable to care for the pet, or if the PHA, after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate State or local agency and request the removal of the pet. If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

N. EMERGENCIES

The PHA will take all necessary steps to insure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

If it is necessary for the PHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.

Chapter 11 RECERTIFICATIONS

[24 CFR 5.613, 24 CFR 5.615, 24 CFR Part 960 Subpart C]

INTRODUCTION

HUD requires that the PHA offer all families the choice of paying income-based rent or flat rent at least annually. Families who choose to pay flat rent are required to complete Recertifications of income, deductions and allowances at least once every three years. To determine the amount of income-based rent, it is necessary for the PHA to perform a Recertification of the family's income. At the annual Recertification, families who choose to pay income-based rent must report their current household composition, income, deductions and allowances. Between regular annual Recertifications, HUD requires that families report all changes in household composition, but the PHA decides what other changes must be reported and the procedures for reporting them. This Chapter defines the PHA's policy for conducting annual Recertifications. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in this policy
2. Are in full compliance with the obligations and responsibilities described in the dwelling lease
3. Whose family members, age six (6) and older, each have submitted their Social Security numbers or have certifications on file that they do not have a Social Security number
4. Whose family members have submitted required citizenship/eligible immigration status/non-contending documents.
5. Whose family members satisfy the PHA's requirements regarding criminal and drug-related activity.

B. ANNUAL RECERTIFICATIONS

In order to be re-certified, families are required to provide current and accurate information on income, assets, allowances and deductions and family composition.

Families who choose flat rent are to be re-certified every three years.

For families who move in on the first of the month, the annual reexaminations will be completed within twelve (12) months of the anniversary of the move-in date. (Example: If family moves in August 1, the annual Recertification will be conducted to be effective on August 1 of the following year.)

For families who move in during the month, the annual Recertification will be completed no later than the first of the month in which the family moved in, the following year. (Example: If family moves in August 15, the effective date of the next annual reexamination is August 1.)

When families' transfer to another dwelling unit the HAMC will conduct a Recertification and the anniversary date will be changed.

Recertification Notice to the Family

All families will be notified of their obligation to re-certify by first class mail. The notification shall be sent at least ninety (90) calendar days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format. The PHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

The notification shall explain family choice of income-based or flat rent, with an estimate of what the income-based rent would be and a statement of what the flat rent is.

The family will indicate whether the family chooses income-based or flat rent by checking the appropriate box on the document, signing the document, and returning the document to the PHA.

If the family chooses flat rent, no Recertification appointment will be necessary until the flat rent contract ends (three years). The family will fill out a personal declaration form, describing household composition.

Methodology

If the family chooses income-based rent, or if the family has paid the flat rent for three (3) years, the PHA will schedule the specific date and time of appointments, for Recertification, in the written notification to the family.

Persons with Disabilities

Persons with disabilities, who are unable to come to the PHA's office, will be granted an accommodation of conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

The family is required to complete the annual Recertification form.

The PHA representative will interview the family and enter the information provided by the family in the computer system.

Requirements to Attend

All adult household members will be required to attend the Recertification interview and sign the application for continued occupancy.

If the head of household is unable to attend the interview, the spouse may recertify for the family, provided that the head come in within ten (10) business days to recertify.

Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the reexamination interview. The family may call to request another appointment date up to five (5) days prior to the interview.

If the family does not appear for the Recertification interview, and has not rescheduled or made prior arrangements with the PHA, the PHA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, no further appointments will be made and the family will be sent a notice of intent to terminate the lease.

The Site Manager or Assistant Manager may make exceptions to these policies if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Documents Required From the Family

In the notification letter to the family, the PHA will include instruction for the family to bring the following:

1. Documentation of income for all family members
2. Documentation of liquid and non-liquid assets
3. Documentation to substantiate any deductions or allowance
4. Person Declaration Form completed by Head of Household
5. Documentation verifying compliance with community service by all non-exempt adults (when required by HUD)

Verification of Information

All information that affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. Verifications used for Recertification must be less than one hundred and twenty (120) days old. All verifications will be placed in the file, which has been established for the family.

When the information has been verified, it will be analyzed to determine:

1. The continued eligibility of the resident as a *family* or as the *remaining member of a family*

2. The unit size required by the family
3. The amount of rent the family should pay

Changes in Tenant Rent

If there is any change in rent, including change in family's choice in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued [24 CFR 966.4 (c)].

Tenant Rent Increases

If tenant rent increases, a thirty-day notice will be mailed to the family prior to the effective date of the change.

If less than thirty (30) calendar days are remaining before the effective date of the change, the tenant rent increase will be effective on the first of the second month following the thirty-day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the Recertification processing, there will be a retroactive increase in rent to the effective date of the change.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the first day of the month following the date that the decrease was reported.

If the family causes a delay so that the processing of the Recertification is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the PHA.

If tenant rent decreases and the change occurred within a month prior to the Recertification appointment, but the family did not report the change as an interim adjustment, the decrease will be effective on the Recertification anniversary date.

If the tenant rent decreases and the tenant reported the change within a month prior to the annual Recertification anniversary date of between the annual Recertification anniversary date and the effective date of the annual Recertification, the change will be treated as an interim. The change will be effective the first of the following month that the family reported the change. If necessary, the PHA will run another HUD 50058 as an annual reexamination.

C-1. INTERIM RECERTIFICATIONS

Families must report all changes in household composition to the PHA, in writing, between annual Recertifications within 10 days. This includes additions due to birth, adoption and court-awarded custody. The family must obtain PHA approval prior to all other additions to the household.

When there is a change in head of household or a new adult family member is added, the PHA will complete an application for continued occupancy and reverify, using the

same procedures the PHA staff would use for an annual reexamination, except for effective dates of changes. In such case, the Interim Recertification Policy would be used.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the PHA of the family member being added to the lease.

Interim Recertification Policy

Increases in Income to be Reported:

Families paying flat rent are not required to report and increases in income or assets.

The PHA will conduct interim Recertifications for families that have an increase in income if they have previously reported Zero Income.

Families on Zero Income will be required to report all increases in income/assets within ten (10) business days of the increase.

Increases in Income and Rent Adjustments – Zero Income Families

The PHA will conduct a Recertification to determine such additional income and will make the appropriate adjustment in the tenant rent and family unit size.

Rent increases (except those due to misrepresentation) will become effective after a thirty (30)-calendar days notice. If there has been a misrepresentation or a material omission by the family, there will be a retroactive increase in rent to the effective date the change would have occurred.

Decreases in Income and Rent Adjustments

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions that would reduce the amount of the total tenant payment.

The PHA will process the rent adjustment unless the PHA confirms that the decrease in income will last less than thirty (30) calendar days.

Rent decreases will become effective the first of the month after the change was reported.

C-2. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The PHA will not reduce the public housing rent for families whose welfare assistance is reduced due to a “specified welfare benefit reduction”, which is a reduction in welfare benefits due to:

1. Fraud by a family member in connection with the welfare program; or
2. Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program

A “specified welfare benefit reduction” does not include a reduction of welfare benefits due to:

1. The expiration of a lifetime time limit on receiving benefits; or
2. A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as:

The family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.
3. Noncompliance with other welfare agency requirements.

Definition of Covered Family:

A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of “Imputed Welfare Income”:

The amount of annual income, not actually received by a family, as a result of a specified welfare benefit reduction, that is included in the family’s income for purposes of determining rent.

The amount of imputed welfare income is determined by the PHA, based on written information supplied to the PHA by the welfare agency, including:

1. The amount of the benefit reduction
2. The term of the benefit reduction
3. The reason for the reduction
4. Subsequent changes in the term or amount of benefit reduction

Imputed welfare income will be included at annual and interim Recertifications during the term of reduction of welfare benefits.

The amount of imputed welfare income will be offset by the amount of additional income a family receives that begins after the sanction was imposed. When additional income is at least equal to the imputed welfare income, the imputed income will be reduced to zero.

If the family was not an assisted resident of public housing when the welfare sanction began, imputed welfare income will not be included in annual income.

Verification Before Denying a Request to Reduce Rent

The PHA will obtain written verification from the welfare agency stating that the family’s benefits have been reduced for fraud or noncompliance *before* denying the family’s request for rent reduction.

The PHA will rely on the welfare agency's written notice to the PHA regarding welfare sanctions.

Cooperation Agreements

The PHA has an written cooperation agreement in place with the local welfare agency that assists the PHA in obtaining the necessary information regarding welfare sanctions.

The PHA has taken a proactive approach to culminating an effective working relationship between the PHA and the local welfare agency for the purpose of targeting economic self-sufficiency programs through the community that are available to public housing residents.

The PHA and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs of services that would benefit public housing residents.

Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of imputed income and the PHA denies the family's request to modify the amount, the PHA will provide the tenant with a notice of denial, which will include:

1. An explanation for the PHA's determination of the amount of imputed welfare income
2. A statement that the tenant may request a grievance hearing.
3. A statement that the information received from the welfare agency cannot be disputed at the grievance hearing, and the issue to be examined at the grievance hearing will be the PHA's determination of the amount of imputed welfare income, not the welfare agency's determination to sanction the welfare benefits
4. A statement that if the tenant requests a grievance hearing, the tenant will not be required to pay an escrow deposit pursuant to 966.55(e) for the portion of tenant rent attributable to the imputed welfare income
5. The amount of escrow deposit the tenant will be required to pay (if any) if a grievance hearing is requested

If the tenant requests a grievance hearing, the tenant is not required to pay an escrow deposit pursuant to 966.55(e) for the portion of tenant rent attributable to the imputed welfare income.

C-3. OTHER INTERIM REPORTING ISSUES

An interim Recertification does not affect the date of the annual Recertification.

An interim Recertification will be scheduled for families with zero/unstable income every three (3) months.

The family must report any new members who are added to the household. If the new family member has income, the addition of this member will result in an interim Recertification.

Any changes reported by participants other than those listed in this Chapter will be noted in the file by the staff person but will not be processed between regularly scheduled annual Recertifications.

