

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

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# PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004  
Annual Plan for Fiscal Year 2000

Montana Department of Commerce

Housing Assistance Bureau  
Section 8 Housing Program

**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:** MONTANA DEPARTMENT OF COMMERCE  
HOUSING ASSISTANCE BUREAU  
836 FRONT STREET  
PO BOX 200545  
HELENA, MT 59620-0545

**PHA Number:** MT901

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

**Public Access to Information**

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

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices: Local Field Agency Offices are listed in the Administrative Manual attached to this plan (Attachment A)

**Display Locations For PHA Plans and Supporting Documents**

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

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

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

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

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

[24 CFR Part 903.5]

**A. Mission**

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

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

The Montana Department of Commerce Housing Assistance Bureau provides HUD Tenant Based Section 8 and Project Based Moderate Rehabilitation Assistance to as many Montana Families as possible within funding limits.

**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: as offered by HUD
  - N/A Reduce public housing vacancies:
  - Leverage private or other public funds to create additional housing opportunities: Assist in Housing Division administration of the HUD HOME Program and MDOC Consolidated Plan.
  - N/A Acquire or build units or developments
  - Other (list below)
- PHA Goal: Improve the quality of assisted housing

Objectives:

N/A Improve public housing management: (PHAS score)

Improve voucher management: (SEMAP score)

Increase customer satisfaction: Review complaints from tenants, and owners; correct items which are problematic, change policies where it will benefit program operation.

Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections)

Provide Training for Agents on Voucher Unit Inspections at least twice during the 5 year period

Review Local Field Agent program records during annual 5% Reviews

Conduct Annual reviews of larger Mod Rehab Properties

MDOC will try to assure that field agents receive MTCS income confirmation data to local field agents as soon as possible after being received.

N/A Renovate or modernize public housing units:

N/A Demolish or dispose of obsolete public housing:

N/A Provide replacement public housing:

Provide replacement vouchers: for expiring Section 8 Project Based units throughout Montana where owners opt out of the program, and for preservation units, where owners stay in the program, and units are held by non-subsidized tenants.

Other: (list below)

PHA Goal: Increase assisted housing choices

Objectives:

Provide voucher mobility counseling: Local Field agents continue to brief tenants on their rights to move with continued assistance.

Conduct outreach efforts to potential voucher landlords

Increase voucher payment standards: where needed to maintain rental rates.

Implement voucher homeownership program:

N/A Implement public housing or other homeownership programs:

N/A Implement public housing site-based waiting lists:

N/A Convert public housing to vouchers:

Other: (list below)

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

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

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

- PHA Goal: Promote self-sufficiency and asset development of assisted households
- Objectives:
  - Increase the number and percentage of employed persons in assisted families: Using the FSS Program, local field agents continue to insure that participants are aware of escrow accounts, and push to get tenants started in FSS, when possible.
  - Provide or attract supportive services to improve assistance recipients' employability: Continue to provide support for tenant based FSS program for local field agents by paying them a premium administrative fee, and performance bonuses for outstanding performance.
  - 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: Housing specialists routinely accomplish this task each day in their orientations and phone inquiries, providing information and referral for persons perceiving discrimination.

- 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)

Continue to provide referrals to the Human Rights Bureau, Montana Fair Housing, and HUD when complaints regarding Fair Housing items are received.

Continue, through local field agents to provide information to tenants, owners, and affiliated groups on fair housing.

Number of Fair Housing Complaints has drastically decreased in the past two years, in good part due to Department efforts in educating landlords and realtors, and from cooperative action to educate newspapers on Fair Housing in Advertising.

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



**Annual PHA Plan**  
**PHA Fiscal Year 2000**

[24 CFR Part 903.7]

**i. Annual Plan Type:**

Select which type of Annual Plan the PHA will submit.

**Standard Plan**

**Streamlined Plan:**

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

**Troubled Agency Plan**

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

[24 CFR Part 903.7 9 (r)]

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

The Montana Department of Commerce (MDOC) administers tenant-based Voucher and Project Based Moderate Rehabilitation assistance for approximately 3,500 families in Montana.

There are more than two times the number of families on the wait list as there are assisted families in the program. Applicants may remain on the wait list as long as 7 years.

MDOC will try to increase the number of assisted units, by applying for additional units from HUD during the year as they become available.

MDOC will try to mitigate the negative affects of the income targeting added in the QHWRA (75% of admissions must be below 30% income) coupled with the new restrictive voucher requirement that no new lease will be allowed where the tenant share of rent is greater than 40% of tenant income. MDOC will change the method of determining the payment standards by adjusting for ability of tenants to lease at or below 40% of tenant income, given the QHWRA limits. This change will be made sparingly so that substantial reduction in the number of subsidized units is not required, as greater per unit cost generated by increased payment standards reduces the number of assisted families.

MDOC has always promised "transparency" for all programs, promising not to add new "state requirements" to programs, keeping the programs operating as simply as possible. MDOC will try to insure fair treatment of all persons on the

wait list, by not adding numerous local preferences which affect some on the list to the detriment of others who also seriously need assistance.

MDOC will continue to support the Family Self Sufficiency program by continuing to allow maximum control over the program at the local level, where the programs are tailored to individual participant needs, and where local supportive services are provided.

Even though it will make the program more expensive to operate for administration, MDOC will work towards more formalization and information gathering in the Annual Plan process in the coming year.

**iii. Annual Plan Table of Contents**

[24 CFR Part 903.79 (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:**

- N/A Admissions Policy for Deconcentration
- N/A FY 2000 Capital Fund Program Annual Statement
- N/A 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
- N/A FY 2000 Capital Fund Program 5 Year Action Plan
- N/A Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- Other (List below, providing each attachment name)  
 MDOC Administrative Manual (Attachment A)(Includes the PHA Admin Plan HUD requirements).

**Supporting Documents Available for Review**

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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
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
MDOC CP	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
MDOC CP	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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
N/A	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
N/A	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
N/A	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
N/A	Public housing rent determination policies, including the methodology for setting public housing flat rents <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
N/A	Schedule of flat rents offered at each public housing development <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
N/A	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
N/A	Public housing grievance procedures <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
N/A	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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
N/A	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
N/A	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
N/A	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
N/A	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.

<b>Housing Needs of Families in the Jurisdiction by Family Type</b>							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	5	5	5	5	5	5	5
Income >30% but <=50% of AMI	5	5	5	5	5	5	5
Income >50% but <80% of AMI	5	5	5	5	5	5	5
Elderly	5	5	5	5	5	5	5
Families with Disabilities	5	5	5	5	5	5	5
Race/Ethnicity Am. Ind.	5	5	5	5	5	5	5
Race/Ethnicity Pac./ Isl.	5	5	5	5	5	5	5
Race/Ethnicity Black	5	5	5	5	5	5	5
Race/Ethnicity White	5	5	5	5	5	5	5

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

- Consolidated Plan of the Jurisdiction/s  
Indicate year: 2000
- 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)

## 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			
N/A Public Housing			
N/A Combined Section 8 and Public Housing			
N/A 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	7,274		1,000
Extremely low income <=30% AMI	6,401	88%	
Very low income (>30% but <=50% AMI)	873	12%	
Low income (>50% but <80% AMI)	0	0%	
Families with children	3,564	49%	
Elderly families	437	6%	
Families with Disabilities	1,856	26%	
Race/ethnicity	1,422 Am. Ind.	20%	
Race/ethnicity	56 Asn./Pac.	1%	
Race/ethnicity	85 Black	1%	
Race/ethnicity	5,711 White	78%	

<b>Housing Needs of Families on the Waiting List</b>			
Characteristics by Bedroom Size <b>(Public Housing Only)</b>	N/A		
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes 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

- N/A   Employ effective maintenance and management policies to minimize the number of public housing units off-line
- N/A   Reduce turnover time for vacated public housing units
- N/A   Reduce time to renovate public housing units
- N/A   Seek replacement of public housing units lost to the inventory through mixed finance development
- N/A   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) Coordinate with LIHTC and HOME Programs on needs of Section 8 tenants, and production of new units.

**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

- N/A 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
- N/A 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

- N/A 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

- N/A 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

- N/A Seek designation of public housing for families with disabilities  
N/A 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) There are no areas designated within Montana of poverty or minority concentration. Marketing to owners happens when there are insufficient available units to meet need. This has not been necessary as of this time.

**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
<b>1. Federal Grants (FY 2000 grants)</b>		
a) Public Housing Operating Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	17,219,526 estimated, FY 2001 budget	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>	N/A	
<b>3. Public Housing Dwelling Rental Income</b>	N/A	
<b>4. Other income (list below)</b>	N/A	
<b>4. Non-federal sources (list below)</b>	N/A	
<b>Total resources</b>	17,219,526	

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

[24 CFR Part 903.79 (c)]

#### **A. Public Housing N/A**

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

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

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

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe)

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

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

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

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

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

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

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- Community-wide list
- Sub-jurisdictional lists
- Site-based waiting lists
- Other (describe)

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

- PHA main administrative office
- PHA development site management office

Other (list below)

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

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

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

If yes, how many lists?

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

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

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

### **(3) Assignment**

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

- One
- Two
- Three or More

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

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

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

a. Income targeting:

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

b. Transfer policies:

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

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

c. Preferences

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

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

Former Federal preferences:

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

Other preferences: (select below)

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

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

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

Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

4. Relationship of preferences to income targeting requirements:

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

**(5) Occupancy**

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



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

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

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

**(6) Deconcentration and Income Mixing**

a.  Yes  No: 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? **Local Field Agencies**

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

Agencies. MDOC is currently working with the Montana Department of Justice on releasing the complete Violent and Sexual Offenders List to MDOC. The statewide list of violent and sexual offenders was received by MDOC on April 7, 2000 in printed form. It is not alphabetically listed, and is 70 pages in length. MDOC is working with the MDOJ in getting the information in electronic format, so we may make it easily readable for field agencies. MDOJ will be putting the list on their website in July, 2000.

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

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

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

MDOC provides landlords with the minimum required information in the federal regulations. They are provided with known addresses and phone numbers of other landlords. Beyond this MDOC feels that tenant screening is an owner responsibility.

## **(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)

Local Field Agency Offices throughout the state, as shown in the Admin Plan (attachment A) . Local field agents also make applications available at other locally picked locations.

**(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:

Included in administrative manual attached, if family can prove they have been actively searching for a unit, and have not turned down an acceptable unit.

**(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)

see administrative manual (attachment A). Preference for Mod Rehab families with family size changes, when there are no other available Mod Rehab units in the area of proper size for the family.

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

1 Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

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

- 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**

**N/A - There are no special purpose programs in MDOC at this time.**

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:

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

f. Rent re-determinations:

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

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

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

**(2) Flat Rents**

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

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

**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)

MDOC, as the statewide PHA for Montana has 56 FMR areas (counties). Within the 56 counties, there are payment standards for bedroom sizes 0 through 7 bedroom or 448 separate payment standards. Currently 375 payment standards are between 90 and 94.9% of FMR, 35 payment standards are between 95 and 99.9% of FMR, 17 payment standards are between 100 and 104.9% of FMR, and 21 payment standards are between 105 and 110% of FMR.

- At or above 90% but below 100% of FMR (91.5% of payment standards)  
 100% of FMR  
 Above 100% but at or below 110% of FMR (8.5% of payment standards)  
 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)

Maintains affordability of units by insuring that no more than 40% of tenants pay more than 30% of their income for rent, as required by the QHWRA.

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

- Annually
- Other (list below)

At other times during the year, if there is an area in the state where families are unable to lease successfully, there is a policy in the (attachment A) administrative plan.

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)

There are so many exemptions allowed in the law, it would be cost prohibitive to administer a minimum rent, and all resulting hearings, so minimum was set at \$0.

**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. (Attachment B)
- A brief description of the management structure and organization of the PHA follows: see attachment A - administrative plan

**B. HUD Programs Under PHA Management**

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

<b>Program Name</b>	<b>Units or Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing		
Section 8 Vouchers	3,190	500
Section 8 Certificates	15	3
Section 8 Mod Rehab	500	150
Special Purpose Section 8 Certificates/Vouchers (list individually)		
Public Housing Drug Elimination Program (PHDEP)		
Other Federal Programs(list individually)		

**C. Management and Maintenance Policies**

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

- (1) Public Housing Maintenance and Management: (list below)
  
- (2) Section 8 Management: (list below)  
 Contained in the MDOC administrative manual (attachment A)

**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 N/A**

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)

Local Field agent offices listed in MDOC Administrative Manual (attachment A)

**7. Capital Improvement Needs N/A**

[24 CFR Part 903.7 9 (g)]

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

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

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

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

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

Select one:

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

-or-

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

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

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

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

b. If yes to question a, select one:

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

-or-

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

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

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

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

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

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

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

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

## **8. Demolition and Disposition N/A**

[24 CFR Part 903.7 9 (h)]

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

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

2. Activity Description

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

<b>Demolition/Disposition Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. Activity type: Demolition <input type="checkbox"/> 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: <u>(DD/MM/YY)</u>	
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.

<b>Designation of Public Housing Activity Description</b>	
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 N/A**

[24 CFR Part 903.7 9 (j)]

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

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

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

#### 2. Activity Description

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

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

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

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

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

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

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

[24 CFR Part 903.7 9 (k)]

### **A. Public Housing**

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

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

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

2. Activity Description

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

<b>Public Housing Homeownership Activity Description</b> (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)?

