

PHA Plans

Streamlined Annual Version

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

OMB No. 2577-0226
(exp. 08/31/2009)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937 that introduced 5-year and annual PHA Plans. The full PHA plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form allows eligible PHAs to make a streamlined annual Plan submission to HUD consistent with HUD's efforts to provide regulatory relief for certain types of PHAs. Public reporting burden for this information collection is estimated to average 11.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

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Streamlined Annual PHA Plan

for Fiscal Year: 2008

PHA Name: Municipality of San Sebastián

NOTE: This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue.

Streamlined Annual PHA Plan Agency Identification

PHA Name: Municipality of San Sebastián

PHA Number: RQ-026

PHA Fiscal Year Beginning: 07/2008

PHA Programs Administered:

Public Housing and Section 8 **Section 8 Only** **Public Housing Only**
Number of public housing units: Number of S8 units: 139 Number of public housing units:
Number of S8 units:

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

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

PHA Plan Contact Information:

Name: Aydeliz Soto Hernández
TDD:

Phone: 787-896-2300
Email: section8mss@gmail.com

Public Access to Information

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

X PHA's main administrative office PHA's development management offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plan revised policies or program changes (including attachments) are available for public review and inspection. X Yes No.

If yes, select all that apply:

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

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

X Main business office of the PHA PHA development management offices

Other (list below)

Streamlined Annual PHA Plan

Fiscal Year 2008

[24 CFR Part 903.12(c)]

Table of Contents

[24 CFR 903.7(r)]

Provide a table of contents for the Plan, including applicable additional requirements, and a list of supporting documents available for public inspection.

A. PHA PLAN COMPONENTS

- 1. Site-Based Waiting List Policies
903.7(b)(2) Policies on Eligibility, Selection, and Admissions
- 2. Capital Improvement Needs
903.7(g) Statement of Capital Improvements Needed
- 3. Section 8(y) Homeownership
903.7(k)(1)(i) Statement of Homeownership Programs
- 4. Project-Based Voucher Programs
- X 5. PHA Statement of Consistency with Consolidated Plan. Complete only if PHA has changed any policies, programs, or plan components from its last Annual Plan.
- X 6. Supporting Documents Available for Review
- 7. Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report
- 8. Capital Fund Program 5-Year Action Plan

B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

Form HUD-50076, PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Streamlined Annual Plan identifying policies or programs the PHA has revised since submission of its last Annual Plan, and including Civil Rights certifications and assurances the changed policies were presented to the Resident Advisory Board for review and comment, approved by the PHA governing board, and made available for review and inspection at the PHA's principal office;

For PHAs Applying for Formula Capital Fund Program (CFP) Grants:

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

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

Form SF-LLL & SF-LLL a, Disclosure of Lobbying Activities.

1. Site-Based Waiting Lists (Eligibility, Selection, Admissions Policies)

[24 CFR Part 903.12(c), 903.7(b)(2)]

Exemptions: Section 8 only PHAs are not required to complete this component.

A. Site-Based Waiting Lists-Previous Year

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

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

2. What is the number of site based waiting list developments to which families may apply at one time?
3. How many unit offers may an applicant turn down before being removed from the site-based waiting list?
4. Yes No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

B. Site-Based Waiting Lists – Coming Year

If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to next component.

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)

2. Capital Improvement Needs

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

Exemptions: Section 8 only PHAs are not required to complete this component.

A. Capital Fund Program

1. Yes No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 7 and 8 of this template (Capital Fund Program tables). If no, skip to B.
2. Yes No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

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

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

1. Yes No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to #3; if yes, provide responses to the items on the chart located on the next page, copying and completing as many times as necessary).
2. Status of HOPE VI revitalization grant(s):

HOPE VI Revitalization Grant Status	
a. Development Name:	
b. Development Number:	
c. Status of Grant:	
<input type="checkbox"/>	Revitalization Plan under development
<input type="checkbox"/>	Revitalization Plan submitted, pending approval
<input type="checkbox"/>	Revitalization Plan approved
<input type="checkbox"/>	Activities pursuant to an approved Revitalization Plan underway

3. Yes No: Does the PHA expect to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name(s) below:
4. Yes No: Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? If yes, list developments or activities below:
5. Yes No: Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement? If yes, list developments or activities below:

3. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program
(if applicable) [24 CFR Part 903.12(c), 903.7(k)(1)(i)]

1. Yes No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If "No", skip to the next component; if "yes", complete each program description below (copy and complete questions for each program identified.)

2. Program Description:

a. Size of Program

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

If the answer to the question above was yes, what is the maximum number of participants this fiscal year?

b. PHA-established eligibility criteria

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

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

3. Capacity of the PHA to Administer a Section 8 Homeownership Program:

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

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

4. Use of the Project-Based Voucher Program

Intent to Use Project-Based Assistance

Yes No: Does the PHA plan to “project-base” any tenant-based Section 8 vouchers in the coming year? If the answer is “no,” go to the next component. If yes, answer the following questions.

1. Yes No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option? If yes, check which circumstances apply:

- low utilization rate for vouchers due to lack of suitable rental units
- access to neighborhoods outside of high poverty areas
- other (describe below:)

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

5. PHA Statement of Consistency with the Consolidated Plan

[24 CFR Part 903.15]

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary) only if the PHA has provided a certification listing program or policy changes from its last Annual Plan submission.