PHA Errors

If the PHA makes a calculation error at admission to the program or at an annual or interim Recertification, an interim Recertification will be conducted to correct the error, but the family will not be charged retroactively.

D. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

Standard for Timely Reporting of Changes

The PHA requires that families report interim changes, in writing, to the PHA within ten (10) business days of when the change occurs.

If the change is not reported within the required time period, or if the family fails to provide signatures, certifications or documentation, within the time period requested by the PHA, this will be consider untimely reporting.

Procedures when the Change is Reported in a Timely Manner

The PHA will notify the family of any changes in Tenant Rent to be effective according to the following guidelines:

1. Increases in the Tenant Rent are effective on the first of the month following at least thirty (30) calendar day's notice.
2. Decreases in the Tenant Rent are effective the first of the month following the month in which the change is reported.

The change will not be made until the third party or alternate form of verification is received.

Procedures when the Change is not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim Recertification processing and the following guidelines will apply:

- Increase in Tenant Rent will be effective retroactive to the first day of the month following the date of the change in income. The family will be liable for any underpaid rent, and may be required to sign a Repayment Agreement (if the family is not already obligated to an earlier repayment agreement) or make a lump sum payment.

- The PHA will not execute a payment agreement if the monthly pay back amount is so much that it will take the family longer than twelve (12) months to complete the agreement.
- Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the PHA and not retroactively.

Procedures when the Change is not Processed by the PHA in a Timely Manner

“Processed in a timely manner” means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the PHA in a timely manner.

Therefore, an increase will be effective on the first day of the month after the required thirty (30) calendar day’s notice after completion of processing by the PHA.

If the change resulted in a decrease, the change in rent will be made retroactively to the first day of the month following the date the change was reported.

E. REPORTING OF CHANGES IN FAMILY COMPOSITION

The members of the family residing in the unit must be approved by the PHA. The family must inform the PHA and request approval of additional family members other than additions due to birth, adoption, or court-awarded custody before the new member occupies the unit.

The PHA will not approve the addition of family members other than by birth, adoption, or court-awarded custody where the occupancy standards would require a larger size unit.

All changes in family composition must be reported within ten (10) business days of the occurrence in writing.

If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household or spouse that the member (who may be the head of household) removed is permanently absent.

The head of household must provide a statement that the head of household or spouse will notify the PHA if the removed member returns to the household for a period longer than the visitor period allowed in the lease. Leases will not be revised to permit a change of family composition resulting from a request to allow adult children to move back into the unit.

Increase in Family Size

The PHA will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

1. Addition by marriage/or marital-type relation

2. Addition of a minor who is a member of the family who had been living elsewhere
3. Addition of a PHA-approved live-in attendant
4. Addition of any relation of the Head or Spouse
5. Addition due to birth, adoption or court-awarded custody

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in unit size shall be made effective upon availability of an appropriately sized unit.

Definition of Temporarily/Permanently Absent

The PHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowance (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The PHA will evaluate absences from the unit in accordance with this policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the PHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify the PHA before they move out of a unit in accordance with the lease and to give the PHA information about any family absence from the unit.

Families must notify the PHA if they are going to be absent from the unit for more than fifteen (15) consecutive calendar days. A person with a disability may request an extension of time as an accommodation.

“Absence” means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the PHA may:

- Conduct home visit
- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors

- Verify if utilities are in service
- Check with Post Office for forwarding address
- Contact emergency contact

If the entire family is absent from the unit, without PHA permission, for more than thirty (30) consecutive calendar days, or more than thirty (30) consecutive calendar days beyond the agreed-upon period, the unit will be considered to be vacant and the PHA will terminate tenancy.

As a reasonable accommodation for a person with a disability, the PHA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension). During the period of absence, the rent and other charges must remain current. If the absence that resulted in termination of tenancy was due to a person's disability, and the PHA can verify that the person was unable to notify the PHA in accordance with the lease provisions regarding absences, and if a suitable unit is available, the PHA may reinstate the family as an accommodation if requested by the family.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for three (3) consecutive months or longer, except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the PHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than ninety (90) consecutive calendar days, the family member will not be considered permanently absent, as long as rent and other charges remains current. If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy.

Absence due to Incarceration

If the sole member is incarcerated for more than ninety (90) consecutive calendar days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for three (3) consecutive months.

The PHA will determine if the reason for incarceration is for drug-related or violent criminal activity.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, the PHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than three (3) months from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the PHA's occupancy guidelines.

Absence of Adult

If neither parent remains in the household and social services and/or the juvenile court has determined that another adult is to be brought into the unit to care for the children for an indefinite period, the PHA will treat that adult as a visitor for the first fourteen (14) consecutive calendar days.

If, by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the lease will be transferred into the guardian's name.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the PHA will review the status at thirty (30) calendar day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the PHA will secure verification from social services staff or the attorney as to the status.

If custody is awarded for a limited time in excess of stated period, the PHA will state in writing that the transfer of the lease is for that limited time or as long as they have custody of the children. The PHA will use discretion as deemed appropriate in determining any further assignment of the lease on behalf of the children.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

When the PHA approves a person to reside in the unit as caretaker for the child(ren), the income should be counted pending a final disposition. The PHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than three (3) consecutive months, the person will be considered permanently absent.

Full time students who attend school away from the home will be treated in the following manner:

- If the student is considered temporarily absent from the household, applicable income for that person will be counted.

- Full time students who attend school away from the home and live with the family during school recess will be considered permanently absent from the household.

Visitors (See Chapter on Leasing)

Any adult not included on the HUD 50058 who has been in the unit more than fourteen (14) consecutive calendar days, or a total of fifteen (15) cumulative days in the month will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member. Statement from neighbors and/or PHA staff will be considered in making the determination.

The PHA will consider:

- Statements from neighbors and/or PHA staff
- Vehicle license plate verification
- Post Office records
- Drivers license verification
- Security and Resident Agent Reports
- Law enforcement reports
- Credit reports

Use of the unit address as the visitor's current residence for any purpose shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the PHA will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to ninety (90) calendar days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than one-hundred eighty three (183) calendar days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

F. REMAINING MEMBER OF TENANT FAMILY – RETENTION OF UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by the PHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The PHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

G. CHANGES IN UNIT SIZE

The PHA shall grant exceptions from the occupancy standards if the family requests and the PHA determines the exceptions are justified according to this policy.

The PHA will not assign a larger bedroom size due to additions of family members other than by birth, adoption or court-awarded custody.

The PHA will consider the size of the unit and the size of the bedrooms, as well as the number of bedrooms, when an exception is requested.

When an approvable change in the circumstances in a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List. (Reference chapter on Occupancy Standards)

H. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants on June 19, 1995, shall continue to receive full assistance if they meet the following criteria:

1. The head of household, co-head or spouse is a U.S. citizen or has eligible immigrant status; AND
2. The family does not include any ineligible immigrants other than the head or spouse, or parents or children of the head, co-head or spouse.

Mixed families who qualify for continued assistance after 11/29/96 may receive prorated assistance only.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated

assistance (See Chapter titled “Factors Related to Total Tenant Payment Determination”). The PHA may no longer offer temporary deferral of termination (See Chapter on “Lease Termination”).

Chapter 12 LEASE TERMINATIONS

[24 CFR 966.4]

INTRODUCTION

The PHA may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4 (1)(2), and the terms of the lease.

This Chapter describes the PHA's policies for notification of lease termination and provisions of the lease.

A. *TERMINATION BY TENANT*

The tenant may terminate the lease by providing the PHA with a written thirty (30) calendar day advance notice as defined in the lease agreement. The public housing tenant will not be eligible for transfer to another PHA housing program until after one year of continuous current residency under the PHA's Public Housing Program.

B. *TERMINATION BY PHA*

Termination of tenancy will be in accordance with the PHA's lease.

The public housing lease is automatically renewable, EXCEPT the public housing lease shall have a 12-month term for community service and will not be renewed in the case of noncompliance with the community service requirements. (See Chapter on Community Service, including the notice on suspension of the community service requirement for fiscal year 2002.)

The lease may be terminated by the PHA at any time by giving written notice for serious or repeated violation of material terms of the lease, such as, but not limited to the following:

1. Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent
2. Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Reexamination
3. Assignment or subleasing of the premises or providing accommodation for boarders or lodgers
4. Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in this Lease, or permitting its use for any other purposes
5. Failure to abide by necessary and reasonable rules made by the PHA for the benefit and well being of the housing project and the Tenants

6. Failure to abide by applicable building and housing codes materially affecting health or safety
7. Failure to dispose of garbage waste and rubbish in a safe and sanitary manner
8. Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner
9. Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts
10. Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, project buildings, facilities, equipment, or common areas
11. The Tenant, any member of the Tenant's household, or a guest or other person under the Tenant's control shall not engage in criminal activity, including drug-related criminal activity, *on or near* public housing premises (as defined in the lease), while the Tenant is a Tenant in public housing, and such criminal activity shall be cause for termination of tenancy. The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
12. Alcohol abuse that the PHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
13. Non-compliance with Non-citizen Rule requirements.
14. Failure of a family member to comply with community service provisions, as grounds only for non-renewal of the lease and termination of tenancy at the end of the 12-month lease term; (when required by HUD)
15. Discovery after admission of facts that made the tenant ineligible.
16. Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income;
17. Failure to accept the PHA's offer of a lease revision to an existing lease that is on a form adopted by the PHA in accordance with HUD regulations, with written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect; and with the offer specifying a reasonable time limit within that period for acceptance by the family.
18. Engaging in or threatening abusive behavior toward PHA staff and/or other residents.

C. NOTIFICATION REQUIREMENTS

The PHA's written Notice of Lease Termination will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights and protections afforded by the regulations and this policy (See Chapter on Complaints, Grievances and Hearings).

Notices of lease termination shall be in writing delivered to tenant or adult member of the household, or sent by first class mail and Certified Mail properly addressed to tenant. The notice shall contain a statement describing the resident's right to meet with the manager for an informal hearing.