The earliest a meeting could be set up with the MDPHHS is April 17, 2000. MDOC personnel met with the MDPHHS on April 17, 2000 regarding this issue. MDPHHS is drafting an agreement, and setting up a protocol for transferring information between the programs. MDOC and MDPHHS will have a signed agreement on information sharing by May, 2000.

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

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

- Client referrals  
 Information sharing regarding mutual clients (for rent determinations and otherwise)  
As soon as the above agreement is signed

- 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 Application was unsuccessful
- Joint administration of other demonstration program
- Other (describe)

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

**(1) General**

a. Self-Sufficiency Policies

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

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

b. Economic and Social self-sufficiency programs

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

<b>Services and Programs</b>
------------------------------

Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)

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

a. Participation Description

<b>Family Self Sufficiency (FSS) Participation</b>		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8	24	168 as of 2-1-2000

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**

- 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)
  - N/A 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. Letter being sent to all participants the week of April 17, 2000
- Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other: (list below)

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

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

[24 CFR Part 903.7 9 (m)]

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

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

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

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

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

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed "in and around" public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti



- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other (describe below)

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

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

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

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

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

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

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

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

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

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

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

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

**14. RESERVED FOR PET POLICY**

[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.)

As a state agency in a biennial budget state, MDOC is only required to have an audit every other year.

- 2.  Yes  No: Was the most recent fiscal audit submitted to HUD?  
The most recent audit was just released by the Legislative Audit Division on March 22, 2000. It was submitted to the federal Cognizant agency by the Legislative Audit Division.

- 3.  Yes  No: Were there any findings as the result of that audit?

The one item mentioned in the Department of Commerce audit that relates to the Section 8 Housing Program in the findings and recommendations section is Recommendation #7: "We recommend that the department reconcile cash on the HUD-52681 report to that reported on the state's accounting record."

4.  Yes  No: If there were any findings, do any remain unresolved?

Since the audit report was just released on March 22, 2000, the department has not had time to fully comply with the recommendation #7 from the Legislative Audit Division report. The MDOC response to the audit was "The Department concurs. The department will reconcile cash with these reports by the HUD 2000 report submission."

The accounting for the Housing Assistance Bureau is done by the management Services Division of the department of Commerce. The MDOC accountant is working on the reconciliation, and will have it complete by the time the Department submits annual financial statements to HUD for the Program Year ending June 30, 2000.

5.  Yes  No: If yes, how many unresolved findings remain? 1  
Have responses to any unresolved findings been submitted to HUD?  
Responses to the Audit are included in the text of the audit.  
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 B(File name) MT901C01.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:

Since the 11 mini-boards which reviewed the MDOC PHA Plan contained 55 members, there were a lot of comments. Both comments and responses are included as Attachment C file MT901C01.doc. They take up over 12 pages, so they were not included in this base document.

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) **State of Montana, Prepared by MDOC**

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)

Application for additional rental housing unit subsidies

- Other: (list below)

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

The statewide PHA portion of MDOC only administers tenant based vouchers, and is not responsible for any production of housing. The State CP recognizes the need for additional subsidy units in the state.

#### **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.

### List of Attachments included with this plan

Attachment A MDOC Administrative Manual MT901A01.doc

Attachment B MDOC Organizational Chart MT901B01.ppt

Attachment C MDOC PHA Plan Review Boards Comments and  
Responses-Actions MT901C01.doc

# PHA Plan Table Library

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

### Annual Statement

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

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

Original Annual Statement

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



**Annual Statement**

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

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

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

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)

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

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

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

## **Optional Public Housing Asset Management Table**

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

<b>Public Housing Asset Management</b>								
<b>Development Identification</b>		<b>Activity Description</b>						
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>

# MONTANA DEPARTMENT OF COMMERCE

## HOUSING ASSISTANCE BUREAU

### Section 8 Program

## ADMINISTRATIVE MANUAL

(combining HUD required Administrative Plan and MDOC Administrative Policies Manual)

**Important Note:** Rather than publishing and maintaining 2 separate documents, one for HUD Administrative Plan, and one for MDOC policies, both are included in this administrative manual. Subjects required by HUD for the MDOC Admin Plan are shown in regular text, with section titles shaded. *Other policies not required to be in the admin plan, which are necessary for operation of the HUD programs, will be shown in italicized text.*

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## I - MDOC

**1. ORGANIZATION.** *The Housing Assistance Bureau, Housing Division, Montana Department of Commerce (MDOC) is the Montana State Public Housing Agency (PHA), administering the HUD Section 8 Housing Assistance Program (Moderate Rehabilitation, and tenant based Housing Choice Vouchers Program) to provide affordable, decent, safe, and sanitary housing to low income families residing or wishing to reside in Montana.*

**2. PURPOSE.** *The Administrative Plan addresses major discretionary program functions in the Section 8 Programs. MDOC must operate the HUD programs it administers in accordance with the Administrative Plan. All other operational procedures are administered in accordance with federal regulations found in the Code of Federal Regulations 24 CFR parts 5, 8, 792, 882, 883, 888, 903, 982, 984, and 985. MDOC also establishes operating procedures (policies) to direct and assist Contract Field Agents performing specific functions. This administration manual combines the Administrative plan and policies within one document and is available for public review as part of the PHA Annual Plan.*

**3. JURISDICTIONAL AREA.** *The jurisdictional area of MDOC includes the entire state of Montana. MDOC divides Montana into twelve sub-state planning areas, however units are allocated on a jurisdictional (statewide) basis. MDOC contracts with Local Field Agents to provide some MDOC functions in the program. Each Local Field Agent contracts for local administration of Vouchers and Mod Rehab units from the MDOC allocation. (A list of field agents is included at the end of this section.)*

*Units are not ported out of MDOC control for use anywhere within the state of Montana. When a Voucher ported from one field agent area to another becomes vacant, the ported Voucher will be returned to the original local field agent for reissuing.*

### 4. MDOC STAFF.

**Human Services Program Manager** (MSG 17). *Responsible for overall program operation.*

**Information Systems Technician** (MSG 13). *Responsible for computer operation and automated report preparation.*

**Program Specialist** (MSG 15). *Responsible for rehabilitation programs, FSS, planning, and coordinating program operations.*

**Program Specialist** (MSG 13). *4 people. Responsible for program operation of subsidies, and coordination of services with field agents, and Annual HQS inspections.*

**Program Specialist** (MSG 13). *Responsible for program operation of subsidies, and coordination of services with field agents, and Annual HQS inspections. Also responsible for supervision of Administrative Support positions, correspondence in program and administrative file system.*

**Administrative Support** (MSG 09). *Responsible for waiting list.*

**Administrative Support (MSG 08)** 1/2 person. Filing clerk and receptionist support for Bureau.

**Administrative Support (MSG 07).** Filing clerk and receptionist support for Bureau

**5. AGENT REQUIREMENTS & TRAINING:** MDOC requires local field agents to operate their portion of the Section 8 Program in accordance with their MDOC contract, HUD regulations (CFRs and Federal Registers), HUD Notices, HUD Memos, the Administrative Plan, MDOC Policy Memos, and guidance provided by MDOC program personnel. MDOC provides local field agents with copies of relevant CFRs and Federal Registers (gray), HUD Notices and HUD Memos (buff). As changes are made to this Administrative Plan (tan), they are distributed to field agents to replace outdated sections. When MDOC adopts or changes minor policies not included in the Administrative Plan, the policies will be distributed to field agents in memo format (pink).

MDOC will provide at least 1 training session each year for MDOC program staff and Contract Field Agents on new policies or refresher training on current policies.

**6. THRESHOLD FOR OPERATING RESERVE EXPENDITURES.** MDOC will not use Operating Reserve Funds from Montana Certificates, Mod Rehab, or Vouchers projects covered in federal contract DEN-979, Project series MT901, in excess of \$250,000.00 for a particular housing purpose without prior written approval of the following personnel: Director, Montana Department of Commerce; Budget Analyst or Personnel Officer, Management Services; Management Services Accountant assigned to Section 8 Program; Administrator, Housing Division; Human Services Program Manager, Section 8 Housing.

*In addition to other uses of reserves, common uses may include supporting program operations for the MDOC HUD HOME program, supporting completion of the housing portion of the HUD required Consolidated Plan, and for administrative operations of Project based HUD units when contracted by HUD to MDOC.*

**7. VOUCHER PAYMENT STANDARDS (24 CFR 982.503).** MDOC generally reviews voucher payment standards by bedroom size, by county, annually, within one month after receiving new Fair Market Rent (FMR) tables from HUD in October.

**a. Annual Adjustment:** Voucher payment standards will be adjusted annually:

- 1) downward to equal 110% of the latest FMR, if the current Payment Standard exceeds 110% of the new FMR for the bedroom size and county; or
- 2) upward to equal 90% of the latest FMR, if the current Payment Standard is less than 90% of the equivalent FMR; or
- 3) upward if a change in a smaller bedroom size payment standard causes a larger bedroom size to have a lower payment standard in the same FMR area; or
- 4) upward if greater than 40% of participant rent burdens exceed 30% of adjusted income.

**b. Special affordability adjustment.** Changes from the Quality Housing and Work Responsibility Act (QHWRA) targeted very very low income families (those with incomes less

*than 30% of the median income) for Voucher assistance. This law also mandates that no new leasee may pay more than 40% of income for rent when they lease up. This dual standard may jeopardize assistance in an area of the state, if payment standards are set too low to allow a majority of voucher holders to lease up. A payment standard may be adjusted upward any time during the year if the payment standard is not adequate to allow a majority of tenants to lease. When participants in a payment standard area are having difficulty leasing up, and a majority of vouchers in that area are at risk of expiring without resulting in approveable leases, even though voucher holders are trying hard to obtain leases, the field agent may request that MDOC raise that individual payment standard. The local field agent must clearly demonstrate that the change is necessary for operation of the program, documenting the number of vouchers issued, the number of failures to lease (in danger of voucher expiring), and the amount of payment standard at which a majority of new applicants and participants would successfully lease. Documentation must include requests for lease approval, and relevant estimator data showing the maximum amount each participant could afford under a lease, as well as landlord names, addresses and phone numbers. MDOC program specialists will review information provided, and recommend any changes to the Section 8 Program manager. The specific payment standard (county, bedroom size) will then be adjusted if necessary. A payment standard will not be adjusted if it will not yield increased lease up rates in that area.*

**8. AUTHORIZATION FOR CHANGES TO ADMINISTRATIVE PLAN.** Any changes to the MDOC administrative plan must be approved by the Housing Division Administrator prior to implementation.

## **9. LIST OF MDOC LOCAL FIELD AGENTS.**

**a. Action for Eastern Montana;** *P.O. Box 1309, street address 2030 North Merrill Avenue, Glendive, MT, 59330; phone 406-377-3564; serves sub-state planning districts 1, 2, and 3, including Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Valley, and Wibaux counties.*

**b. District 4 HRDC;** *College Park Plaza, First Floor, 111 West 11th Street, Havre, MT, 59501; phone 406-265-6744; serves sub-state planning district 4, including Blaine, Hill, and Liberty counties.*

**c. Opportunities Incorporated;** *P.O. Box 2289; street address 905 1st Ave. N., Great Falls, MT, 59403; phone 406-761-0310; serves sub-state planning district 5, including Cascade, Chouteau, Glacier, Pondera, Teton, and Toole counties.*

**d. District 6 HRDC;** *Suite 203 Centennial Plaza, 300 First Ave. North, Lewistown, MT, 59457; phone 406-538-7488; serves sub-state planning district 6, including Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum, and Wheatland counties.*

**e. District 7 HRDC;** *P.O. Box 2016; street address 7 N. 31st St., Billings, MT, 59103; phone 406-247-7410; also maintains a branch office in Hardin, Montana; serves sub-state planning district 7, (except for that portion of the district lying within 10 miles of the City of Billings), including Big Horn, Carbon, Stillwater, Sweet Grass, and Yellowstone counties.*

**f.** not used

**g. District 9 HRDC;** *321 East Main, Suite 300, Bozeman, MT, 59715; phone 406-587-4486; also maintains a branch office at P.O. Box 1530, street address 201 South F Street, Livingston, Montana, 59047; phone 406-222-0896; serves sub-state planning district 9, including Gallatin, Meagher, and Park counties.*

**h. Northwest Montana Human Resource Council;** *P.O. Box 8300; street address 214 Main Street, Kalispell, MT, 59904; phone 1-800-344-5979 or 406-752-5477; Fax 257-7283; serves sub-state planning district 10, including Flathead, Lake, Lincoln, and Sanders counties.*

**i. District 11 HRDC;** *1801 South Higgins, Missoula, MT, 59801; phone 406-728-3710; also maintains a branch office at 316 N. 3rd St, Hamilton, Montana, 59840, phone 406-363-6101; serves sub-state planning district 11, including Mineral, Missoula, and Ravalli counties.*

**j. Human Resources Council;** *P.O. Box 3486; street address 304 North Main, Butte, MT, 59701; phone 406-782-8250; serves sub-state planning district 12, including Beaverhead, Deer Lodge, Granite, Madison, Powell, and Silver Bow counties.*