Disclosure of Criminal Records to Family

Before the PHA terminates the lease based on a criminal conviction record, the tenant and subject of record will be provided with a copy of the criminal record. Tenants may dispute the accuracy and relevance of that record at the grievance hearing or court hearing.

Timing of the Notice

If the PHA terminates the lease, written notice will be given as follows:

1. At least fourteen (14) calendar days prior to termination in the case of failure to pay rent
2. At a reasonable time, defined in the lease as five (5) calendar days according to State law, considering the seriousness of the situation.

If the health or safety of other residents, PHA employees, or persons residing in the immediate vicinity of the premises are threatened; or

If any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or

If any member of the household has been convicted of a felony.

3. At least thirty (30) calendar days prior to termination in all other cases. The PHA shall notify the Post Office that mail should no longer be delivered to the person who was evicted for criminal activity, including drug-related criminal activity.

Criminal Activity

The PHA will immediately terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The PHA will terminate assistance of participants in cases where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes

cases where the PHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The PHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous three (3) months.

“Engaged in or engaging in or recent history of” drug related criminal activity means any act within the past three (3) years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

“Engaged in or engaging in or recent history of” criminal activity means any act within the past three (3) years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative behavior, the PHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future that could be supported by evidence of rehabilitation.

The PHA will waive the requirement regarding drug-related criminal activity if:

1. The person demonstrates successful completion of a credible rehabilitation program approved by the PHA, or
2. The individual involved in drug-related criminal activity is no longer in the household because the person has died or is incarcerated.
The PHA may permit continued occupancy provided the family accepts imposed conditions that the involved family member(s) does not reside in the unit. The PHA will consider evidence that the person is no longer in the household such as a divorce decree/incarceration/death/copy of a new lease for the person including the owner’s telephone number and address/or other substantiating evidence.

D. RECORD KEEPING

A written record of every termination and/or eviction shall be maintained by the PHA at the development where the family was residing, and shall contain the following information:

1. Name of resident, number and identification of unit occupied
2. Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently

3. Specific reason(s) for the Notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the Notices described in detail (other than the Criminal History Report)
4. Date and method of notifying the resident
5. Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

The PHA in accordance with the PHA's Records Retention Policy will keep records for persons whose leases were terminated for any reason.

E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS

[24 CFR 5.514]

If the PHA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for twenty-four (24) months. This provision does not apply to a family if the eligibility of the ineligible individual was considered in calculating any pro-ration of assistance provided for the family.

Chapter 13 COMPLAINTS, GRIEVANCES AND APPEALS

[24 CFR 966, Subpart B]

INTRODUCTION

The hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This Chapter describes the policies to be used when families disagree with a PHA decision. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

Grievances shall be handled in accordance with the PHA's approved Grievance Procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

A. COMPLAINTS

The PHA will respond promptly to all complaints.

Each complaint regarding physical condition of the units may be reported by phone to the Maintenance Manager. Anonymous complaints are checked whenever possible. The PHA does require that complaints be put in writing.

Complaints from Families

If a family disagrees with an action or inaction of the PHA, complaints will be referred to the Public Housing Manager or Administrative Director via the Tenant Grievance Procedure. Complaints regarding physical condition of the units may be reported by phone to the Maintenance Manager.

Complaints from Staff

If a staff person reports a family is violating or has violated a lease provision or is not complying with program rules, the complaints will be referred to the Public Housing Manager.

Complaints from the General Public

Complaints or referrals from persons in the community in regard to the PHA or a family will be referred to the Public Housing Manager, Administrative Director or the Fraud Hot Line.

Anonymous complaints will be checked whenever possible.

B. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet the PHA's admission standards, or where the PHA does not have an appropriate size and type of unit in its inventory will be given written notification promptly, including the reason for the determination.

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

Applicants must submit their request for an informal review in writing to the PHA within ten (10) business days from the date of the notification of their ineligibility.

If the applicant requests an informal review, the PHA will provide an informal review within ten (10) business days of receiving the request. The PHA will notify the applicant of the place, date, and time.

Informal review will be conducted by an impartial review officer. The person who is designated as the review officer cannot be the person who made the determination of ineligibility or a subordinate of that person.

The applicant may bring to the hearing any documentation or evidence s/he wishes and the evidence along with the data compiled by the PHA will be considered by the review officer.

The review officer will make a determination based upon the merits of the evidence presented by both sides. Within thirty (30) calendar days of the date of the review, the review officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

The grievance procedures for Public Housing tenants do not apply to PHA determinations that affect applicants.

C. *APPEALS BY TENANTS*

Grievances or appeals concerning the obligations of the tenant or the PHA under the provisions of the lease shall be processed and resolved in accordance with the Grievance Procedure of the PHA, which is in effect at the time such grievance or appeal arises. (See the PHA's Grievance Procedure contained in this chapter.)

D. *REVIEW & APPEAL PROVISIONS – "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"*

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA review is pending but assistance to an applicant may be delayed pending the PHA review.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA will notify the applicant or tenant within ten (10) business days of their right to appeal to the INS within thirty (30) calendar days or to request an informal review with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA review must be made within fourteen (14) calendar days of receipt of the notice offering the review or, if an appeal was made to the INS, within fourteen (14) calendar days of receipt of that notice.

After receipt of a request for an informal review, the review is conducted as described in the "Grievance Procedures" section of this chapter for both applicants and participants. If the review officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

1. Deny the applicant family
2. Terminate the participant

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status will be processed as follows:

1. If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
2. Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

E. GRIEVANCE PROCEDURES

Definitions

Grievance. Any dispute which a tenant may have with respect to a Housing Authority action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individual tenant's rights, duties, welfare, or status.

Complainant. Any tenant whose grievance is personally presented to the PHA or at the site/management office orally or in writing.

Hearing Officer/Hearing Panel. A person or persons selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

Tenant. A lessee or the remaining head of household of any tenant family residing in housing accommodations owned or leased by the PHA.

Elements of Due Process. An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
2. Right of the tenant to be represented by counsel
3. Opportunity for the tenant to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
4. A decision on the merits

Applicability

This Grievance Procedure applies to all individual grievances between the tenant and the PHA, except any grievance concerning a termination of tenancy or eviction that involves:

- Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or PHA employees, or
- Any drug-related criminal activity *on or near* such premises.

The PHA grievance procedure shall not be applicable to disputes between tenants not involving the PHA or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the PHA's Board of Commissioners.

Informal Settlement of Grievance

1. Any grievance must be presented orally or in writing to the PHA office or to the housing management office that sent the notice on which the grievance is based, so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within five (5) business days, and will be sent to the tenant by a PHA representative. One copy will be filed in the tenant's file.

The summary will include:

1. Names of Participants
2. Date of the Meeting
3. Nature of the Proposed Disposition
4. Specific Reasons for the Disposition

The summary will also specify the steps by which a Formal Hearing can be obtained if the tenant is not satisfied.

Dissatisfaction with Informal Conference

If the tenant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written request for a Formal Hearing within ten (10) business days of the date of the summary of the informal conference.

The request for a Formal Hearing must be presented to the PHA's Site Manager and/or Public Housing Supervisor specifying:

1. The reason for the grievance request, and
2. The relief sought.

Failure to Request a Formal Hearing

If the tenant does not request a Formal Hearing within ten (10) business days, s/he waives his/her right to a Formal Hearing, and the PHA's proposed disposition of the grievance will become final. This section in no way constitutes a waiver of the tenant's right to contest the PHA's disposition in an appropriate judicial proceeding.

Formal Hearing

After exhausting the informal conference procedures outlined above, and the tenant does request a Formal Hearing before a hearing officer.

The tenant (head of household) or other adult household member(s) must attend the hearing.

If rescheduling of the hearing is necessary by the tenant, the hearing must be rescheduled at least four (4) hours in advance of the scheduled hearing time or the tenant waives their right to the hearing.

If the tenant fails to appear within twenty (20) minutes of the scheduled hearing time, the tenant waives their right to the hearing.

The PHA will provide reasonable accommodation for persons with disabilities to participate in the hearing. The PHA must be notified within twenty-four (24) hours of the scheduled time if special accommodations are required.

Selection of Hearing Officer

A grievance hearing shall be conducted by an impartial person or persons appointed by the PHA other than the person who made or approved the PHA action under review, or a subordinate of such person.

Procedures to Obtain a Formal Hearing

Informal Prerequisite

All grievances must be personally presented orally or in writing pursuant to the informal Settlement of Grievance procedure as a prerequisite to the Formal Hearing.

The hearing officer may waive the prerequisite informal conference if, and only if, the tenant can show good cause why s/he failed to proceed informally.

Escrow Deposit

Before a hearing is scheduled in any grievance involving an amount of rent the PHA claims is due, the tenant shall pay to the PHA all rent due and payable as of the month preceding the month in which the act or failure to act took place.

The tenant shall thereafter deposit the same amount of the monthly rent in an escrow account each month until the grievance is resolved by decision of the hearing officer or panel.

The PHA must waive these escrow deposit requirements for grievances concerning imputed welfare benefits and minimum rents.

Unless so waived, failure to make the required escrow payments shall result in termination of the grievance procedure.

Failure to make such payments does not constitute a waiver of any right the tenant may have to contest the PHA's disposition of the grievance in any appropriate judicial proceeding.

Scheduling

If the tenant complies with the procedures outlines above, a Formal Hearing shall be scheduled by the hearing officer within ten (10) business days at a time and place reasonable convenient to the tenant and the PHA.

A written notification of the date, time, place, and procedures governing the hearing shall be delivered to the tenant and the appropriate PHA official.

Procedures Governing the Formal Hearing

The hearing shall be held before a hearing officer or hearing panel.