**k. Helena Housing Authority;** *812 Abbey, Helena, MT, 59601; phone 406-442-7981; serves sub-state planning district 8, including Broadwater, Jefferson, and Lewis and Clark counties.*

**l. Housing Authority of Billings;** *2415 First Ave. North, Billings, MT, 59101; phone 406-245-6391; serves the area within 10 miles of the city limits of Billings, Montana.*

**10. CERTIFICATION ON FAIR HOUSING** 24 CFR 982.53

MDOC certifies that it will comply with:

- |    |   |                   |
|----|---|-------------------|
| 1. | The Fair Housing Act                            | (24 CFR 100)      |
| 2. | Title VI, Civil Rights Act of 1964,             | (24 CFR 1)        |
| 3. | Title II of the Americans with Disabilities Act | (42 U.S.C. 12101) |
| 4. | Section 504, Rehabilitation Act of 1973,        | (24 CFR 8)        |
| 5. | Age Discrimination Act of 1975,                 | (24 CFR 146)      |
| 6. | Executive Order 11063,                          | (24 CFR 107)      |

Signature\_\_\_\_\_

## II - POLICIES FOR PARTICIPANTS AND APPLICANTS

### A. WAITING LIST & SELECTION PROCEDURES; 24 CFR 5; 24 CFR 882.513 and 24 CFR 982-202 through 207.

#### 1. PLACEMENT ON THE LIST.

a. *To be placed on the waiting list, an interested family must complete an application form. Application forms are available at MDOC or any of the local field agent offices throughout the state, or will be mailed on request.*

b. *Applications must be mailed to MDOC, Housing Assistance Bureau, 836 Front Street, P.O. Box 200545, Helena, MT, 59620-0545. Applications will be date stamped when received at MDOC. Families experiencing difficulty in completing application forms will be assisted by either MDOC staff in Helena by phone or letter, or by the local field agent, if further assistance is needed.*

c. *A separate waiting list for all eligible families wishing to participate in the Section 8 program will be maintained by suballocation area (Local Contract Field Agent area. See Section I Listing for names and areas covered by local field agents) in the state. No applicant will appear on the overall list for more than one suballocation area. All qualifying applications will be processed in the order received, and listed in order of date of receipt, and time of computer entry.*

d. *All applications will be reviewed to determine if each family appears to meet income and family definition requirements of this plan. Applications passing review will be placed on the correct waiting list for the local field agent area where they reside. Families living outside Montana will be assigned to the suballocation list for Opportunities, Inc., and will remain on that suballocation list until offered assistance.*

e. *A family may apply for any available federal or local preference during the application process for the waiting list or any time thereafter.*

f. *Eligibility Letter: Families will be notified in writing:*

*1) of apparent eligibility,  
2) that they have been placed on the waiting list,  
3) that placement on the waiting list is no assurance of eligibility at the time a formal application is processed,  
and 4) to report address changes and or telephone number changes to MDOC in writing within 60 days of a move. MDOC will not forward wait list correspondence to new addresses, as the applicant is responsible for reporting address changes. This prevents applicants from "jumping or "shopping the list" to gain unfair advantage over other applicants.*

g. *An applicant determined to be ineligible will be notified in writing of reasons for the determination and their right to request an informal review of the decision within 10 days of notification.*

*h. Mod Rehab participants, even though their names do not physically appear on the wait list (software idiosyncrasy), are a part of the wait list, waiting for Vouchers.*

**2. REPORTING CHANGES TO MDOC.** Changes in applicant family address, or telephone number must be reported to MDOC , in writing, by the family as soon as the change occurs, but not longer than 60 days after the move. If the family does not report changes in address, which cause the local field agent to be unable to reach them within two documented contact attempts, the local field agent will request that MDOC remove the family from the list. MDOC will determine final eligibility in these cases.

**3. ORDER OF SELECTION.** Families will be selected from the wait list to participate in the following order:

a. **SPECIAL ADMISSIONS** 24 CFR 982.204(e). Families "targeted" by HUD to receive a special type of voucher will not be considered as part of the waiting list. MDOC does not currently administer any special applications, but may apply for Special units if offered by HUD.

b. **FEDERAL PREFERENCES.** All federal preferences were removed in 1996.

c. **LOCAL PREFERENCES.** 24 CFR 5.410(b)(3). *MDOC has promised with all HUD Housing programs that it would maintain as much transparency as possible in operating the programs. Transparency means that MDOC would not cloud the programs with additional state requirements in addition to federal requirements.* Local preference will be used minimally by MDOC.

1. **Mod Rehab Local Preference.** When a family in the Mod Rehab program, due to a change in family size, no longer meets the requirements of MDOC Subsidy standards, and no other Mod Rehab unit of appropriate size is available in the local area, the family will be issued a Voucher before other families on the wait list.

2. **Adoption of New Local Preferences.** If MDOC decides to adopt a new local preference, it will advertise the proposed new preference in newspapers in Montana cities, and have copies posted in local field agent offices throughout the state. The advertising notice will have a comments due date at least 30 days later than the last advertisement. The advertisement will state the new preference, the perceived need for the preference, the date and location of the required public hearing, and an address where written comments may be sent, to be included in the final decision on whether to adopt a proposed new local preference.

**d. NON-PREFERENCE WAIT LIST APPLICANTS.**

1. As units become available, local field agents offer applicants Housing Choice Vouchers, or Statements of Family Responsibility (Mod Rehab), as their names reach the top of the waiting list, in order by date of application and time of computer entry. The family first on the list will be contacted by mail and/or telephone (if the applicant has furnished a telephone

number). The applicant family is required to respond within a limited time frame or be removed from the waiting list. Each family must be considered, and offered or denied assistance before moving to the next family on the list. The field agent may move to the next family if their first contact generates no response; however, the agent must make a second contact with no response to remove the family from the wait list. If a family responds to the second request, the agent will then process the family, using the next available unit.

2. Mod Rehab units are project based with specific unit sizes at specific locations in the state. Applicants will not be penalized for refusing a Mod Rehab unit if they desire to wait for a Voucher subsidy. Families will be removed from the list only if they refuse both forms of assistance.

3. Mod Rehab participant families are not participants in the Vouchers program. Mod Rehab families must be chosen from the wait list the same as any other family to be issued a Voucher, excluding instances covered in the Montana Mod Rehab Local Preference portion of this section. For a Mod Rehab participant family to be assisted in the Voucher program, all of the following conditions must be met:

- a. The family's application date must place the family at the top of the wait list;
- b. The family has satisfied the initial 12 month term of their Mod Rehab lease;
- c. The family must request, in writing, transfer to the Voucher Program;
- d. The family must give the landlord a proper 30 day notice, or be released from the lease; and
- e. The family must not have adverse program actions pending against them and must not owe any money to MDOC.

#### **4. REMOVING NAMES FROM THE WAITING LIST.**

a. **Removing names at regular intervals (purge).** The waiting list will be purged at regular intervals (normally each calendar quarter) to eliminate inactive applications, reduce unnecessary administrative burden, and insure that the list remains representative of current needs of families throughout the state. Written notice will be sent to applicants stating that they will be removed from the waiting list if they do not contact the MDOC within fifteen days from the date of the notice. If no response is received, the applicant will be removed from the wait list. *In these cases applicant files will be documented.*

#### **b. Individual Removal of Applicants Between Major Purges.**

1. Families the local field agent has been unable to contact are removed from the list.

2. An applicant not bringing requested supporting documentation to a scheduled briefing will be contacted again, and may attend the next scheduled briefing. If the applicant reaches this point and is still qualified, they must sign Declaration of 214 Status forms, and Social Security number verification for all family members. If an applicant does not provide adequate documentation at the second briefing, they are removed from the wait list.

**3. Reinstatement.** *Families removed from the list may reapply, and will be placed on the waiting list according to the date of the new application and time of computer entry. If a family was wrongly removed from the wait list during the past 18 months, they may apply for reinstatement of their original application date.*

**5. CLOSING THE WAITING LIST.** Closing of the list for any suballocation location in the state will be announced by public notice in a newspaper of general circulation. The list will remain closed to all applicants.

**6. RE-OPENING A CLOSED WAITING LIST.** Re-opening the list for any and all bedroom sizes and or suballocation areas will be announced by public notice in a newspaper of general circulation.

**7. PUBLICITY AND ADVERTISING.** *MDOC periodically reviews the Wait List (procedures contained MDOC Administrative Plan), to determine if publicity or other outreach methods are necessary. MDOC advertises the program when the Wait List for a field agent area is insufficient to meet local needs and Mod Rehab unit or Voucher availability. MDOC uses local newspapers in the field agent's area to advertise the waiting list. When there is specific need to publicize the program for other purposes, MDOC issues news releases to local papers in the state.*

*Local Field Agents provide a unique method of information dissemination through use of bulletin boards, newsletters, and constant contact with many varied federal programs for low income people, as well as their clientele of low income people.*

**8. PUBLISHING.** *MDOC will create a new computerized wait list for use by field agents each month. MDOC will send each field agency an updated wait list by the 15th of each month.*

**9. DISPOSITION LOG AND RECORD KEEPING.** *Local field agents will make appointments with families responding to selection notices and establish a tenant file folder for each family, which contains all forms associated with the family and their participation in Section 8 Housing. The local field agent is responsible for maintaining a file of notices returned unopened and any other record of contacts. MDOC will also maintain a tenant file. The assigned application number will be the unique identifier for each file. Files will be maintained for a period of three years after the last activity occurred by the family.*

*The local field agent will record the result of the attempted notification of every family on the waiting list in a Monthly Disposition Log, which will be mailed to MDOC where the waiting list is updated and filed. The local field agent must assure that the Disposition Log is received by MDOC by the first of each month to ensure that changes from the field agent will be entered on the new month wait list. Agents are required to use MDOC specified Disposition codes on the Disposition Log to generate a change to the wait list. When sending changes on the disposition log to MDOC, agents only need send pages of the log which contain disposition codes changing applicant status.*



## B. DENYING ASSISTANCE TO APPLICANTS

*(24 CFR 5.218, 5.232; 24 CFR 982.201, 982.552, PIH 96-27).* If an applicant is denied admission, they are still eligible to reapply for the program. They will be placed on the waiting list as of the date they reapply. In addition to all other causes listed in the CFR on applicant denial, where the MDOC will evaluate individual circumstances on a case by case basis, prior to denying assistance to an applicant, an applicant **will** be denied a Mod Rehab Statement of Family Participation, or Voucher if the applicant has committed one of the following serious offenses:

- a. as a previous participant in the Program has not reimbursed MDOC or another PHA in connection for **amounts owed**. If the applicant repays in full prior to final eligibility determination, the family will not be denied admission.
- b. as a previous participant in the Program executed a **payback agreement** for amounts owed MDOC under the above mentioned housing assistance program and **failed to reimburse** MDOC according to the terms of the agreement.
- c. is determined guilty of **fraud** in connection with any Federal housing assistance program.
- d. does not meet either family **eligibility or income standards** of the program.
- e. **will not provide information** necessary for determination of total tenant payment or family composition on request.
- f. does not reschedule a **missed family appointment**.
- g. has been convicted of **drug-related or violent criminal activity**.
- h. If MDOC determines that there is reasonable cause to believe that the person **abuses alcohol** in a way that may interfere with the health, safety, or right of peaceful enjoyment of the premises by other residents. This may be waived in accordance with PIH 96-27 (HA).
- i. Has been **evicted** from Public Housing, Indian Housing, Section 23, or any Section 8 program because of drug related criminal activity. This applies for a period of 3 years beginning on the date of such eviction. This may be waived in accordance with PIH 96-27 (HA).
- j. If the applicant or any family member engages in actual or threatened **abusive or violent behavior** toward any MDOC or local field agent personnel.

**IN EACH OF THE CASES IDENTIFIED IN THIS SECTION, THE APPLICANT WILL BE NOTIFIED BY THE LOCAL FIELD AGENT, OF THEIR RIGHT TO AN INFORMAL REVIEW, IN ACCORDANCE WITH THIS PLAN.**

## C. PROCEDURES FOR INFORMAL REVIEWS (24 CFR 982.554).

**1. MDOC NOTICE.** *(24 CFR 982.554(a)).* In addition to the regulatory requirements, MDOC will state that an applicant may request an informal review of the decision, in writing, within 10 days from the date of the written notice of determination.

**2. MDOC DENIAL OF REVIEW.** *(24 CFR 982.554(c)). If the matter does not qualify for an informal review, MDOC will send written notice to the applicant within 20 days of the request, with an explanation of the reasons for denial of the request.*

**3. CONDUCT OF INFORMAL REVIEW.** *It is important that reviews be concluded in as short amount of time as possible, since the applicant family is being denied assistance during the review period. MDOC will, if requested by the applicant in accordance with this plan, provide a review of the decision by a Housing Division staff member other than a person who made or approved the decision under review or a subordinate of that person. MDOC will provide the appointed reviewer with copies of MDOC and participant records relating to the decision, as soon as possible after the reviewer is named. MDOC will notify the applicant, in writing, of the scheduled review. The appointed reviewer will contact the requesting applicant before completing the review to determine whether all evidence (oral and written) from the applicant is presented. The applicant will be promptly notified, in writing, of the final review decision, including a brief description of the reasons for the final decision.*

## **D. BRIEFING APPLICANTS, ISSUING and EXTENDING VOUCHERS.**

**1. APPLICANT INITIAL BRIEFING AND BRIEFING PACKET** *(24 CFR 982.301; MOD REHAB 24 CFR 882.514(d)). Applicant Families will be notified by phone (if possible) or mail when a briefing will be conducted by their local field agent, and that:*

- a. if they wish to participate in the program, they must attend;*
- b. if they do not attend the scheduled briefing and fail to contact the local field agent regarding the missed appointment, they will be removed from the wait list; and*
- c. that they are required to bring supporting documentation to verify names, dates and places of birth, gender, and initial income eligibility verification for all family members. If more than 60 days passes before a field agent forwards a request for lease approval to MDOC, a separate final income eligibility verification is required.*

*Briefings will be conducted in a group setting whenever possible, depending on the number of vacant vouchers available. In group briefings, if more families attend than there are subsidies authorized, the families at the top of the wait list will be issued assistance first, until the authorized number of units is exhausted. If an applicant does not bring requested supporting documentation to a briefing, that applicant will not be assisted. When this happens, the next applicant on the list will be offered assistance. The remainder of the qualified applicants may attend the briefing, and will be issued assistance as units become available, before the next scheduled briefing, in order by date on the wait list, if they have provided all required information at the briefing.*

*An applicant not bringing the requested supporting documentation will be contacted again, and may attend the next scheduled briefing. If the applicant reaches this point and is still qualified, they must sign Declaration of 214 Status forms, and Social Security number verification for all family members. If an applicant does not provide adequate documentation at the second briefing, they are removed from the wait list.*

*Applicants will be given copies of all items on the MDOC checklist in the tenant briefing packet, and the local field agent will explain all items on the MDOC tenant information oral briefing checklist at the briefing. Applicants will be required to sign the checklist forms indicating that they have received the materials listed. Applicants will also be informed that they must contact the local field agent at least two weeks prior to expiration of their voucher if they are having trouble finding a suitable unit to rent.*

*All supporting documents must be sent to MDOC with the signed Voucher by the field agent (must include a correct applicant mailing address). Subsidies will be authorized by the appropriate MDOC Program Specialist, and a copy will be mailed to the applicant. As part of the authorization process, applicants will be transferred from the wait list to the main work files on the computer system by the appropriate MDOC Program Specialist.*

**2. HOUSING LISTS.** *Local Contract Field Agents maintain a list of landlords who have participated or expressed a desire to participate in Section 8 Housing as an aid for families searching for rental units. A family may choose any eligible rental unit where a landlord agrees to participate in Section 8.*

**3. ISSUING VOUCHERS** (24 CFR 982.302; Mod Rehab - 882.514(b)). As units become available, applicants are issued Housing Choice Vouchers, or Statements of Family Responsibility (Mod Rehab), in order, as their names reach the top of the waiting list. Applicants are not penalized for refusing a Mod Rehab unit if they desire to wait for a Voucher subsidy.

**4. TERM OF VOUCHER.** The initial term of MDOC vouchers MDOC will be 60 days.

**5. MONITORING VOUCHER HOLDERS.** Voucher holders are required to contact their local field agent in writing at least twice during the initial sixty day issuance period to inform the field agent of their efforts in locating a unit and to identify difficulties families may be experiencing in finding suitable units. Final contact is required at least two weeks before the voucher expires to assure the applicant finds and leases a suitable unit.

**6. EXTENSIONS** (24 CFR 982.303(b)). Voucher holders are required to provide the local field agent with a request for lease approval, or request an extension of the voucher term in writing, prior to expiration of the initial voucher term.

The length and number of extensions will be determined by the local field agent based on the ability of the participant or applicant to demonstrate the need for more time to secure a lease. A statement of the reason for an extension must be sent by the field agent to MDOC when an extension is approved. There will be no extensions beyond 120 days of the date of original issue of the voucher.

Vouchers will be extended only if:

- a) the applicant or participant can verify extenuating circumstances, and through their contact with the local field agent can clearly demonstrate that they have made every effort to secure a suitable unit, and
- b) The applicant or participant has not refused a suitable unit without good cause, and
- c) There is a reasonable possibility that an extension of the voucher will result in an approveable lease and the execution of a Housing Assistance Payments (HAP) contract, including where a participant is found to be owing money to MDOC after a voucher is issued.

**7. SUSPENDING THE TERM OF A VOUCHER.** MDOC will not suspend voucher terms.

**E. SPECIAL HOUSING TYPES** (24 CFR 982.600 SERIES).

To insure maximum tenant choice in selection of rental units in the MDOC tenant based vouchers program, tenants will be allowed to choose among the following types of special housing:

- Congregate Housing,
- Group Home Residence,
- Shared Housing,
- Cooperative Housing, and
- Manufactured Home Rental Space Housing.

*SRO housing will not be allowed, as it requires HUD, local government and MDOC approval, as well as documentation of need for the units, and certification that the local government has inspected the properties and they meet local health and safety codes, which are more stringent than HQS. It is not in the best interest of the program to have competing inspection requirements. There are no HUD approved SRO facilities in the state at this time.*

*Rental of manufactured homes is a primary type of housing, so it is allowable and not considered as a special housing type.*

**F. OCCUPANCY POLICY** (24 CFR 5.403).

**1. CONTINUOUSLY ASSISTED.** A family is continuously assisted when they are currently assisted in expiring HUD Section 8 Project based programs in Montana which are being converted to tenant based assistance. This includes both Moderate Rehabilitation and Project based units (both as regular or preservation vouchers) converting to vouchers as contracts expire. Tenants in the projects who are temporarily out of a unit on the date of conversion as a result of disaster (unit damaged by flood, etc), or medical treatment (in hospital or nursing home short term for care of a medical condition) are eligible for admission as continuously assisted.

MDOC has no public housing units. Public housing tenants of other Housing Agencies are not considered to be continuously assisted for admission to MDOC programs.

**2. FAMILY:** 24 CFR ; 5.403; 5.504 ; 982.201; 984.103 In addition to the CFR,

1) Where there are two or more persons sharing residency whose income and resources are available to meet the family's needs and who are related by blood, marriage (including common-law as defined under Montana law), adoption or as a foster child; or who have established a "family-type" relationship.

2) **Visitors** (defined below) are not family members.

**3. VISITOR.** *If an adult "visitor" stays in a rental unit for more than 30 days per year, they will be considered a member of the household, and must have the written permission of the owner/manager to stay longer than 30 days (or as specified in the lease if a shorter period is provided, or family members or number of residents are named in the lease).*

*Minors may visit for up to 90 days per year without being considered as a member of the household as long as they have written permission of the owner/manager to stay longer than 30 days (or as specified in the lease if a shorter period is provided, or family members or number of residents are named in the lease) and the head of household still claims them as temporary members.*

*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 as part of the household may visit for up to 150 days per year without being considered a member of the household as long as they have written permission of the owner/manager to stay longer than 30 days (or as specified in the lease if a shorter period is provided, or family members or number of residents are named in the lease).*

*In a joint custody agreement, if the minor is in the household less than 183 days per year, the minor will be considered to be an eligible visitor and not a family member. A minor will be subsidized as a family member of only one household.*

**G. SUBSIDY STANDARDS** (982.4; 982.401(d)(2)(ii); 982.402).**1. FAMILY BEDROOM REQUIREMENTS** are:

One bedroom for the head of household and spouse;

One additional bedroom for head of household or spouse who, because of medical reasons documented by a physician, must have separate bedrooms;

One additional bedroom for every two remaining family members and essential persons, assuring that family members six years of age or older are not required to share a bedroom with family members of the opposite sex, and that children of the same sex with more than 10 years of age difference are not required to reside in the same bedroom.

One additional bedroom for any remaining family member(s) who, because of health or handicap reasons documented by a physician or other health care professional, must have a separate bedroom. *Documentation will be reviewed by MDOC prior to authorization.*

One additional bedroom for a live in attendant required because of health or handicap reasons documented by a physician or other health care professional. This individual must have a separate bedroom. *Documentation will be reviewed by MDOC prior to authorization.*

**2. COUNTING FAMILY MEMBERS:** Every family member, regardless of age (including foster children residing in the unit), will be counted. There must be at least one bedroom, or living/sleeping room of appropriate size for each two persons in the family. In determining the appropriate certificate or voucher size, MDOC will not consider two persons of the opposite sex, other than those living as husband and wife, or children six years of age or younger, to be sharing the same bedroom. Units will be assigned so that at least one person will occupy each bedroom.

An unborn child, or child in the process of legal adoption will be counted as a person for occupancy purposes. Children under the age of two, of either sex, may share a bedroom with parents for purposes of meeting the occupancy standards. Children over the age of two will not be required to share the same bedroom with a single parent head of household.

**3. EXCEPTIONS:** MDOC may grant exceptions from the standards if MDOC determines the exceptions are justified by the relationship, age, sex, health or handicap of family members, or other individual circumstances.

**4. VISITORS.** *See Occupancy Policies.*

**5. SPECIAL RULES FOR CERTIFICATES:** Certificate families will not be allowed to remain in **over-crowded** units (unit too small), which result from family size changes and make their unit not meet HQS space, subsidy or occupancy standards beyond the anniversary date of the current HAP contract. Families required to move will be issued Housing Choice Vouchers. Families refusing to move will be terminated from the program. These families may reapply and will be placed on the waiting list if they satisfy the required criteria.

Families will be allowed to remain in **under-occupied** units (unit too large), which result from family size changes and make their unit not meet HQS space standards, as long as the unit complies with minimum HQS and rent limitations for the bedroom size of the unit appropriate for the new family size, applied at the anniversary date of the HAP contract.

**6. SPECIAL RULES FOR VOUCHERS:** A family may rent a smaller or larger size unit than stated on a voucher, as long as the unit complies with HQS, subsidy standards, and payment standard limit for the family bedroom size listed on the voucher. Utility Allowances will be based on the actual bedroom size, by design, of the unit.

## **H. HOUSING QUALITY STANDARDS (HQS).** 24 CFR 982.401; 882.404.

**1. INSPECTIONS.** 24 CFR 982.405; 882.516(b). HQS Inspections will be conducted by local field agents. Units will be inspected using the standards in 24 CFR 982.401, using HUD inspection forms. Local field agents may employ local building inspectors to perform inspections, on a regular basis or in response to work load demands.

Local field agents will receive training on HQS and their application using MDOC inspection booklets. The inspection booklets completed by Local field agents will be reviewed by MDOC to assure accurate interpretation of criteria for decent, safe and sanitary housing. MDOC will maintain inspection forms and any statements by the landlord, tenant or Local field agent regarding the unit's condition.

When an inspection which results in HQS violations being discovered, no matter whether the inspection was conducted by MDOC or field agent personnel, a letter must be sent to the landlord informing them of the timeline and required corrections, within one day for safety and other serious matters, and within 5 working days of the inspection for other required corrections.

Units failing the HQS on first inspection may be given up to thirty (30) days to correct deficiencies. Except for health, safety, or life threatening items, repairs prohibited by weather may be postponed, however, a signed statement from the Landlord with a specific completion date prior to annual certification is required. Units failing inspection must be reinspected after completion of repairs.

For voucher and certificate units where leases started after 10-1-95, MDOC field agents will not conduct condition of premises inspections in addition to HQS.

If there is a problem within a rental unit which arises between regularly scheduled annual inspections, the tenant may request an inspection.

Lack of heat in a rental unit during the months of October through March each year will be considered by MDOC to be a health and safety violation, which must be corrected within 24 hours.

**2. CONTRACT FIELD AGENCY ANNUAL REVIEW.** MDOC will annually review procedures and determinations of local field agents. This review will be a comprehensive evaluation of five percent of local field agent leased units, conducted at various times during the year in conjunction with normal field agent scheduled inspections, to preclude the need for additional inspections scheduling and performance. The 5% review will be on short notice by MDOC, and include:

- a) review of inspection procedures and results with field agent while the actual inspection is taking place to evaluate inspection procedures for compliance with HQS;
- b) case file review to assure accurate determination and recording of annual income, assets, allowances, and adherence to law, regulations, and MDOC policies; and
- c) review of local field agent records to evaluate "first-come, first-served" selection from the waiting list.

## **I. RECERTIFICATION** (24 CFR Mod Rehab - 882.515; Vouchers and Certificates 982).

**1. RESPONDING TO FIELD AGENT REQUESTS FOR RE-EXAMINATION.** *Field agents schedule annual reexaminations 90 to 120 days ahead of the*

*participant's anniversary date, to give adequate time for the reexamination process. Participants must respond to field agent reexamination letters within one week of the date on the letter. The field agent is required to make three attempts to contact the participant, at least 7 days apart, to allow participants adequate time to respond.*

**2. REPORTING INCOME:** Subsidized families are always required to report changes in family membership or changes in income to the local field agent within thirty days of the date of change. *The same procedures as were used in the initial certification are to be used in the recertification process.*

When tenant income increases exceed \$300 per month since the initial certification or last annual recertification, the increases substantially affect TTP, and require a recertification, and change in TTP for the family. When FSS families request an interim reexamination, any upward change in income (even those less than \$300 per month) will require recertification if the change results in an increase of escrow account. Changes in tenant rent due to changes in family membership or income increases will be effective the month following the month in which the change is reported.