The tenant shall be afforded a fair hearing and be provided the basic safeguards of due process to include:

1. The opportunity to examine and to copy before the hearing, at the expense of the tenant, all documents, records and regulations of the PHA that are relevant to the hearing with at least a twenty-four (24) hour notice to HAMC prior to the hearing, and any document not so made available after request by the tenant may not be relied upon by the PHA at the hearing

2. The PHA shall also have the opportunity to examine and to copy at the expense of the PHA all documents, records and statements that the family plans to submit during the hearing to refute the PHA's inaction or proposed action, and any documents not so made available to the PHA may not be relied upon at the hearing
 3. The right to a private hearing unless otherwise requested by the tenant
 4. The right to be represented by counsel or other person chosen as a representative and make statements on the tenant's behalf.
18. The right to present evidence and arguments in support of the tenant's, to controvert evidence presented by the PHA, and to confront and cross-examine all witnesses upon whose testimony or information the PHA relies, limited to the issues for which the tenant has received the opportunity for a formal hearing
19. The right to a decision based solely and exclusively upon the facts presented at the hearing

If the hearing officer determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.

If the tenant or PHA fail to appear at the scheduled hearing, the hearing officer may make a determination that the party has waived his/her right to a hearing.

Such a determination in no way waives the tenant's right to appropriate judicial proceedings in another forum.

At the hearing, the tenant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed.

The hearing shall be conducted informally by the hearing officer or panel and oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings;

Formal:

The hearing officer shall require the PHA, tenant, counsel, and other participants and spectators to conduct themselves in an orderly manner. The failure to comply with the directions of the hearing officer/panel to maintain order will result in the exclusion from the proceedings, or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

The PHA must provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendant.

If the tenant is visually impaired, any notice to the tenant that is required must be in an accessible format.

Decisions of the Hearing Officer/Panel

The hearing officer shall give the PHA and the tenant a written decision, including the reasons for the decision, within ten (10) calendar days following the hearing. The written decision will be sent to the address provided at the hearing. The PHA will place one copy in the tenant file.

The decision of the hearing officer shall be binding on the PHA, which shall take all actions necessary to carry out the decision.

A decision by the hearing officer/panel in favor of the PHA or which denies the relief requested by the tenant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, the rights of the tenant to a trial or judicial review in any proceedings which may thereafter be brought in the matter.

Housing Authority Eviction Actions

If a tenant has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving a PHA notice of termination of tenancy, and the hearing officer upholds the PHA action, the PHA shall not commence an eviction action unless it has previously served or until it has served a notice of intent to terminate the lease on the tenant.

The tenant may be required to pay court costs and attorney fees.

Chapter 14 FAMILY DEBTS TO THE PHA

INTRODUCTION

This Chapter describes the PHA's policies for the recovery of monies that have been underpaid by families. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

1. Requests for lump sum payments
2. Civil suits
3. Payment agreements
4. Collection agencies
5. Credit bureaus
6. Income tax set-off programs

A. PAYMENT AGREEMENT FOR FAMILIES

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, and special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

The maximum length of time the PHA will enter into a payment agreement with a family will not exceed twelve (12) months.

No repayment agreement will be entered into on excessive or repeated amounts; case by case review will be required

Late Payments

A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due. If the due date is on a holiday, the due date will be at the close of the next business day.

If the family's payment agreement is in arrears, the PHA will:

1. Require the family to pay the balance in full
2. Pursue civil collection of the balance due
3. Terminate tenancy

If the family requests a transfer to another unit and has a payment agreement in place and the payment agreement is not in arrears, the family will be required to pay the balance in full prior to the unit transfer.

There are some circumstances in which the PHA will not enter into a payment agreement. They are:

1. If the family already has a payment agreement in place.
2. If the PHA determines that the debt is so large that it would take more than twelve (12) months to repay.

Guidelines for Payment Agreements

Payment agreements will be executed between the PHA and the head of household and spouse.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship, and the approval of the Public Housing Supervisor or Administrative Director.

No transfer will be approved until the debt is paid in full unless the transfer is the result of the following causes, and the payment agreement is current:

1. Family size exceeds the maximum occupancy guidelines
2. A natural disaster

Additional Monies Owed

If the family has a payment agreement in place and incurs an additional debt to the PHA, the PHA will not enter into more than one payment agreement at a time with the same family.

B. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Family Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Section of this Chapter.

Program Fraud

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

If a family owes an amount that equals or exceeds ten thousand dollars (\$10,000) as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the PHA will refer the case for criminal prosecution.

Payment Procedures for Program Fraud

Families who commit program fraud will be subject to repayment in full and termination of tenancy.

C. WRITING OFF DEBTS

Debts will be written off if:

1. The debtor's whereabouts are unknown and the debt is more than six (6) months old.
2. A determination is made that the debtor is judgment proof.
3. The debtor is deceased.
4. The debtor is confined to an institution indefinitely or for more than six (6) months.

Chapter 15 COMMUNITY SERVICE

[24 CFR 960 Subpart F and 24 CFR 903.7(1)]

INTRODUCTION

A. REQUIREMENT

Each adult resident of the PHA shall:

1. Contribute 8 hours per month of community service (not including political activities) within the community in which that adult resides; or
2. Participate in an economic self-sufficiency program (defined below) for eight (8) hours per month.
3. Perform eight (8) hours per month of combined activities (community service and economic self-sufficiency program).

B. EXEMPTIONS

The PHA shall provide an exemption from the community service requirement for any individual who:

1. Is sixty-two (62) years of age or older
2. Is a blind or disabled individual, as defined under section 216[1][1] or 1614 of the Social Security Act, and who is unable to comply with this section, or is a primary caretaker of such individual
3. Is engaged in a work activity as defined in section 407 [d] of the Social Security Act
4. Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of Title IV of the Social Security Act, or under any other welfare program of the State in which the public housing agency is located, including a State-administered welfare-to-work program; or
5. Is in a family receiving assistance under a State program funded under part A of Title IV of the Social Security Act, or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such program

The PHA will re-verify exemption status annually except in the case of an individual who is sixty-two (62) years of age or older.

The PHA will permit residents to change exemption status during the year if status changes.

C. ELIGIBLE COMMUNITY SERVICE AND SELF-SUFFICIENCY ACTIVITIES

For purposes of satisfying the community service requirement, participating in an economic self-sufficiency program is defined, in addition to the exemption definitions described above, by HUD as: Any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Community Service activities that can be performed include, but are not limited to:

Work at a local public or non-profit institution, including but not limited to: school, Head Start, other before or after school programs, child care centers, hospitals, clinics, hospice, nursing homes, recreation centers, adult day care programs, homeless shelter, feeding programs, food banks (distributing either donated or commodity foods), or clothes closet (distributing donated clothing), etc.;

Work with a non-profit organization that serves PHA residents or their children, including but not limited to : Boy Scouts, Girl Scouts, Boys or Girls Club, 4-H Club, PAL, other children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Center, Community clean-up programs, Beautification programs, etc.;

Work with any program funded under the Older Americans Act, including but not limited to: Green Thumb, Service Corps of Retired Executives, Senior meals programs, Senior Center, Meals on Wheels, etc;

In addition to the HUD definition above, the PHA definition includes any of the following:

1. Participating in the Family Self-Sufficiency Program and being current in the steps outlined in the individual Training and Services Plan.
2. Participating in an educational or vocational training program designed to lead to employment, at least thirty (30) hours per week.
3. Working through a resident organization to help other residents with problems,
4. Volunteer work in a local school, hospital, child care center, homeless shelter, or other community service organization;
5. Working with public or non-profit youth or senior organizations;
6. Helping neighborhood groups on special projects;

7. Raising young (pre-school) children at home where spouse is working;
8. Participating in programs that develop and strengthen resident self-responsibility such as:
 - a. Drug and alcohol abuse counseling and treatment
 - b. Budgeting and Credit Counseling
 - c. GED Classes
 - d. English proficiency or literacy (reading) classes
 - e. Job readiness or training programs
 - f. Skills training programs

Other activities as approved by the PHA on a case-by-case basis

The PHA will give residents the greatest choice possible in identifying community service opportunities.

The PHA will consider a broad range of self-sufficiency opportunities.

D. ANNUAL DETERMINATIONS

For each public housing resident subject to the requirement of community service, the PHA shall, at least thirty (30) calendar days before the expiration of each lease term, review and determine the compliance of the resident with the community service requirement.

Such determination shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

The PHA will verify compliance annually. If qualifying activities are administered by an organization other than the PHA, the PHA will obtain verification of family compliance from such third parties.

Family members will not be permitted to self-certify that they have complied with community service requirements.

E. NONCOMPLIANCE

If the PHA determines that a resident subject to the community service requirement has not complied with the requirement, the PHA shall notify the resident of such noncompliance including:

1. That the determination of noncompliance is subject to the administrative grievance procedure under the PHA's Grievance Procedures; and

2. That unless the resident enters into an agreement to comply with the community service requirement, the resident's lease will not be renewed, and
3. That the PHA may not renew or extend the resident's lease upon expiration of the lease term and shall take such action as is necessary to terminate the tenancy of the household, unless the PHA enters into an agreement, before the expiration of the lease term, with the resident providing for the resident to cure any noncompliance with the community service requirement, by participating in economic self-sufficiency program for or contributing to community service as many additional hours as the resident needs to comply in the aggregate with such requirement over the twelve (12) month term of the lease.
4. The head of household and the noncompliant adult must sign the agreement to cure.

Ineligibility for Occupancy for Noncompliance

The PHA shall not renew or extend any lease, or provide any new lease, for a dwelling unit for any household that includes an adult member who was subject to the community service requirement and failed to comply with the requirement.

F. PHA RESPONSIBILITY

The PHA will ensure that all community service programs are accessible for persons with disabilities.

1. The conditions under which the work is to be performed are not hazardous
2. The work is not labor that would be performed by the PHA's employees responsible for essential maintenance and property services
3. The work is not otherwise unacceptable.

G. PHA IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENT

The PHA's Community Service program is described in the PHA Plan.

The PHA will administer its own community service program, with cooperative relationships with other entities.