From time to time, due to extenuating circumstances (changeover of software, etc.) MDOC will suspend performing interim reexaminations for tenants. This will be done by letter to all local field agents. The notice will indicate the reason for the suspension, and the time frame over which the suspension will apply.

**3. SEASONAL EMPLOYMENT** income is counted in annual income. Seasonal employment is work that is carried on each year, generally during the same time of year. Examples include, but are not limited to, carpentry and cement work, employment in tourist locations and ski areas, logging, casual firefighters for the forest service (where the firefighters are trained to go out to fires or smokejumpers or hot shot teams), workers on large highway projects (equipment operators, laborers, flag persons, surveyors), working for a temporary employment agency, and bowling alley personnel, where the establishment is closed during the summer months.

**4. TEMPORARY EMPLOYMENT** income is not counted in annual income. Temporary work is work that is less than 31 days by intention. This would include any spot job that will last less than 31 days. The employee would be informed of appropriate length of the job when employed. Examples include, but are not limited to: babysitting, setting up equipment, unloading freight, moving job. A person who was hired at a full or part time job, but quit or was fired in less than 31 days would need to report wages, and these wages would be included in income.

## **J. MOVES AND PORTABILITY** (24 CFR 982.353)

**1. LIMITING MOVES BY FAMILIES OWING MONEY.** Families (including all family members) who owe MDOC or other PHAs money are not allowed to move or port, even if they are current on a repayment agreement, until the balance owed is paid in full.



## 2. PORTABILITY TO AND FROM OTHER STATES.

A family will not be allowed to port out of the MDOC jurisdictional area more than once in a twelve month period.

MDOC will accept vouchers from all other jurisdictions, and may issue a voucher under its own ACC if one is available.

## 3. LIMITING MOVES BY NON-RESIDENT APPLICANT FAMILIES

(24CFR982.353(c)), During the first 12 months from the time the family is admitted to the program, the family will not be allowed to lease a unit outside Montana.

**4. LIMIT ON NUMBER OF MOVES PER YEAR.** The minimum lease term allowed under the MDOC programs is one year. A tenant may only move within the first year of a tenancy if they receive a release from their landlord. This will cause mutual rescission of the lease.

**5. PARTICIPANT MOVES:** *If a participant family accepts a "Notice to Pay Rent or Quit" as an eviction, and moves based on the notice, MDOC, for tenant eligibility purposes, will consider the move based on the notice as a move by the participant with proper notice, the same as if the participant had given written 30 day notice. In this case MDOC will not give the landlord a 30 day notice.*

## K. FAMILY ABSENCE FROM UNIT.

Family absence from a unit for an extended period of time does not excuse family failure to notify MDOC of income or family composition changes or respond to MDOC or field agent requests for information on income, family composition changes, or reexamination requests.

If a tenant is going to be absent from a unit for more than 90 days, they are required to notify their local field agent, in advance of the absence, in writing, of the amount of time the family will be absent, and justification for the absence. MDOC will determine if additional time, up to the 180 day federal limit is justified.

If the family is absent from the unit for more than 90 days without contacting MDOC first, assistance will be terminated for the family.

## L. BREAK-UP OF FAMILY (24 CFR 982.315)

The following are used when breakup or dissolution of an assisted family requires that MDOC determine which family members will retain the Section 8 Rental Subsidy. There is only one subsidy per family. Individual circumstances will be considered in each situation.

In absence of a court decision:

1. When there are children in the family, and one parent vacates, the custodial parent will retain subsidy.
2. When there are children in the family, and one parent and the greater number of children vacate the unit in a move, the spouse remaining will not retain subsidy, but may re-apply for assistance.
3. When there are an even number of children in the family, and one parent vacates with half of the children, the Head of Household will retain the subsidy, unless the other parent left due to violence in the family.
4. When joint custody of children is adjudicated without the court deciding who retains subsidy, the parent remaining in the rental unit will retain subsidy.
5. When there are no children in the family, the person remaining in the rental unit will retain subsidy.
6. When a family member is forced to leave a unit as a result of actual or threatened physical violence against other family members, members remaining in the unit will retain subsidy. The violent member forced to leave will not be subsidized.
7. If the family contains an elderly or disabled person, subsidy will stay with the portion of the family containing the elderly or disabled person.

## **M. PROCEDURES FOR COLLECTING AMOUNTS TENANTS OWE THE MDOC.**

All funds owed MDOC must be fully repaid within 12 months of the date of determination of the amount owed to MDOC. Longer periods may be considered on a case by case basis. If a family owes money to MDOC under the Section 8 Program, and their income is such that they receive a utility allowance payment, MDOC will retain the utility allowance payment to offset the debt, if the tenant agrees (at the option of the Tenant) in writing.

**1. DAMAGE REPAIR AND UNPAID RENT CLAIMS.** After processing payment on a claim, MDOC will contact the tenant through the local field agent, and requests signature of a repayment agreement, if the tenant wishes to continue on the Section 8 program. If a participant refuses to sign a repayment agreement, or request an administrative review of the claim, the participant will be denied issuance of further vouchers under the program. If the tenant has a current voucher, but has not been housed yet, MDOC will not approve a tenancy until repaid in full. If the former tenant does not repay, the unpaid balance will then be turned over to the State Auditor and/or a Private Collection Agency for collection. If MDOC is unable to locate the tenant, the balance will also be turned over to the State Auditor and/or a Private Collection Agency for collection.

**2. RECOVERY OF UNDER REPORTED INCOME.** Tenants are always required to report all income changes. Increases amounting to \$300 or more per month require recertification. Income changes not reported by the participant often result in the participant being billed for an amount of money to increase their tenant share of rent to the 30% limit set by HUD. On reexamination, before a new contract is executed (unless the amount of unreported income is \$5,000.00 or more, where the participant is terminated), a repayment agreement must be executed. If the participant refuses a repayment agreement, MDOC will terminate assistance, refuse to issue a voucher, or refuse to approve a new tenancy until after full payment is received.

If the amount owed MDOC is greater than \$1,500.00, and MDOC is either unable to contact the participant, or the participant refuses to sign the repayment agreement, or fraud is involved, MDOC may turn the claim over to either the FBI or HUD Office of the Inspector General for investigation, collection, or possible prosecution, as well as the State Auditor and or a private collection agency for collection.

**3. BARRING PROGRAM RE-ENTRY FOR PREVIOUS PARTICIPANTS OWING MONEY TO MDOC.** If an individual reapplies for program participation while having an outstanding debt to MDOC, that applicant will be allowed to remain on the waiting list, but will not be allowed to receive assistance under the program until after the debt is satisfied in full.

## **N. DAMAGE REPAIR, UNPAID RENT, AND VACANCY CLAIM PROCESSING.**

**1. LANDLORD CLAIM FILING.** *Landlords are allowed to file claims against tenants (Mod Rehab, and certificates and Vouchers leased prior to 10-1-95) to repair damage to rental units caused by tenants while living in the units, for unpaid tenant rent up to a maximum of 90 days, and for rental vacancy when a tenant moves in violation of a lease. The landlord is required to file the claim with MDOC within 45 days after the move-out (damage) inspection. Claims will not be paid by MDOC unless copies of both the initial move-in and move out inspections are included with the claim.*

**2. CLAIM DISPUTE PROCESS.** *When a claim is filed with MDOC, a notice of pending damage repair claim and a copy of the claim is sent by MDOC to the participant involved for review, comment and rebuttal. The notice contains instructions that the participant must protest payment of all or parts of the claim within 20 days of the date of the notice. The participant must reply to MDOC within the allowed response time frame, or the claim will be considered fully validated by the participant. **If the participant does not contact MDOC within the allowed 20 day response period to dispute the claim, the participant relinquishes all further complaint rights concerning the claim.***

**3. CLAIM PROCESSING.** *After receipt of a protesting participant response to a claim, or expiration of the allowed time for protest of the claim, MDOC staff will process the claim for payment. MDOC staff will review all documents submitted by the landlord, participant, move-in inspection results, move-out inspection results, the MDOC depreciation schedule, and all other MDOC documents related to the participant tenancy concerning the claim. MDOC staff will make a determination as to validity of the claim, and order payment to the landlord if appropriate.*

**4. ADMINISTRATIVE REVIEW.** *At the time claim processing is complete, MDOC will send notice of payment to the affected participant. If the participant had protested the claim within the 20 days allotted time after initial notice of the claim by MDOC (as in 2. above), and the participant is still unsatisfied with claim resolution, the participant may request a review of claim processing to insure that determination which resulted in payment of the claim was made fairly, that factors identified by the participant were taken into account during the determination and that MDOC staff properly processed the claim.*

*Pending the results of a review, after a claim is paid on behalf of the participant (tenant), MDOC will collect amounts paid to the landlord from the participant for the damage repair amounts, vacancy payment, and unpaid rent, as they are the liability of the participant.*

## **O. ASSISTING VOUCHER HOLDERS ALLEGING ILLEGAL DISCRIMINATION.**

Certificate and Voucher holders are advised of rights regarding Housing Discrimination and provided with HUD Form 903. They are referred to the Montana Human Rights Bureau and Montana Fair Housing. They are also advised to seek assistance from Montana Legal Services.

## **P. SECURITY DEPOSITS.**

*When applying 24 CFR 982.313, local field agents will determine the amount of average security deposit for the local rental area.*

## **Q. TENANT FAMILY CONTRIBUTION;**

**1. MINIMUM RENTS.** MDOC minimum rent will be \$0.00 per month. *This is the result of the QHWRA adding a lot of requirements for use of the minimum rents, where almost anyone qualifies for an exemption, and administering the requirements concerning these exemptions would cause expense of inordinate amounts of time and money.*

**2. VERIFICATION.** *(24 CFR 5.617). In identifying Tenant Rent for a family, the local field agent will verify all family income, resources, medical expenses and day care expenditures. Documents such as receipts, check stubs, bank statements and letters of eligibility supplied by the family may be used for calculation of rents, but not in place of proper verification.*

*A family claiming disability or handicapped status will be required to have an appropriate medical professional verification. This is required unless the individual is a recipient of Social Security Disability , Supplemental Security Income, or VA disability.*

**3. TENANT UTILITY PAYMENTS** *Tenants will receive a monthly check from MDOC made out jointly to the head of household when Tenant Rent is less than the tenant-paid utility allowance.*

**R. PARTICIPANT TERMINATIONS.** (24 CFR 984.552 (general regulation), 982.455 (180 day zero HAP rule), (24 CFR 5.218, 5.232 verify social security and income, and consent forms); and 982.403 (unit too large for family in Certificates).

*In addition to all other causes listed in the CFR on participant termination, where the MDOC evaluates individual circumstances on a case by case basis, prior to terminating assistance of a participant, a participant currently receiving the benefit of housing assistance payments as a result of an active contract, will have assistance terminated from the Certificates, Mod Rehab, or Voucher Program and also refuse to issue a voucher for a move to another unit, approve a new tenancy, or execute a new contract if the participant has committed one of the following serious offenses:*

*a. If the participant has been determined guilty of **fraud** in connection with any Federal housing assistance program.*

*b. Tenants are always required to report income changes. The first time a participant family **fails to report any income increase**, they will generally not be terminated from assistance unless their failure to report results in an under reporting of \$5,000 or more of income in total since their entry to the program. On a first time exception of unreported income less than \$5,000, the participant family may be allowed to enter into a repayment agreement without being terminated from the program. The second time a participant family fails to report an income increase of \$2,500 or more, the participant family will be terminated from assistance.*

*c. If a participant **fails to respond to a request for a reexamination**. After the third attempt to contact without success, the local field agent will request that MDOC terminate assistance. Local field agents will take into account extraordinary circumstances before requesting termination.*

*d. If the participant **fails to appear for a scheduled appointment**, including inspections, without canceling or rescheduling the appointment, the local field agent will request that MDOC terminate assistance for violation of a family obligation. Local Field agents will take into account extraordinary circumstances and document reasons before requesting termination.*

*e. As a violation of Family Obligation, where the tenant causes **damage beyond normal wear and tear** in a rental unit.*

*1) . (Mod Rehab, and Certificate and Voucher units where the lease*

*started prior to 10-2-95 ) If MDOC has approved a claim(s) on behalf of a participant after February 29, 2000, where the approved amount allowable on lines K (unpaid rent in excess of security deposit) and Q (unpaid tenant damages (includes unpaid utilities) in excess of security deposit) of the MDOC damage claim form exceeds \$1,000, MDOC will terminate assistance.*

2) (Certificate and Voucher units where lease started after 10-2-95). When a participant causes damages, where the costs of cleaning, repair, unpaid utilities, and unpaid rent, as proven by a court judgement after February 29, 2000, in favor of the landlord total more than \$1,000, MDOC will terminate assistance.

f. 24 CFR 982.403. Participant families will not be allowed to remain in **over crowded or under occupied units**, which result from family size changes and make their unit not meet subsidy standards. Voucher participants will be issued vouchers and be required to move to a unit which meets subsidy standards, even if they owe money on the program. After moving, if the family still owes money, they will be required to repay per the terms of their current repayment agreement. If they refuse to sign a repayment agreement, assistance will be terminated. If they do not repay in accordance with a repayment agreement, assistance may be terminated. Mod Rehab participants will be allowed to move to another correct sized Mod Rehab unit in the same community if one is available. If one is not available, the participant may be issued a Voucher, if one is available in the field agent area, using the Mod Rehab local preference, or may also be referred to other types of assistance. Assistance will be terminated for families refusing to move to an acceptable unit.

g. If the participant or any member of the participant's family **refuses to sign and submit consent forms** required by 24 CFR 5.232 (HUD form 9668), assistance for the family will be terminated. The participant is responsible for the signing and submitting of consent forms by all family members.

h. With regard to conviction on any **drug-related or violent criminal activity**, legal written documentation (copy of conviction) will be required before a termination request will be processed.

i. MDOC will terminate assistance for any person it determines to be **abusing alcohol** in a way that interferes with the health, safety, or right of peaceful enjoyment of the premises by other residents.

m. If the participant or any family member engages in actual or threatened abusive or **violent behavior** toward and MDOC or local field agent personnel.