Chapter 16 PROGRAM INTEGRITY

INTRODUCTION

The U.S. Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental subsidy than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits that exceed their legal entitlement. The PHA is committed to assure that the proper level of benefits is paid to all tenants, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The PHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the PHA's policies for the prevention, detection and investigation of program abuse and tenant fraud..

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the PHA undertake an inquiry or an audit of a tenant family arbitrarily. The PHA's expectation is that tenant families will comply with HUD requirements, provisions of the lease, and other program rules. The PHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the PHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor tenants' lease obligations for compliance and, when indicators of possible abuse come to PHA's attention, to investigate such claims.

The PHA will initiate an investigation of a tenant family only in the event of one or more of the following circumstances:

1. Referrals, Complaints, or Tips:

The PHA will follow up on referrals from other agencies, companies or persons that are received by mail, by telephone or in person, which allege that a tenant family is in non-compliance with, or otherwise violating the lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the tenant file.

2. Internal File Review

A follow-up will be made if PHA staff discovers (as a function of a reexamination, an interim re-determination, or a quality control review), information or facts which conflict with previous file data, the PHA's knowledge of the family, or is discrepant with statements made by the family.

3. Verification or Documentation:

A follow-up will be made if the PHA receives independent verification or documentation, which conflicts with representations in the tenant file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The management and occupancy staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and tenant families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by tenant families.

1. Things You Should Know.

This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.

2. Program Orientation Session:

The Site Manager or Eligibility Analyst will conduct mandatory orientation sessions for all prospective tenants whether prior to or upon execution of the lease.

3. Resident Counseling:

The PHA will routinely provide tenant counseling as a part of every reexamination interview in order to clarify any confusion pertaining to program rules and requirements.

4. Review and Explanation of Forms:

Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.

5. Use of Instructive Signs and Warnings:

Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

6. Tenant Certification:

All family representatives will be required to sign a "Tenant Certification" form, or equivalent, as contained in HUD's Tenant Integrity Program Manual.

C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The PHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud as assisted families.

1. Quality Control File Reviews:

Prior to initial certification, and at the completion of all subsequent reexaminations, each tenant file will be reviewed. Such reviews shall include, but are not limited to:

- a) Changes in reported Social Security Numbers or dates of birth
- b) Authenticity of File Documents
- c) Ratio between reported income and expenditures
- d) Review of signatures for consistency with previously signed file documents

2. Observation:

The PHA Management and Occupancy Staff (to include maintenance personnel) will maintain high awareness of circumstances that may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

3. Public Record Bulletins may be reviewed by Management and Staff

4. State Wage Data Record Keepers:

Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 1000-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits

5. Credit Bureau Inquiries

Credit Bureau inquiries may be made (with proper authorization by the tenant) in the following circumstances:

- a) At the time of final eligibility determination
- b) When an allegation is received by the PHA wherein unreported income sources are disclosed
 - c) When a tenant's expenditures exceed his/her reported income, and no plausible explanation is given

D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The PHA staff will encourage all tenant families to report suspected abuse to the Site Manager, Assistant Mgr., Supervisor or the Fraud Hot Line. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the tenant file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The PHA will not follow up on allegations that are vague or otherwise non-specific. They will only review allegations that contain one or more independently verifiable facts.

File Review

An internal file review will be conducted to determine if the subject of the allegation is a tenant of the PHA and, if so, to determine whether or not the information reported has been previously disclosed by the family.

It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review

If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Site Manager, Assistant Mgr. or Supervisor will initiate an investigation to determine if the allegation is true or false.

E. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

If the PHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file or a person designated by the Public Housing Supervisor or Administrative Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the PHA will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries

In cases involving previously unreported income sources. A CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.

Verification of Credit

In cases where the financial activity conflicts with file data, a Verification of Credit Form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers

Employers or ex-employers may be contacted to verify wages that may have been previously undisclosed or mis-reported.

Neighbors/Witnesses

Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the PHA's review.

Other Agencies

Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records

If relevant, the PHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statement, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members

The PHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate PHA office. A high standard of courtesy and professionalism will be maintained by the PHA Staff Person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an addition staff person will attend such interviews.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be considered "work product" and will either be kept in the tenant file, or in a separate "work file." In either case, the tenant file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among PHA Staff unless they are involved in the process, or have information that may assist in the investigation.

G. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Chief Executive Officer or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

H. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

1. The type of violation (procedural, non-compliance, fraud)

2. Whether the violation was intentional or unintentional
3. What amount of money (if any) is owed by the tenant
4. If the family is eligible for continued occupancy

I. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

Procedural Non-Compliance

This category applies when the tenant “fails to” observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive rent owed by the family. Examples on non-compliance violations are:

1. Failure to appear at a pre-scheduled appointment.
2. Failure to return verification in time period specified by the PHA

Warning Notice to the Family

In such cases a notice will be sent to the family that contains the following:

1. A description of the non-compliance and the procedure, policy or obligation that was violated
2. The date by which the violation must be corrected, or the procedure complied with
3. The action that will be taken by the PHA if the procedure of obligation is not complied with by the date specified by the PHA
4. The consequences of repeated (similar) violations

Procedural Non-Compliance – Retroactive Rent

When the tenant owes money to the PHA for failure to report changes in income or assets, the PHA will issue a Notification of Underpaid Rent. This Notice will contain the following:

1. A description of the violation and the date(s)
2. Any amounts owed to the PHA
3. A five (5) day response period

4. The right to disagree and to request an informal conference with instructions for such hearing

Tenant Fails to Comply with PHA's Notice

If the Tenant fails to comply with the PHA's notice, and a material provision of the lease has been violated, the PHA will initiate termination of tenancy.

Tenant Complies with PHA's Notice. When a tenant complies with the PHA's notice, the staff person responsible will meet with him/her to discuss and explain the obligation or lease provision that was violated.

Intentional Misrepresentations

When a tenant falsifies, misstates, omits or otherwise misrepresents a material fact that results (or would have resulted) in an underpayment of rent by the tenant, the PHA will evaluate whether or not;

1. The tenant had knowledge that his/her actions were wrong, and
2. That the tenant willfully violated the lease or the law

Knowledge that the Action or Inaction was Wrong

This will be evaluated by determining if the tenant was made aware of program requirements and prohibitions. The tenant's signature on various certification, briefing certificate, Person Declaration and Things You Should Know are adequate to establish knowledge of wrongdoing.

The Tenant Willfully Violated the Law

Any of the following circumstances will be considered adequate to demonstrate willful intent:

1. An admission by the tenant of the misrepresentation
2. That the act was done repeatedly
3. If a false name or Social Security Number was used
4. If there were admissions to others of the illegal action or omission
5. That the tenant omitted material facts that were known to them (e.g., employment of self or other household member)
6. That the tenant falsified, forged or altered documents
7. That the tenant uttered and certified to statements at a rent (re)determination which were later independently verified to be false

The Tenant Hearing for Serious Violations and Misrepresentations

When the PHA has established that a material misrepresentation(s) has occurred, a Tenant Hearing will be scheduled with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the case.

This hearing will take place prior to any proposed action by the PHA. The purpose of such hearing is to review the information and evidence obtained by the PHA with the tenant, and to provide the tenant an opportunity to explain any document findings which conflict with representations in the tenant file. Any documents or mitigating circumstances presented by the tenant will be taken into consideration by the PHA. The tenant will be given ten (10) business days to furnish any mitigating evidence.

A secondary purpose of the Tenant hearing is to assist the PHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the PHA will consider:

1. The duration of the violation and number of false statements
2. The tenant's ability to understand the rules
3. The tenant's willingness to cooperate, and to accept responsibility for his/her actions
4. The amount of money involved
5. The tenant's past history
6. Whether or not criminal intent has been established

Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions;

1. Criminal Prosecution:

If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA may refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

2. Administrative Remedies:

The PHA may:

- a) Terminate tenancy and demand payment of restitution in full

- b) Terminate tenancy and pursue restitution through civil litigation
- c) Permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with the PHA's repayment policy

Notification to Tenant of Proposed Action

The PHA will notify the tenant of the proposed action no later than ten (10) business days after the tenant conference by certified mail.

GLOSSARY A – TERMS USED IN DETERMINING RENT

ANNUAL INCOME [(24 CFR 5.609)]. Annual income is the anticipated total income from all sources. This includes net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member for the 12 month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section, or income that is specifically excluded by other federal statute.

Annual income includes:

1. The full amount before any payroll deductions, or wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.
4. When the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets, or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.
5. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.

NOTE: Treatment of lump sum payments for delayed or deferred periodic payment of social security or SSI benefits is dealt with later in this section.

6. Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.
7. All welfare assistance payments received by or on behalf of any family member. (24 CFR 913.106(b)(6) contains rules applicable to "as-paid" States).
8. Periodic and determinable allowances, such as alimony and child care support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.
9. All regular pay, special pay and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

EXCLUSIONS FROM ANNUAL INCOME (24 CFR 5.609). Annual income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone)
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance and workers' compensation) capital gains, and settlement for personal property losses
4. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member
5. Income of a live-in aide, provided the person meets the definition of a live-in aide
6. The full amount of student financial assistance paid directly to the student or the educational institution
7. The special pay to a family member service in the Armed Forces who is exposed to hostile fire
8. Amounts received under HUD funded training programs (e.g. Step-up program) – excludes stipends, wages, transportation payments and child care vouchers for the duration of the training
9. Amounts received by a person with disabilities that are disregarded for a limited time for purposed of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS)

10. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out of pocket expenses incurred for items such as special equipment, clothing, transportation and child care, to allow participation in a specific program
11. Amount received as a resident services stipend. A modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the PHA, 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, resident initiatives coordination, and serving as the resident member of the PHA governing Board). No resident may receive more than on one such stipend during the same period of time.
12. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of family members as resident management staff. Amount excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
13. Temporary, non-recurring, or sporadic income (including gifts)
14. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and reexaminations of income on or after April 23, 1993)
15. Earnings in excess of \$480 for each full-time student 18 years old or older, (excluding the head of household and spouse)
16. Adoption assistance payments in excess of \$480 per adopted child
17. 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 (42 U.S.C. 1437 et seq.) 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:

- a) Is authorized by a Federal, State or local law
- b) Is funded by the Federal, State or local government
- c) Is operated or administered by a public agency

- d) Has as its objective to assist participants in acquiring job skills

Exclusion period means the period during which to resident participates in a program as 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.

18. Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
19. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
20. 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.
21. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937 (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion).

The following benefits are excluded by other Federal Statute as of August 3, 1933:

1. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977
2. Payments to volunteers under the Domestic Volunteer Service Act of 1973;
 - a) The Retired Senior Volunteer Program (RSVP)
 - b) Foster Grandparent Program (FGP)
 - c) Senior Companion Program (SCP)
 - d) Older American Committee Service Program
 - e) National Volunteer Antipoverty Programs such as:
 - f) VISTA

- g) Peace Corps
 - h) Service Learning Program
 - i) Special Volunteer Programs
 - j) Small Business Administration Programs such as:
 - k) National Volunteer Program to Assist Small Businesses
 - l) Service Corps of Retired Executives
3. Payments received under the Alaska Native Claims Settlement Act. [43 USC 1626(a)]
 4. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]
 5. Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]
 6. Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (b)]
 7. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540)
 8. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims [25 USC1407-08], or from funds held in trust for an Indian Tribe by the Secretary of Interior
 9. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships
 10. Payments received under programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League; Association National Pro Personas Mayores, National Council on Aging American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb
 11. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In-Re Orange Product Liability litigation.

12. The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Child Care and Development Block Grant Act of 1990. [42 USC 9858q]
13. Earned income tax credit refund payments received on or after January 1, 1991. [26 USC 32](j).
14. Living allowances under Americorps Program (Nelson Diaz Memo to George Latimer 11/15/94)

ADJUSTED INCOME. Annual income, less allowable HUD deductions

All Families are eligible for the following:

Child Care Expenses: A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the Annual Income is computed. Childcare expenses are only allowable when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be reasonable by the PHA when the expense is incurred to permit education.

Dependent Deduction: An exemption of \$480 for each member of the family resident in the household (other than the head or spouse, live-in aide, foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.

Expenses of the Disabled: A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the member with disability/ies to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for visually impaired, and equipment added to cars and vans to permit use by the family member with disability/ies.

For non-elderly families and elderly families without medical expense: The amount of the deduction equals the cost of all unreimbursed expenses for care and equipment for the family member with disability/ies less three percent (3%) of Annual Income, provided the amount so calculated does not exceed the employment income earned.

For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for care and equipment for the family member with disability/ies less three percent of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

For Elderly and Disabled Families Only:

Medical Expenses: A deduction for unreimbursed medical expenses, including insurance premiums anticipated for the period for which Annual Income is computed. Medical expenses include, but are not limited to: services of physicians and other health care professionals, services of health care facilities; insurance premiums, including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by the PHA for the purpose of determining a deduction from the income, the expenses claimed must be verifiable.

For elderly families without disability expenses: The amount of the deduction shall equal total medical expenses less 3% of Annual Income.

For elderly families with both disability and medical expenses: The amount of expense for disability related expenses is calculated first, then medical expenses are added.

Elderly/Disabled Household Exemption: An exemption of \$400 per household

GLOSSARY B – HOUSING TERMS

ACCESSIBLE DWELLING UNITS. When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40, (the Uniform Federal Accessibility Standards) is “accessible” within the meaning of this paragraph.

ACCESSIBLE FACILITY. All or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities.

ACCESSIBLE ROUTE. For persons with a mobility impairment, a continuous, unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

ADAPTABILITY. Ability to change certain elements in a dwelling unit to accommodate the needs of persons with disabilities or persons without disabilities; or ability to meet the needs of persons with different types and degrees of disability.

ADMISSION. Admission to the program is the effective date of the lease. The point at which a family becomes a resident.

ALLOCATION PLAN. The plan submitted by the PHA and approved by HUD under which the PHA is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

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

“AS-PAID” STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets).

AUXILIARY AIDS. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

CEILING RENT. An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the month per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a Co-head or Spouse, but not both. A co-head never qualifies as a dependent.

COVERED FAMILIES. The statutory term “covered families” designates the universe of families who are required to participate in a welfare agency economic self-sufficiency program and may, therefore, be the subject of a welfare benefit sanction for noncompliance with this obligation. “Covered families” means families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program or which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Person with disability/ies, or is a full-time student 18 years of age or older.

DESIGNATED FAMILY. The category of family for whom the PHA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act (24 CFR 945.105).

DISABILITY ASSISTANCE EXPENSE. Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and or auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

DISABLED FAMILY. A family whose head, spouse, or sole member is a person with disabilities. A disabled family may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

DISABLED PERSON. See Person with Disabilities. F Rights Act [42 USC 6001(7)].

DISALLOWANCE. Exclusion from Annual Income.

DISPLACED FAMILY. A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster relief laws.

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

DRUG-RELATED CRIMINAL ACTIVITY. Term means Drug-trafficking or illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act [21 USC 802]).

DRUG TRAFFICKING. The illegal manufacture, sale, distribution or the possession with intent to manufacture, sell, or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act [21 USC 802]).

ECONOMIC SELF-SUFFICIENCY PROGRAM. Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families. Economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, and other program necessary to ready a participant to work (such as: substance abuse or mental health treatment. Economic self-sufficiency program includes any work activities as defined in the Social Security Act ([42 USC 607 (d)]. See the definition of work activities at Sec. 5.603(c). The new definition of the term “economic self-sufficiency program” is used in the following regulatory provisions, pursuant to the Public Housing Reform Act: family income includes welfare benefits reduced because of family failure to comply with welfare agency requirements to participate in an economic self-sufficiency program; and the requirement for public housing residents to participate in an economic self-sufficiency program or other eligible activities.

ELDERLY FAMILY. A family whose head or spouse or shoes sole member is a least 62 years old, or two or more persons who are at least 62 years of age or a person with disabilities. It may include two or more elderly, disabled persons living together or one or more such persons living with one or more live-in aides.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBLE FAMILY (Family). A family is defined by the PHA in the Admission and Continued Occupancy Plan.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 that exceeded 25% of the Annual Income. It is no longer used.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly families only in excess of three percent (3%) of Annual Income which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A family whose Annual Income does not exceed 30 percent (30%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or variations are necessary because of unusually high or low family incomes.

FAMILY. The applicant must qualify as a family as defined by the PHA.

FAMILY OF VETERAN OR SERVICE PERSON. A family is a “family of veteran or service person” when:

- The veteran or service person is
 - a) Is either the head of household or is related to the head of the household; or
 - b) Is deceased and was related to the head of the household, and was a family member at the time of death
- The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was:
 - a) Formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or
 - b) Not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by a PHA to promote self-sufficiency of assisted families, including the provision of supportive services.

FLAT RENT. Rent for a public housing dwelling unit that is based on the market rent. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the PHA could lease the public housing unit after preparation for occupancy.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is attending school or vocational training on a full-time basis.

EXPENSES FOR ASSISTANCE TO PERSONS WITH DISABILITIES. Anticipated costs for care attendants and auxiliary apparatus for a family member with disability/ies that enable a family member (including the family member with disability(ies) to work.

HANDICAPPED PERSON. (Replaced by the language "Person with a Disability"). A person having a physical or mental impairment that is expected to be of long continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that such ability could be improved by more suitable housing conditions.

HEAD OF HOUSEHOLD. The person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term “PHA” includes an Indian Housing Authority (IHA). (“IHA” and “PHA” mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The Act in which the U.S. Housing Act of 1937 was re-codified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PLAN. A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303 (c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HGS). The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

HUD. The Department of Housing and Urban Development or its designee.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

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

IMPUTED INCOME. HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

IMPUTED WELFARE INCOME. The amount of Annual Income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family’s Annual Income. This amount is included in family Annual Income and, therefore, reflected in the family rental contribution based on this income.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME-BASED RENT. The tenant rent paid to the PHA that is based on family income and the PHA rental policies. The PHA uses a percentage of family income or some other reasonable system to set income-based rents. The PHA has broad flexibility in deciding how to set income-based rent for its tenants. However, the income-based tenant rent plus the PHA’s allowance for tenant paid utilities may not exceed the “total tenant payment” as determined by a statutory formula.

INCOME FOR ELIGIBILITY.**INCOME TARGETING.** Annual Income.**INDIAN.** Any person recognized as an Indian or Alaska Native by an Indian Tribe, the Federal Government, or any State.**INDIAN HOUSING AUTHORITY (IHA).** A housing agency established either:

- a) By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- b) By operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.**INVOLUNTARILY DISPLACED PERSON.** Involuntarily Displaced Applicants are applicants who meet the HUD definition for the local preference, formerly know as a federal preference.**LANDLORD.** Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.**LEASE.** A written agreement between an owner and an eligible family for the leasing of a housing unit.**LIVE-IN AIDE.** A person who resides with an elderly person or disabled person and who:

- 1. Is determined to be essential to the care and well-being of the person
- 2. Is not obligated for the support of the person
- 3. Would not be living in the unit except to provide necessary supportive services

LOCAL PREFERENCE. A preference used by the PHA to select among applicant families without regard to their date and time of application.**LOW-INCOME FAMILY.** This definition replaces a previous statutory reference. Generally, "low-income" designates a family whose income does not exceed 80 percent (80%) of area median income, with certain adjustments.**MARKET RENT.** The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive

project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses anticipated during the period for which Annual Income is computed, and which are not covered by insurance (only Elderly Families qualify). The allowances are applied when medical expenses exceed 3% of Annual Income.

MINIMUM RENT. An amount established by the PHA between zero and \$50.00.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances.

MONTHLY INCOME. 1/12 of the Annual Income before allowances.