**IN EACH OF THE CASES IDENTIFIED IN THIS SECTION, THE PARTICIPANT WILL BE NOTIFIED BY THE LOCAL FIELD AGENT, OF THEIR RIGHT TO AN INFORMAL HEARING, IN ACCORDANCE WITH THIS PLAN.**

**S. INFORMAL HEARINGS.** 24 CFR 982.555, or for denial on the basis of ineligible immigration status 24 CFR 812.9.

**1. REQUEST FOR HEARING.** The participant must request the hearing in writing within 20 days of the date of the written notice of the questioned decision. Informal hearings will be scheduled (this does not mean conducted) by MDOC within 30 days of receiving a written hearing request from the participant if the matter qualifies for an informal hearing. MDOC will notify the family in writing, of the scheduled hearing date. *This notice will contain a MDOC "Discover Request", and a "hearing packet" consisting of: copies of regulations cited in the decision, a copy of 24 CFR 982.555, relevant documents, and a copy of MDOC procedures for Informal Hearings.*

If the matter does not qualify for an informal hearing, MDOC will send notice to the participant within 20 days of the receipt, with an explanation of the reasons for denial of the request for informal hearing.

## **2. DISCOVER.** (documents includes written records and regulations).

a) - **by family.** MDOC must be given the opportunity to examine, at the MDOC office in Helena, any documents possessed by the family, that are directly relevant to the hearing. MDOC must be allowed to copy any such document at MDOC's expense. If the family does not make the document available for examination on MDOC's request, the family may not rely on the document at the hearing.

b) - **by MDOC.** MDOC will make available copies of any documents pertinent to the hearing, upon written request by the participant. If MDOC does not make the document available for examination on the family's request, MDOC may not rely on the document at the hearing.

## **3. CONDUCT OF THE HEARING.**

a. **Hearing Officer.** Informal hearings will be conducted by a hearing officer appointed by MDOC. The hearings officer will regulate the hearing, and ensure that all proceedings are tape recorded. MDOC will provide the hearing officer with copies of MDOC and participant discover records relating to the decision, as soon as possible after the hearing officer is named, to allow time for review by the hearing officer. The hearing officer will restrict the hearing to testimony and documents specifically related to the hearing cause.

b. **Participant Rights.** The participant may be represented by a lawyer at their own expense, and will be given the opportunity to present evidence and question any witnesses. MDOC will reimburse the requesting participant for only the participant's mileage or transportation expenses (at applicable state rates for state employees) to and from the hearing location. All other costs incurred by the participant requesting the hearing, such as lodging, meals, legal representation, are to be borne by the requesting participant.

c. **Evidence.** Evidence in the hearing will be allowed without regard to admissability under the rules of evidence for judicial proceedings, except for information covered under the Discover Section.

d. **Order of events** of the hearing.

1) The hearing officer will call the hearing to order. At any time during the hearing, the hearing officer may interrupt testimony to ask pertinent questions, or clarify testimony.

2) All persons present will be identified, and the purpose for their presence verified.

3) Evidence will be presented in the following order:

A) MDOC staff will provide an overview of the reasons for the hearing, and copies of pertinent documents relating to the MDOC decision, as well as any other testimony MDOC wishes to introduce.

B) The participant will provide testimony and documentation for consideration at the hearing, and rebut MDOC testimony or documents.

C) MDOC may question the participant about testimony and documentation presented by the participant, and rebut participant testimony or documents.

D) The hearing officer may summarize his/her understanding of the position of both sides to insure that all information from the hearing is complete and clear.

E) When the hearing officer is satisfied that both sides have presented sufficient evidence to render a finding, the hearing officer will close the hearing.

**4. HEARING DECISION.** The hearing officer will issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the participant shall be based on preponderance of the evidence presented at the hearing. A copy of the decision will be promptly sent to the participant and MDOC.

a. **Preponderance of the evidence** *means a greater weight of evidence, or evidence which is more credible and convincing to the mind; that which best accords with reason and probability; it rests with that evidence which, when fairly considered, produces the stronger impression, and has the greater weight, and is more convincing as to its truth when weighed against the evidence in opposition.*

b. **Non-Binding Decisions.** MDOC is not bound by hearing decisions:

1) Concerning a decision that is not identified in the plan as eligible for an Informal Hearing, or otherwise in excess of the authority of the Hearing Officer under the hearing procedures.

2) Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or Local law.

If MDOC determines that it is not bound by a hearing decision, MDOC will promptly notify the participant of the decision, and of the reasons for the determination.



### III. POLICIES FOR OWNERS.

**A. PROVIDING TENANT INFORMATION TO OWNERS.** MDOC will provide the following information about tenants to prospective landlords:

Current and prior address of family

Name, address, and phone number of all known landlords at the family's current and prior addresses

MDOC will requires all field agents give the same types of information to all owners.

**B. TENANT SCREENING:** Tenant screening is a landlord responsibility. *This was made clear when the lease was changed in 1995, as landlords wanted the program to operate more like regular tenancies.* MDOC does not screen for tenant suitability. MDOC recommends that all landlords check references.

**C. RENT REASONABLENESS.** MDOC local field agents will determine if a unit is rent reasonable when compared with like units in the rental market area . Each local field agent will conduct an annual survey of units in their area, and keep the survey on file for use during the next 12 month period. Rents of new units must be compared with three similar units included in the survey, using the MDOC reasonableness form. If the local field agent is unable to find a similar unit for comparability in the same local area, the field agent may give the landlord a copy of the survey form for the landlord to use to find a comparable unit. The field agent will review the comparables found, and decide whether to allow them when making a reasonableness determination.

**D. PUBLICITY AND ADVERTISING.** MDOC will reach potential landlords through news releases when additional rental units are needed in a specific area. Contract Field Agents monitor availability of rental units to Section 8 families, and notify MDOC when additional units are needed.

**E. INFORMATION AVAILABLE ON REQUEST.** MDOC disseminates information on the program to current and potential landlords, on request, through Local Contract Field Agents, including: copies of Montana's Landlord Tenant Act, Section 8 leases, prohibited lease provisions, vacancy payment and damage repair claim procedures, Fair Market Rent (FMR) limits, security deposit limits, state law requirements about Condition of Premises statement, utility allowance schedules, Housing Quality Standards, Landlord portion of the MDOC Admin. Plan, and lead based paint abatement requirements.

For Mod Rehab, additional items are available: Statement of Family Responsibility, Information for Owners, Rent Calculation Formats, Agreement to Enter into Housing Assistance Payments Contract, and Housing Assistance Payments Contract.

**F. BRIEFINGS.** Contract Field Agents offer briefings to potential Landlords, to acquaint

them with the Section 8 Program.

**G. POLICY DOCUMENT:** *A MDOC landlord policy document will be given to each landlord who rents units under the Section 8 Program by the MDOC Local field agent administering the program for MDOC. The policies will contain the following subjects:*

*SUITABILITY AND SCREENING OF TENANT.*

*SECURITY DEPOSITS.*

*OWNER RESPONSIBILITIES*

*PAYMENTS TO LANDLORDS.*

*RENT ADJUSTMENTS.*

*CORRECTING HQS DEFICIENCIES.*

*MUTUAL LEASE RECISION.*

*TERMINATIONS AND EVICTIONS.*

*COLLECTION OF AMOUNTS OWED MDOC BY LANDLORDS.*

*DAMAGE REPAIR CLAIM DEPRECIATION SCHEDULE.*

*Local Field agents will provide the following MDOC printed documents to all landlords new to Section 8 before a lease is executed to give the landlord adequate information to decide whether to enter a Section 8 lease:*

*Part B of the HAP contract*

*Section 8 Program Information form (describes programs and applicants)*

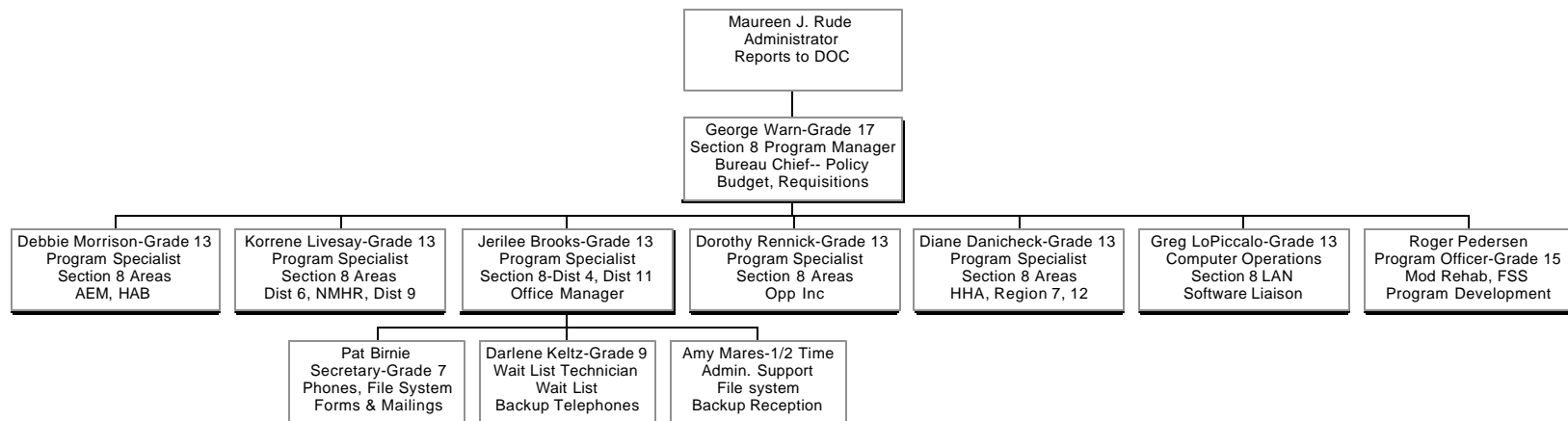
*Landlord and Tenant Act (green)*

*Voucher, Lease, and Housing Contract information sheet (green)*

*MDOC Policy Document for Landlords (green)*

# HOUSING DIVISION

## Housing Assistance Bureau



**MONTANA DEPARTMENT OF COMMERCE (MDOC)  
HOUSING ASSISTANCE BUREAU  
SUMMARY OF CITIZEN AND BOARD REVIEW PROCESS, WITH MDOC  
RESPONSES ON THE MDOC PHA PLAN**

MDOC is a statewide PHA, and must operate the program consistently throughout the state. If policies were set regionally, the program would not operate consistently for all tenants, depending on where they live in the state. It is very important that all participants be treated the same to alleviate any perception of bias. Any changes recommended must be suitable for the whole state to be instituted.

MDOC conducted public and board review of the PHA Plan from March 1, 2000 to April 17, 2000. Since MDOC is a statewide PHA, it is important that tenants from all over the state be allowed to comment. 11 mini-boards were formed (at least 5 people on each mini-board, totaling at least 55 persons), one in each regional contract field agent area of the state (areas are in attachment A (MT901A01.DOC) MDOC Admin Manual, Section I), allowing comment from each region. Local field agents contacted tenants, and staffed each mini board, hosting the meetings of the boards, explaining MDOC policies and procedures, and summarizing comments from the reviews.

Copies of the plans were provided at each field agent location for public review, advertised in all newspapers in the state, a public hearing was held at the MDOC office on April 10, 2000 (no comments were presented), and written comments were allowed through April 17, 2000. One person in Glasgow, MT, quite a distance from any local field office, called MDOC after seeing an advertisement, and was sent a copy of the plan to review.

*Board comments are presented below, in italicized print, identifying which board commented. Comments regarding specific documents are provided in the same order as the particular document they relate to, making it easier to review both the comments and documents in the same order. Comments are ordered in 4 separate sections: Comments Specifically identified as regarding the 5 year plan; Comments specifically identified as regarding the annual plan; Comments on the MDOC Administrative Manual; and Other General Comments.*

MDOC responses to the comments are presented below each comment, to make it easier to read, and correlate the response to the individual comment. Type style is regular, so responses are easier separated from comments.

One section of the PHA plan requests to know which comments resulted to changes in the plan. Those responses which resulted in changes to the plan are underlined in the text, to make them easier to see.

# MDOC PHA PLAN

## Comments specifically On 5 Year Plan

### Agency Identification

**Comment:** – **Billings** – *Display Locations for PHA Plans and Supporting Documentation.* They felt that the Library should be a place to display the plan, along with, in the future, if a PHA website is established, that the plan should be there also.