NEAR-ELDERLY FAMILY. A family whose head, spouse, or sole member is at least 50, but less than 62 years of age. The term includes two or more near-elderly persons living together and one or more such persons living with one or more live-in aides.

NET FAMILY ASSETS. The net cash value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bond, and other forms of capital investment.

OCCUPANCY STANDARDS (Now referred to as Subsidy Standards). Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

PARTICIPANT. A family that has been admitted to the PHA program, and is currently assisted in the program.

PERSON WITH DISABILITIES.

1. A person who has a disability, as defined in 42 USC 423, and is determined, under HUD regulations, to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
2. A person who has a developmental disability as defined in 42 USC 6001.
3. An "individual with handicaps", as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.
4. Does not exclude persons who have AIDS or conditions arising from AIDS.

5. Does not include a person whose disability is based solely on any drug or alcohol dependence (for low income housing eligibility purposes).

PREMISES. The building or complex in which the dwelling unit is located including common areas and grounds.

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

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian Housing Authority (IHA). ("IHA" and "PHA" mean the same thing.)

QUALIFIED FAMILY. A family residing in public housing whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment; or increased earnings by a family member during participation in any economic self-sufficiency or on the job training program; or new employment or increased earnings of a family member, during or within 6 months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local TANF agency and Welfare to Work programs. TANF includes income and benefits & services such as one-time payments, wage subsidies & transportation assistance, as long as the total amount over a six (6) month period is at least \$500.

QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998. The Act that amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 assistance programs.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if no interim changes are reported by the family.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RESIDENCY PREFERENCE. A local preference for admission of persons who reside in a specified geographic area.

RESPONSIBLE ENTITY. For the public housing, Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the

responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone who is not disabled, elderly, or displaced, or the remaining member of a tenant family.

SPECIFIED WELFARE BENEFIT REDUCTION. Those reductions of welfare agency benefits (for a covered family) that may not result in a reduction of the family rental contribution. "Specified welfare benefit reduction" means a reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE. The marriage partner of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) that receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974; or
5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency; or
6. A Public Housing Project

SUBSIDY STANDARDS. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

TENANT. (Synonymous with RESIDENT). The person or persons who executes the lease as lessee of the dwelling unit.

TENANT RENT. The amount payable monthly by the family as rent to the PHA.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT / HOUSING UNIT. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to six bedrooms.

UTILITIES. Utilities mean water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. The PHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this meant a lower-income family that included eight or more minors. (Term no longer used).

VERY LOW INCOME FAMILY. A Low-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

VIOLENT CRIMINAL ACTIVITY. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

WAITING LIST. A list of families organized according to HUD regulations and PHA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state or local government. "Welfare assistance" means income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs. The definition borrows from the Department of Health and Human Services' TANF definition of "assistance" and excludes nonrecurring short-term benefits designed to address individual crisis situations. For FSS purposes, the following do not constitute welfare assistance: food stamps; emergency rental and utilities assistance; and SSI, SSDI, and Social Security.

ZERO INCOME FAMILY. A family who, at its most recent declaration of income to the Housing Authority, stated that they receive no income from any source.

GLOSSARY C – TERMS USED IN THE NON-CITIZENS RULE

CHILD. A member of the family other than the family head or spouse who is under 18 years of age.

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents that must be submitted to evidence citizenship or eligible immigration status.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

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

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NONCITIZEN. A person who is neither a citizen nor national of the United States.

PHA. A housing authority that operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (the PHA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for non citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover or boyfriends, girlfriends, significant others.

IMPLEMENTATION OF PUBLIC HOUSING RESIDENT COMMUNITY SERVICE REQUIREMENTS

Each adult resident of the PHA (except those having an exemption status) shall:

1. Contribute 8 hours per month of community service (not including political activities) within the community in which that adult resides; or
2. Participate in an economic self-sufficiency program for eight hour per month; or
3. Perform eight hours per month of combined activities (community service and economic self-sufficiency program).

The PHA will re-verify exemption status annually except in the case of an individual who is 62 years of age or older.

At least thirty (30) calendar days before the expiration of each lease term, the PHA shall review and determine compliance of residents with community service requirements.

Note: Chapter 15 of the Admissions and Continued Occupancy Policy (az009k01), covers Community Service.

SECTION 8 HOMEOWNERSHIP PROGRAM

Capacity Statement

The Housing Authority of Maricopa County (HAMC) will acquire the capacity to successfully operate a Section 8 Homeownership Program.

Effective July 18, 2006, the HAMC Board of Commissioners approved a new salary structure and organizational chart (az009c05), which allows for a full time Homeownership Coordinator (attachment A).

In addition, the HAMC outlined, in the 2005 Annual Plan, its intent to move aggressively into a series of homeownership programs. On July 15, 2006, HAMC filed an application with HUD/SAC for a West Valley Section 32 Homeownership Program. HAMC has outlined a plan for use of RHF in a leverage financing single family new construction and rehab program leverage using HUD Section 203(k) mortgages. (attachment B)

HAMC is creating a Homeownership Advisory Group to assist and support our increased focus on homeownership, including a linkage to the HUD American Dream focus.

In addition to the above, the current Executive Director is providing leadership to this effort based on his experiences gained in three HUD regions; North Carolina, Virginia and Nebraska,. He was cited by the respective Field Office Directors' for developing first in funding efforts and on two (2) occasions, recommended, by HUD, for Best Practices in Homeownership Programs.

HAMC will recruit for the Homeownership Coordinator in the fall of 2006.



TITLE:	Home Ownership Coordinator	JOB CODE:	323
PREPARED:	July 2006	FLSA:	Exempt
D:			
UPDATED:		REVISION #:	

Summary: Under general supervision, provides case management services to assist HAMC clients through the home buying process and to provide financial counseling services.

Essential Job Functions: *Essential functions, as defined under the Americans with Disabilities Act, may include any of the following tasks, knowledge, skills and other characteristics. The list that follows is not intended as a comprehensive list; it is intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed, and may be required to perform additional, position-specific tasks.*

- Develops, implements and manages HAMC homeownership programs, including the HUD Homeownership Voucher Program (HVP); provides individual counseling from the initial intake to the mortgage closing including financial counseling, budgets, mortgage qualification, property search and inspection, mortgage processing, and closing.
- Carries a caseload of HVP clients; schedules and conducts regular meetings with program participants, as required under HUD regulations; facilitates financial education workshops.
- Manages outreach activities on homeownership opportunities to eligible clients and mortgage lenders; promotes the creation of partnerships with real estate agents, lenders, developers and other real estate industry professionals; establishes effective working relationships with HAMC families and lending institutions.
- Provides a full range of HVP financial case management services; assesses client needs, determines eligibility, and develops an individual financial plan that identifies financial status, and the actions necessary to meet the home ownership goals.
- Provides credit counseling services and management of the HVP program; provides counseling, advocacy and ongoing monitoring and support on financial issues and the management of resources; reviews and assesses credit reports and individual goals; provides strategies to encourage participants to resolve existing credit issues, and manage savings plan.
- Refers clients to community resources and assistance programs; creates action plans and assists with mortgage application documents; coordinate with lenders to obtain application approvals; assists with processing of documents needed for qualifications, underwriting and closings; conducts follow-up activities and monitors families after a home is purchased.

- Tracks client participation and other statistics as required for internal and external reporting; maintains client records to meet HUD and HAMC standards; maintains records of activities, and submits monthly, quarterly and annual reports as required.
- Keeps informed of community, social and economic resources available to low-income families;
- Explains nature of HAMC programs, procedures and services to clients; maintains absolute confidentiality of work-related issues, client records and HAMC information.
- Supports the relationship between HAMC and the constituent population by demonstrating courteous and cooperative behavior when interacting with clients, visitors, and HAMC staff.
- Enthusiastically promotes the Executive Director's priorities for the operations of HAMC.
- Performs other related duties as assigned.

Work Environment:

- Work is performed in an office environment.

Equipment and Tools Utilized:

- Standard equipment includes personal computer and standard office equipment.

Required Knowledge and Skills:

- Knowledge of HAMC policies and procedures.
- Knowledge of HUD housing program regulations and eligibility requirements.
- Knowledge of principles and practices of real estate transactions and mortgage counseling.
- Knowledge of legal instruments and documents used in real estate transfer transactions.
- Knowledge of Code of Federal Regulations (CFR) pertaining to public housing programs, and HUD standards and procedures.
- Knowledge of community service agencies and other local assistance programs.
- Knowledge of principles of record keeping and records management.
- Knowledge of personal computer hardware and software, including Microsoft Office.
- Skill in evaluating credit counseling and case management issues, and taking actions based on client needs and obligations.
- Skill in assessing, reviewing, updating and maintaining files, reports and documentation.
- Skill in understanding and interpreting real estate laws, HUD documents and housing codes.
- Skill in establishing cooperative working relationships with community service agencies.
- Skill in interacting with people of different social, economic, and ethnic backgrounds.
- Skill in effectively communicating verbal and written instructions.

Education, Experience, Certifications and Licenses:

- Bachelor's Degree in Social Services, Public Administration or related field, AND two (2) years of homeownership or mortgage counseling, or real estate transaction experience; OR equivalent combination of education and experience.
- Specific HUD technical certifications may be required.
- May be required to have bi-lingual English/Spanish language skills.

HOUSING AUTHORITY OF MARICOPA COUNTY HOUSING CHOICE VOUCHER HOMEOWNERSHIP PROGRAM

Preamble

The Housing Authority of Maricopa County will provide tenant-based assistance to an eligible and qualified family that purchases a dwelling unit that will be occupied by the family according to the following criteria. The program was authorized by Section 555 of the Quality Housing and Work Responsibility Act of 1998. The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family.