**Response:** MDOC is a statewide PHA. Although it would be good to have the plans available in all libraries around the state, costs for printing and distribution of the plans and all supporting documents are prohibitive. MDOC did this for the Consolidated Plan in the past, but has discontinued the practice due to cost. The cost to date for the preparation of this plan is already in excess of \$20,000, only including board expenses, advertising costs, printing and distribution of the plans, and salary costs for preparation of the plan. The Plan and Administrative Manual will appear on the MDOC website <http://commerce.state.us/housing/> within the next 6 months. All libraries in the state do have internet access, so although the plan is not at the library, it will be able to be accessed from the library in the future.

### A. Mission

**Comment:** - **Butte** - *The Mission statement is not really a mission, rather, it merely describes the function of MDOC as a PHA for tenant based Section 8. Members agreed the Mission Statement should include a commitment to promoting economic and social self sufficiency of participants; a commitment to communicating and collaborating with other housing and human service agencies as part of a continuum of care to help address the complex and varied needs of participants; and commitment to quality of services.* – **Helena** - *Mission Statement should stay as written.*

**Response:** The role of the State PHA portion of MDOC is the operation of the Section 8 program. Mission statements are supposed to be simple and describe the operations of the entity. Commitment to other objectives implies funding those operations.

### B. Goals

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

**Comment – Helena** – *PHA Goal: Expand the supply of assisted housing: Objective: Leverage private or other public funds to create additional housing opportunities. Offer supportive services to FSS families rather than funnel money into HOME Program.*

**Response:** MDOC Local field agencies agreed to provide supportive services to FSS participants, when they agreed to contract with MDOC to administer FSS units. Although the Helena Housing Authority and Housing Authority of Billings are not HRDCs like the other FSS program providers, the local HRDCs are also available to them to provide a lot

of these additional services as a part of their regular operations as the advocates for low income people in the state. MDOC receives no funding other than the regular admin fee from HUD for operation of the program, and is currently paying more than it earns for FSS unit administration to the local field agents. Since the legislature has made no general fund commitment to housing in Montana, the HOME Program could not function without assistance on state administration of the Program, likewise for the State CP, which is a HUD prerequisite for funding from the HUD HOME, CDBG, and ESG Programs. No funds have been committed to the HOME program grants since federal fiscal year 1997 grants were awarded. For administration of the Section 8 Program, between MDOC admin and Field agent payments, MDOC is now paying out more than earned in current fees. MDOC will not fund additional services out of admin fees.

**Comment – Billings –PHA Goal: Improve the quality of assisted housing. Objective : Improve Voucher management.** *There is no check in the block for Improve Voucher management. Maybe not marked because SEMAP has not started and you cannot improve on something that has not happened yet.*

**Response:** Comment is correct, SEMAP scoring is not yet implemented.

**Comment: – Kalispell – PHA Goal: Improve the quality of Assisted Housing, Objective: Increase Customer satisfaction.** *Our customers are landlords as well as tenants – shouldn't something be said to address their complaints as well. Our understanding is that we are here for the landlords as well as the tenants. – Helena - The committee agrees that we need to review complaints from tenants and correct problems. A current problem was identified that customers are splitting agencies, i.e., get information from MDOC and then get information from local field agent. – Billings –HUD survey was mentioned.*

**Response:** MDOC will add owners to this area in the plan. MDOC will work with Helena Housing Authority to limit participants trying to play both ends at the same time. The HUD survey is not in the control of the MDOC. When results are received, MDOC will react.

**Comment – Helena - PHA Goal: Improve the Quality of Assisted Housing: Objective, Concentrate efforts to improve management functions:** *Field agents need social security income verification sent to office by MTCS, assist field agent in getting verification, work towards automated system to prove verification.*

**Response:** MDOC, as the PHA, gets income confirmation data monthly from MTCS, and all that is received is forwarded to the local field agent. MDOC will try to assure that field agents receive MTCS income confirmation data to local field agents as soon as possible after being received.

**Comment – Helena - PHA Goal: Increase assisted housing choices: Objective, Provide voucher mobility counseling.** *Need to develop portability packets.*

**Response.** MDOC allows field agents freedom to provide portability information to participants. In this one area of the state, the local contractor is free to develop a specific portability package, if they so choose. MDOC will not be developing a statewide specific package requirement at this time.

**Comment – Helena – PHA Goal: Increase assisted housing choices.** Add a new PHA Objective, Develop landlord introduction meetings, every 3 months. – **Butte** – While many landlords are familiar with Section 8, members agreed that more education and outreach are needed to **inform landlords** about the program, thereby deterring stereotypes and associated discrimination.

**Response:** MDOC allows local field agents the freedom to conduct meetings with landlord associations, etc in the administrative plan. Local field agents are free to conduct periodic meetings with landlords, and many do this already. MDOC will not add a new statewide requirement for such meetings in the plan.

**Comment – Helena - PHA Goal: Increase assisted housing choices: Objective, Increase voucher payment standards.** Discussed need to increase payment standard for 3 bedroom units (L&C County) right now.

**Response:** MDOC, in the Administrative Manual Section I, dated 2-29-2000, and included with the PHA Plan, details what is required from a local field agent to raise individual payment standards in the state, if necessary.

**Comment – Helena - PHA Goal: Increase assisted housing choices: Objective, Implement voucher homeownership program.** This box was not checked, but 2 of the committee members stated that it is cheaper to rent under the program than to have homeownership.

**Response:** MDOC decided not to offer voucher homeownership after reviewing HUD materials presented at a training session. When HUD further refines the program, MDOC may, at some time offer homeownership assistance in the vouchers program. Problems with the program as it is currently set up are that bankers will be extremely resistant with no secure income source (assistance is portable, and family can leave with a voucher at any time to move), assistance is limited to 10 years, and the family pays all fees.

### **HUD Strategic Goal: Improve Community Quality Of Life And Economic Vitality.**

**Comment – Kalispell – Add new Objective : Other:** The application of HQS helps assure that Section 8 Participants are more secure and living healthier in their surroundings. The FSS program helps individuals to progress economically and that will help in improving the vitality of the community as a whole.

**Response:** MDOC agrees with the comment, but HQS is a requirement, something over which MDOC has no ability to control, so it doesn't belong in the plan. The FSS comment also will not be added to the plan. FSS is covered in a separate Strategic Goal.

### **HUD Strategic Goal: Promote Self-Sufficiency And Asset Development Of Families And Individuals.**

**Comment – Kalispell** –*Extolling the benefits of the FSS Program could be part of participant orientation.*

**Response:** This comment is already covered in the plan comments for this section of the plan, as local field agents perform this service in the objective: increase the number and percentage of employed persons in assisted families.

**Comment – Helena - PHA Objective: Increase the number and percentage of employed persons in assisted families.** *We need to provide more funding for supportive services. -Butte – Members discussed the need for supportive service funds to bolster the FSS program. Members agreed MDOC should seek funds for supportive services, especially for transportation and child care.*

**Response:** MDOC, as discussed in its first response to the HUD Strategic Goal Increase the availability of decent, safe, and affordable housing, has already answered the question of resources for FSS supportive services. Local Field agents are free to provide additional funds to the FSS program from their sources. MDOC has tried to apply for funding for FSS coordinators in the past, but does not qualify for funding, since the coordinators are CAP agency employees, and funding is only allowed for MDOC employees.

**Comment – Billings –PHA Objective: Provide or attract supportive services to increase independence for the elderly or families with disabilities.** *One person thought that a program that would work on the same thinking as FSS for elderly would be helpful. Such as agencies that would benefit the elderly to find supportive services for medical, prescriptions, and housing.*

**Response:** MDOC is unable to provide funding for another FSS style program to benefit the elderly and disabled, who represent approximately 1/3 of all participants, although the idea definitely has merit.

### **HUD Strategic Goal: Ensure Equal Opportunity In Housing For All Americans.**

**Comment – Helena -** *Discussed the need for large families being allowed to lease up in units of quality. Increase payment standard to decrease the rent burden.*

**Response:** MDOC, in the Administrative manual Section I, dated 2-29-2000, and included with the PHA Plan, details what is required from a local field agent to raise individual payment standards, if necessary.

**Comment – Kalispell –PHA Goal: Ensure equal opportunity and affirmatively further fair housing. Objective. “Undertake affirmative measures to ensure success to assisted housing regardless of race, color, ...: Shouldn’t this box be marked? Housing Specialists address this in their orientations and phone inquiries.**

**Response:** MDOC will check this box on the final plan. Housing specialists do perform this task every day throughout the state.



# MDOC PHA PLAN

## Comments Specifically on Annual Plan

### 1. Statement of Housing Needs

**Comment – Kalispell - Annual Plan 1A table of Housing needs.** The chart reflects an accurate judgement of the impact each category has on housing needs based on our experience in helping tenants lease up. However, regarding size (MDOC originally had “3s” in the unit size column) we feel that this could be raised to a “4” based on the difficulty in locating the right size unit for a family. We have many large families who have difficulty locating units, and often must opt for smaller units (but still keeping with the subsidy standards – sleeping rooms) that the family needs in order to keep the subsidy. The availability of larger units is not there, or is cost prohibitive. According to US Census data, Montana has over 17% of its population below the Federal Poverty Level (FPL). If one assumes that those below the FPL are in need of safe, affordable housing, we are addressing close to 150,000 people in the state. We feel that the need for low-income housing cannot be stressed enough. – **Billings** – Felt that the needs of income >50% - <80% should also be a “5” (MDOC had 3s in the plan.). Also felt that the Size assessment should be “5s”. Felt that the <80% people are no longer eligible for public assistance or any other forms of assistance, so they are just as needy. - **Helena** – In the column listing income >50% but <80% of AMI: It was felt that the group should be listed as a “5”, this is the group of people that go off program to rent unit that does not meet occupancy standards, because the rent is lower, or they move into a unit that may not pass HQS, because the rent is lower, due to units being in poor shape.

**Response:** MDOC will raise the need factors in Size of unit, and for those in the 50% to 80% bracket, even though they do not qualify for assistance under the Section 8 Tenant Based Program.

**Comment – Kalispell - C. Need: Maximize the number of affordable units available to the PHA within it’s current resources by Strategy 1. Maximize the number of affordable units available to the PHA within it’s current resources by: Box entitled “Maintain or increase Section 8 lease up rates by marketing ...”** Shouldn’t this box be marked as well? Aren’t field agents doing this with proper demeanor and attitude as they interact with owners? We have had owners who skeptically get involved with the program by leasing to one Section 8 client, but are anxious to lease up others once they see the program in action. A lot of selling the program is in the hands of the field agents.

**Response:** This question deals mainly with areas which have a minority and poverty concentration. There are no identified areas in the state at this time. HUD is talking about marketing to get owners outside the area to accept minority and poverty stricken participants from the area of concentration. MDOC will leave the box blank. It is understood that MDOC agents are continually marketing the program in their areas.

**Comment – Kalispell - C. Need: Maximize the number of affordable units available to the PHA within it’s current resources by Strategy 1. Box entitled “ maintain or increase Section 8 lease up rates by effectively screening Section 8 applicants to**

*increase owner acceptance of the program” box is checked. As stated further in the plan (Annual Plan 3.B.(1)e.) screening of applicants is the owner’s responsibility. This seems to be a contradiction to the previous statement. Is it possible to reword this as the type of screening that will be done? – Helena – It was strongly felt by all committee members that we need to leave screening of tenants to owners, not field agents.*

**Response.** MDOC will remove the check from this block. MDOC was originally looking at the fact that we are required to report former address, owner names, etc under the law. We will not consider this as screening for this plan.

**Comment – Helena – C. Need: Specific Family Types: Families at or below 50% of median: Strategy 1. Target available assistance to families at or below 50% of AMI.** *We want to employ admission preferences aimed at families with economic hardships, that are above 30% median.*

**Response:** MDOC will not adopt a preference for those above 30% of income. With the new law requirement for 75% of admissions to be below 30% of income, we are currently very near the 75% requirement on a statewide level. Any new targeting in this area would be meaningless, as it is believed that no more individuals would be assisted than would be without the legal 75% target. It would be different if we were at 95% of new applicants assisted having income <30% AMI statewide.

**Comment – Helena –C. Need: Specific Family Types: The Elderly.** *Committee agrees with plan.*

**Comment – Helena –C. Need: Specific Family Types: Families with disabilities:** *Committee agrees with plan.*

**Comment – Helena –C. Need: Specific Family Types: Races or ethnicities with disproportionate needs:** *Doesn’t Apply.*

**Comment – Helena – C. Other Housing needs or strategies (2) Reasons for selecting strategies. Selecting all factors which influenced the PHA selection of strategies.** *The committee felt that we should consult advocacy groups, NAMI and the residents, just to name a few.*

**Response:** MDOC will check the box. MDOC and the local field agents routinely consult with advocacy groups. It is important to notice, however that this plan was advertised throughout the state and available at all MDOC field agent locations, no advocacy group chose to comment on the plan.

## **2. Statement of Financial Resources**

**Comment – Kalispell - Statement of Financial Resources.** *It appears that the only resource at this time is through Annual Contributions for Section 8 Tenant Based Assistance. Are there no provisions in some of the other applications to use those moneys for Section 8 Rental assistance?*

**Response:** Other sources of funding in the table are not available for use in “Section 8 Rental Assistance”. MDOC does administer the HOME Program, which has a tenant

based rental component in it. This is accessed by applying to the department for a local HOME grant in the annual competition held each year, on a local basis. The funds are only for a 2 year period if the application is successful. The rest of the boxes are blank because they are not under the control of the State PHA, and available for use by the PHA.