Eligible Families

The Authority will make homeownership assistance available to qualified families that have substantially completed the Authority's Family Self Sufficiency program and attended all required homebuyers classes. The family also is required to meet with the HUD Housing Counselor once per month for the first twelve (12) months after the purchase of the home. To remain eligible, the family must not of defaulted on a mortgage securing debt to purchase a home under the homeownership option. The program also will only be available to first time homebuyers. A first time homeowner is a family of which no member owns any present ownership interest in a residence of any family member during the three (3) years before commencement of homeownership assistance for the family. The term "first time homeowner" includes a single parent or displaced homemaker who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse. A family assisted under the homeownership option may be a newly admitted or existing participant in the program. The Authority must approve a live-in aide if needed as a seasonable accommodation so that the program is readily accessible to and useable by persons with disabilities

Program Size

The Authority hereby limits the number of Housing Choice Voucher homeownership vouchers to 20 at any given time.

Financing Parameters

All families are required to secure their own financing. The Authority requires in all home purchases under this program, a minimum 3% down payment from which at least 1% must come from the family's personal resources. Personal resources include Family Self Sufficiency escrow account balances. All financing is required to be insured or guaranteed by the State or Federal government and meet underwriting requirements for the secondary mortgage market or private sector underwriting standards. If the home is financed with FHA mortgage insurance, such financing is subject to FHA mortgage insurance requirements. Non-FHA insured loans are not subject to this requirement. The Authority has the right of approval of all refinancing arrangements or the securing of additional financing on the home. In addition, the Authority has the right to disapprove proposed financing, refinancing or other debt, if the Authority determines that the lender or loan terms do not meet Authority qualifications.

The HAMC will provide a single downpayment assistance grant for the participating family that has received tenant-based or project-based rental assistance in the Housing Choice Voucher Program. The Authority will make a payment at the closing of an amount not to exceed twelve times the difference between the payment standard and the total tenant payment.

The downpayment assistance grant will be applied toward the downpayment required in connection with the purchase of the home and/or reasonable and customary closing costs in connection with the purchase of the home. The HAMC will determine what fees and charges constitute reasonable and customary closing costs.

The downpayment assistance grant will be paid at the closing of the resident family's purchase of the home.

Housing Counseling

Once a prospective purchaser is deemed eligible, all persons who will have an ownership interest in the home must attend homeownership counseling sessions with the local HUD-approved housing counseling agency. The initial session will include a review of how much of a house a family can afford. Additional topics to be covered are as follows:

1. Home maintenance (including care of the grounds);
2. Budgeting and money management;
3. Credit counseling;
4. How to negotiate the purchase price of a home;
5. How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
6. How to find a home, including information about homeownership opportunities, schools, and transportation in the Authority's jurisdiction;
7. Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas.
8. Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
9. Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

Attachment B

HOUSING AUTHORITY OF MARICOPA COUNTY HOMEOWNERSHIP OUTLINE

The Housing Authority of Maricopa County in fiscal year 2005 will embark upon a comprehensive homeownership program, which will rely on three interlaced pillars. These are:

1. Public Housing Homeownership Program
2. Housing Choice Voucher Homeownership Program
3. HAMC Scattered Site Home Sales Program

Public Housing Homeownership Program

The Public Housing Homeownership program will be an adjunct to the Family Self Sufficiency program and will prepare residents to move from public housing to owning their own home. It will accomplish this by:

- Expanding and concentrating on FSS program participants to encourage savings for downpayment and general income increases for resident families.
- Culling resident lists in search of likely candidates for potential homebuyers and concentrating on marketing the advantages of homeownership to these residents.
 - As of April, there were 63 families in public housing who had over \$20,000 in yearly income averaging \$26,000.00 and paid a median \$620.00 in rent per month. These families would be able to afford a house of approximately \$90,000.00 with the concomitant advantages of capital acquisition and tax advantage.
 - As of June, there were 16 families in the FSS program with over \$2,000.00 in equity saved. The average savings for these families was over \$6,000.00.
- Expanding public partnerships with non-profit and financial institution providers, who may be of service in the training of residents, providing financial and other counseling and providing reduced rate funding, grants and downpayment assistance for low income resident first time homebuyer families.
- Advertising and promotion for outreach to resident families instructing them of the availability of training and counseling activities with suitable program partners.

Housing Choice Voucher Homeownership Program

- The HAMC will provide a draft of a Housing Choice Voucher Homeownership Program for approval by HUD.
- The HAMC will likewise select interested and potentially Homeownership Program eligible residents families from the HCV FSS program group who may be on the verge of meeting the criteria for nearly current potential homeownership.

- The initial impetus of the HCV Homeownership program will be to provide downpayment assistance in an amount up to but not to exceed the value of a yearly Housing Choice Voucher for the purposes of downpayment, closing costs and ancillary fees as determined by the Authority.

Housing Authority of Maricopa County Scattered Site Home Sales Program

- The HAMC will begin to draft and prepare to submit a Section 32 homeownership plan to the HUD Special Application Center (SAC), which will be assembled for the purpose of conveying the 65 units of Authority scattered site housing to eligible low income residents of the county.
- The Plan will be drafted, discussed, and presented to the Board of Commissioners, then submitted to HUD for
- approval, in accordance with all appropriate state and Federal requirements and in further accordance with the conditions as outlined in the IGA between HAMC and Maricopa County.
- The Plan will be implemented by the HAMC FSS and Homeownership offices.
- The plan will be implemented in phases with designated properties vacated, renovated and improved for purposes of sale.
- Pre-qualified resident families will be either sold or leased the dwellings with a firm agreement to purchase within a strict timeframe.
- The HAMC will draft a separate lease-purchase contract, which will be utilized for these specified properties.
- As each sales phase is completed, the next will commence.
 - 11 houses in Glendale
 - 7 in Tolleson
 - 7 in El Mirage
 - 2 phases of 5 and 6 in Goodyear
 - 2 Units in Avondale
 - Other Units as they are deemed reasonable or are vacated
 - Connected Dwellings if feasible
- Sales proceeds will be utilized to enhance the program, provide resident training and assistance and to develop additional low income housing opportunities.

Attachment B

HOUSING AUTHORITY OF MARICOPA COUNTY HOMEOWNERSHIP PROGRAM

The Housing Authority of Maricopa County (HAMC) is initiating a new Scattered Site Single Family Homeownership Program with the aim of promoting homeownership for its Public and Housing Choice Voucher residents, as well as for others in the county who are eligible for public housing. To this end, the Authority has selected certain of its single family units, numbering forty six overall, to be designated for sale to eligible residents. The method of sale will be fee simple and all of the units to be sold are single family detached homes in distinct neighborhoods located throughout this county surrounding the City of Phoenix, Arizona.

The HAMC will self-finance all repairs, renovations and other necessary improvements as well as the soft costs of survey, architecture, engineering, testing, attorney's and other professional fees. All of the financing will be recaptured from the sales proceeds of the program. The Authority will be the operator of the program through its FSS Homeownership Department, but will contract out certain of the necessary training, counseling, real estate instruction and legal issues to other entities. Other housing agencies in the county will be encouraged to refer eligible residents who are interesting in participating in the program. It is the intention of the HAMC to use the proceeds of sale and other financing mechanisms to acquire other property, and construct additional affordable housing in distinct, compact and concise locations as a part of the asset management plan for the Authority.

The forty six single family scatter site homes, which will be sold by the Authority to eligible residents, are identified in the following page. Each of the dwellings is a self contained, detached single family home complete with a yard, driveway and separate entrance.

Before the properties are sold, they will individually appraised in order to determine the amount of the recapture if the property is prematurely sold by the new owner. It is estimated that the current value of the properties, in general, will be approximately \$140,000 for a two bedroom, \$165,000 for a three bedroom and \$175,000 for a four bedroom residence.

This is not necessarily a new venture. The Authority has had a very active and continuing Family Self Sufficiency program for both Public Housing and Housing Choice Voucher residents. Although this will be the first Section 32 homeownership plan for the HAMC, the FSS program has produced 44 graduates with an average of \$6,500.00 in escrow between 2000 to June 2004, of these, 36 residents purchased a home with the aid of the counseling and training which they received in the program. From that time, the HAMC has had 83 residents involved in FSS programs who continue with their homeownership training, which is integral, mandated and endeavors to prepare these families for future home purchase, either through the new Section 32 program or on the private market.

We have determined an order of eligibility for the participants in the Section 32 Homeownership program. The order of eligibility is detailed.

- Resident Families currently residing in the dwelling, who wish to be included in the program and meet the eligibility requirements, both financial and educational. These families have the right of first refusal.

- Current public housing residents enrolled in one of the HAMC's FSS programs who complete a certified Homeownership Training course and have the requisite financial eligibility.
- Current Housing Choice Voucher residents enrolled in one of the HAMC's FSS programs who complete a certified Homeownership Training course and have the requisite financial eligibility.
- Public Housing Residents who have completed a certified Homeownership Training course and have the requisite financial eligibility.
- Housing Choice Voucher Residents who have completed a certified Homeownership Training course and have the requisite financial eligibility.
- Public Housing Residents referred from other county agencies who have completed a certified Homeownership Training course and have the requisite financial eligibility.
- Other public housing eligible residents who have completed a certified Homeownership Training course and have the requisite financial eligibility.

The maximum income level for the program will be 70% of median income for the county. There will be no replacement reserve requirement as these are all single family homes, which will have been upgraded for purposes of salability and will therefore have warranties on most systems which will exceed five years.

As noted above, Homeownership Training and Counseling is a requirement for all families who will be engaged in the program. The downpayment requirement will be 5% of the amount of the first mortgage.

If any units are sold for under the appraised value there will be a recapture provision on each of the homes set as a silent second mortgage. At least a portion of his mortgage will be paid off if the resident family occupying the home sells before the tenth year after the initial closing. The formula for second mortgage forgiveness is as follows. The first to third year there will be no write down, in subsequent years the formula will be 4=2.5%, 5=5.0%, 6=10.0%, 7=15.0%, 8=20.0%, 9= 22.5%, and finally after the tenth year of occupancy 25.0%, which will mean that the residence is owned outright.