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

**Comment – Helena –B (1) Sec. 8 Eligibility.** *Committee likes wording of a., b., c., d., and e.*

**Comment – Helena –B (2) Wait List Organization. A. Where may persons apply?** *It was pointed out by committee members that the field agency has left admission packets with career Training Institute, Golden Triangle, Mental Health and Human services, just to name a few.*

**Response:** MDOC will change the plan to include that local field agents also make applications available at other locally picked locations.

**Comment – Helena –B (2) Wait List Organization. (3) Search Time.** *Committee agreed with policy.*

**Comment: - Butte – B(4)b(2) There is a need for local preferences.** *Recognizing the difficulty of implementing preferences in Helena for the various localities, the group suggested MDOC explore a way for localities to set preferences that reflect their needs. Members suggested preferences for homeless and families with no resources. MDOC later received a separate comment from one of the Board members that that person does not agree that local preferences are needed. – Billings – One person felt a local preference should be given for homeless with children. – other Billings – A percent of the people on the wait list should be offered Section 8 because of being homeless or paying more than 50% of their income for rent, etc. There is a 30-70% placement of people in Section. This needs to be included in the Administration Manual. – Havre – Student preference (non-traditional students) – college students get housing in Havre the year that they are graduating.*

**Response:** *With the federal removal of the initial federal preferences, and the new law targeting those below 30% of income, preferences are far less important than they used to be. MDOC has also promised to make its programs as transparent as possible, not putting additional requirements on the program unless absolutely necessary. No preferences will be added to the plan.*

### 4. PHA Rent Determination Policies

**Comment – Helena –B(1) Payment Standards: a. What is the PHA's Payment Standard?** *If we have the payment standard below 110% and above 100% we are helping families.*

**Comment – Helena –B(1) Payment Standards: b. If lower than FMR, why? The committee wants to know how you got this information.**

**Comment – Helena –B(1) Payment Standards: c. If higher than FMR, why? The committee wants to know what you are using as your standard.**

**Comment – Helena –B(1) Payment Standards: e. other. L&C County 3 bedroom units that fit the current payment standard are in poor condition.**

**Response to all questions about payment standards:** Payment Standards are a balancing act between ready availability of units for participants, and the number of units which can be supported by the program. MDOC policies for setting payment standards are included in Section I of the MDOC Administrative Manual. Payment Standards are set annually upon review by the Housing Assistance Bureau Chief of actual program tenant rent burdens in every county of the state, by bedroom size (If MDOC doesn't do this, HUD will). MDOC adopted the HUD requirement in the new law that requires MDOC to raise payment standards each year, based on tenant rent burden, where, if the payment standards cause more than 40% of tenants in an area to pay more than 30% of income for rent. This was done in September, 1999, totally based on rentals in the program. To raise the payment standard, directions are in the administrative manual, which allow an individual payment standard to be raised at any time during the year, if certain conditions are met.

## 12. Community Service Programs

**Comment – Billings – A. Coordination with TANF Agency. 1 Cooperative Agreements.** Should there be a check in the block for cooperative agreement? – **Helena** – Some of the committee members would like to see more coordination with the welfare agency.

**Response:** MDOC has been coordinating with the TANF agency. A full description is included in the plan, and the block has now been checked. An agreement will be forthcoming, which requires data sharing both ways.

**Comment – Billings –B Economic and Social Self Sufficiency programs.** Would elderly self sufficiency appear here? – **Helena** – There should be more dollars to help families find supportive Services.

**Response:** Currently, most field agents are CAP agencies who both provide the services and coordinate them. As for the statewide formation of a required program, there is currently no additional funding available to MDOC.

## MDOC PHA PLAN

### Comments specifically addressed to MDOC Admin Plan

**Comment – Billings –Sec II A.4.(b)(2)** *Circumstances beyond a person’s control on getting supporting documentation should not require attendance at a second meeting. A short time limit (48 hours) needs to be given with direction on what is needed and how to get it. Assignment of Vouchers can be done once this 48 hours has expired. Many individuals and families attending briefings travel a distance and it may be a hardship to travel to a second briefing.*

**Response:** MDOC set up the time frame as it is to give the family a generous amount of time to procure the required information, prior to being removed from the wait list. Local Field agents advise applicants as to what information is necessary for them to bring to the briefing. A short time limit would penalize the family if they could not get the information almost immediately. No change is anticipated.

**Comment – Billings –Sec II-B. Denying Assistance to Applicants.** *Fraud, drug related or violent criminal activity needs to be addressed on a case by case basis. The written informal review needs to be described as a procedure that will allow entry to the Section 8 Program depending on type of activity, length of time since activity and current criminal record. (Example: a woman threatened an abusive husband 3 years ago, charged with a felony crime, has since left the marriage and is in counseling)*

**Response:** MDOC will not try at this time to determine which crimes do and do not require a set-off period. MDOC is in the middle of the process to gain ready access to the MDOJ database for violent and sexual offenders. HUD is supposed to be providing additional information on this area, but MDOC has not received it yet. No changes are anticipated at this time.

**Comment – Billings –Sec II-I.2. Reporting Income.** *FSS participants need to be given the option of having their rent increased/escrow increase when change is less than \$300.*

**Response.** MDOC adopted this policy to insure that participants who are capable of earning an escrow account under FSS are given the opportunity to increase the escrow when their income increases, rather than having to wait until their next annual reexam to have the income change affect their escrow and rent amount. This is an important benefit under the FSS program. No changes are anticipated at this time.

**Comment – Billings –Admin Plan – Sec. II-I.4. Temporary Employment.** *This should have a limit of how many “temporary” jobs are allowed before using the income. For example, 1 temporary job in 6 months not counted. (Many temporary jobs are for less than 30 days; therefore, someone could actually work on a regular basis and not have rent adjusted). Consider temporary jobs temporary if less than \$300 per month. This would cover babysitting and spot jobs. This would open the phrase “you must report all income, but if it comes to \$300 or less, it will not be used to calculate household rent.”*

**Response:** No change is anticipated at this time.

**Comment – Billings –Sec II-J.1. Limiting moves by Families Owing Money.** *If it is beyond the participant's control (initiated by the owner), participant should be able to move if they are current on their repayment agreement.*

**Response:** MDOC will not allow a tenant to move with assistance if they owe money. A tenant cannot be evicted, then benefit by not having to repay money owed. MDOC has now gone further, in that tenants are being notified the week of April 17, 2000, that they will be required to honor repayment agreements in the future. Participants are allowed to move if something like a flood or fire beyond the tenant's control forces the move. This is evaluated at MDOC on a case-by-case basis.

**Comment – Billings –Sec. II-M-3. Barring reentry to program for previous participants owing money to MDOC.** *If currently in a repayment agreement and making payments, can remain at the top of the wait list until payment is made in full. Must keep current on payments or will be removed and will need to reapply. Once paid in full, will be offered housing assistance. If not making payments on a previously signed agreement, must start paying and keep current on payments, or will be removed and will need to reapply. Once paid in full, will be offered housing assistance. If no repayment agreement has been signed, must sign, start paying and keep current on payments or will be removed and will need to reapply. Once paid in full, will be offered assistance.*

**Response:** MDOC will consider this change the next time the admin plan is changed.

**Comment – Billings –Sec II-P Security deposits.** *Comments on the accessibility for low income applicants to come up with a high deposit (still average for the area) was a concern among board members. A source of funding set aside for a portion of the deposits is needed. This could be on a loan basis and fall under the other policies of owing money to the MDOC Section 8 Program.*

**Response:** No Section 8 funds can be used to pay tenant security deposits. Many of the local field agents have another pool of money that is available to help with the deposits. The law, when it changed was specific in this in 1995. It is agreed, that with the new targeting requirements, tenants will be lower income, however. This may cause leasing difficulties.

**Comment – Billings –Admin Plan –Sec. III Providing tenant information to owners.** *The previous owner name should not be given out unless the new owner has a release form signed by the Sec. 8 prospective tenant stating that information can be given out. Some tenants are good tenants but just have bad previous owners and can't get a good reference.*

**Response:** This requirement is federal law.

## MDOC PHA PLAN

### Other General Comments

**Comment - Butte:** *Members expressed concern for FSS participants and their ability to find employment within the allotted time frame due to depressed economy.*

Response: MDOC allows the maximum time allowable under the federal regulations. There is also the option currently available to extend the FSS contract.

**Comment - Butte:** *Members discussed at length the consequences of “welfare reform”. They agreed MDOC should establish a goal for securing special grants to assist families exiting FAIM (Montana’s TANF program) by the year 2002 with housing.*

Response: MDOC has, in the past applied for the Welfare to Work program in conjunction with MDPHHS. MDOC will apply for funds, should they be offered.

**Comment - Butte:** *Members discussed at length the need for communication between human service organizations including Section 8 and the need for a strong continuum of care. Section 8 participant board members particularly expressed how a lack of communication between agencies can adversely affect users. They expressed how confidentiality rules are not always a benefit to the participant. Members agreed that Section 8 as a program must be a strong player in the collaboration of agencies addressing the needs of very low income people.*

Response: Most local field agents, including Butte, are also human service organizations. As such, they are in close contact with the main service provider in Montana, the Montana Department of Public Health and Human Services. Coordination within the local field agencies includes the section 8 Program. MDOC is currently working with MDPHHS to allow the transfer of information both ways between the programs. This was finally allowed for income information by the QHWRA.

**Comment – Butte** – *Members discussed the administrative rule which counts welfare benefits as income when a family has been **sanctioned (reduced by TANF agency)** . Members agreed that the rule places such families at risk for eviction and homelessness.*

Response: MDOC agrees with the comment, however, Section 512 of the QHWRA requires this action. MDOC may adopt administrative policies for areas where it has authority from HUD, but it cannot change the federal law requirements in this area. MDOC has no power to take action in this area. It takes congressional action to change the law.

**Comment – Lewistown** – *The ruling that **75% of admissions must be below 30%** ( of income) is not fair to the applicants that work, or to applicants receiving social security that is higher than the program allows. Persons on social security that have high medical expenses are in need of help with their housing costs. The 30% rule should be based in net income instead of gross income. Applicants who want to be assisted in the units they are currently residing in are faced with the problem of having the landlord lower the rent*

because of the **40% rule**, or finding a rental that meets the criteria. Applicants should have the choice of paying more than 40% if they want to.

**Response:** MDOC agrees with the comment, but federal income targeting of Section 8 is law. MDOC cannot change it.

**Comment – Great Falls** – *The only concern brought to light was the concern of the availability of the information for criminal investigation. There were no other concerns or comments.*

**Response:** MDOC is working with the Montana Department of Justice on getting the statewide listing of violent and sexual offenders. The listing will be available on the internet in July, 2000.

**Comment – Havre** – *Havre could use an **additional 100 vouchers**.*

**Response:** MDOC will consider this request the next time additional units are received from HUD.

**Comment – Havre – Deduction for employment** – *elderly-disabled type of deduction (reward for persons employed instead of on public assistance)*

**Response:** There is no way under current federal regulations to remove employment from income other than the allowances in 24 CFR Part 5.

**Comment – Havre – Owner accountability** *(don't allow tenants to rent from owners that won't maintain property unless threatened by Section 8 to lose rents)*

**Response:** As long as owners correct deficiencies as pointed out by tenants and local field agencies, prior to abatement of payments, there is nothing that can be done. MDOC will consider an addition to the administrative manual, but individual circumstances required for change in the admin plan will have to be outlined in detail prior to any change. The new changes would have to apply to all landlords in the state.

**Comment – Havre – Helena - Purge wait list** *more often.*

**Response:** The wait list is being purged in the near future.

**Comment – Billings** – *Need a current policy on **TANF sanctions** in Admin Manual.*

**Response:** MDOC does not add policies to the admin plan, when the regulations clearly define actions to be taken in a particular instance. 25 CFR 5.615, published in the federal register March 29, 2000 (sent to local field agents on April 3,2000) clearly addresses the QHWRA law regarding this issue. MDOC is working with MDPHHS to get an information sharing agreement, and a form which is specific to the three types of decreases to TANF benefits required under the QHWRA, since other sanctions do affect calculation of income. The form will be released as soon as it is approved by MDPHHS.



**Comment – Billings-** *Need an incentive for owners to be a part of sec. 8. It is hard to find owners who will take Sec. 8.*

**Response:** The main current incentive for Section 8 is that now owners may charge the same security deposits as they do on the open market, they may use their standard lease form if it meets the HUD requirements, and that payments are guaranteed as long as the tenant participates in the program, and remains in the rental units. Local field agents work hard to maintain and develop good relationships with individual landlords and landlord associations to develop better relations with them. MDOC changed the administrative plan to remove tenants causing excessive damage, changing the maximum damage limit downward in February, 2000. MDOC field agents are aggressively providing tenant information required by law to landlords to allow owners additional screening information, prior to renting to Section 8 participants. MDOC provided the president of the Montana Landlord's Association a copy of the PHA Plan for review and comment. MDOC is open to other suggestions, as landlord relationships are important in allowing participants maximum freedom of choice in selecting housing.

End of comments