1. Consolidated Plan jurisdiction: Municipality Of San Sebastián

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)

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

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

4. Mandatory Prohibitions of Sex Offenders – 24 CFR part 982.553 (2) Denial of admission and termination of assistance for sex offenders.

Denial of Assistance for Sex Offenders

The PHA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the PHA will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement.

5. Violence Against Women Act and Department of Justice Reauthorization Act.

The PHA of San Sebastián Prohibit the eviction of and removal of assistance from, certain persons living in public or Section 8-assisted housing if the asserted ground for such action is an instance of domestic violence, dating violence, sexual assault, or stalking.

The actions to be taken by the PHA of the Municipality of San Sebastián are as follows:

Provide information to tenants as well as owners participating in the Housing Choice Voucher Program to make them aware of the requirements of VAWA.

Develop a provisional certification form for victims of abuse to be used in the event that the PHA or Section 8 owner requests that a victim of wishes to certify that alleged incidents of abuse are bona fide.

(The Office of Public and Indian Housing (PIH) is developing such a form, and additional information about the form will be forthcoming). In the interim, the PHA, and owner will accept other types of certifications from alleged victims.

6. Supporting Documents Available for Review for Streamlined Annual PHA Plans

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

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans;</i>	5 Year and Annual Plans
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Streamlined Annual Plan</i>	Streamlined Annual Plans
	<i>Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.</i>	5 Year and standard Annual Plans
	Fair Housing Documentation Supporting Fair Housing Certifications: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
X	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA’s public housing and Section 8 tenant-based waiting lists.	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
	Deconcentration Income Analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. <input type="checkbox"/> Check here if included in the public housing A&O Policy.	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public housing rent determination policies, including the method for setting public housing flat rents. <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development. <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. <input type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Related Plan Component
		Sufficiency
X	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
	Any policies governing any Section 8 special housing types <input type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
	Public housing grievance procedures <input type="checkbox"/> Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. <input type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs <input type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Pet Policy
X	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)
	Consortium agreement(s) and for Consortium Joint PHA Plans <u>Only</u> : Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection.	Joint Annual PHA Plan for Consortia: Agency Identification and Annual Management and Operations

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary					
PHA Name:		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant:
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:)					
<input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
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	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)				
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part II: Supporting Pages								
PHA Name:		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant:			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	

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

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule**

PHA Name:			Grant Type and Number Capital Fund Program No: Replacement Housing Factor No:				Federal FY of Grant:	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates	
	Original	Revised	Actual	Original	Revised	Actual		

8. Capital Fund Program Five-Year Action Plan

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

8. Capital Fund Program Five-Year Action Plan

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

CHAPTER I – STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The U.S. Housing Act of 1937 authorized local Public Housing Agencies (or Public Housing Authorities/PHAs) to be established by individual states. The current Housing Choice Voucher Program evolved from various acts, amendments and rules. The most recent changes are the Quality Housing and Work Responsibility Act of 1998 (QHWRA) and the 1999 Housing and Urban Development (HUD) rule that provided for the merger of the certificate and voucher programs into one housing choice voucher program. This Administrative Plan establishes local policies to facilitate the implementation and administration of the Housing Choice Voucher Program.

A. PUBLIC HOUSING AUTHORITY MISSION STATEMENT

The mission of the PHA is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

The Municipality of San Sebastián’s PHA will perform its mission with:

- Dignity – allowing each applicant and participant a sense of esteem;
- Fairness – remaining objective at all times, remembering that there are two sides to every story;
- Respect – treating others as we would like to be treated, in a non-judgemental manner;

- Sensitivity – demonstrating empathy by ensuring that program information provided is complete and accurate.

B. LOCAL OBJECTIVES

The Housing Choice Voucher Program is designed to achieve the following major objectives:

- To provide access to decent, safe, and sanitary housing for very low-income families while maintaining their rent payments at a fair and affordable level;
- To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to have access to the widest possible choice of housing to meet their housing needs;
- To encourage self-sufficiency of participant families and assist in the identification of opportunities which address educational and socio-economic needs;
- To ensure that all units meet Housing Quality Standards;
- To administer an efficient, high-performing agency through continuous improvement of the PHA's support systems and commitment to our employees, their development, and the maintenance of high standards and professionalism;
- To administer a housing program which provides an incentive to private property owners rent to very low-income families;
- To expand affordable housing opportunities in areas outside of high concentration of poverty;

- To create positive public awareness and expand the level of family, owner, and community support in accomplishing the PHA's mission;
- To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conducted without regard of race, color, religion, creed, sex, national origin, handicap or familial status;
- To ensure compliance with Public Law 109-102, Violence Against Women and Department of Justice Reauthorization Act of 2005. Following the amendments to Section 5A, Section 8 and public housing sections of the U.S. Housing Act, the PHA shall support and assist victims of domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims' immediate families – from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim.

The actions to be taken by the HA of the Municipality of San Sebastián are as follows:

1. Provide information to tenants as well as owners participating in the Housing Choice Voucher Program to make them aware of the requirements of VAWA.

2. Develop a provisional certification form for victims of abuse to be used in the event that the PHA or Section 8 owner requests that a victim of abuse wishes to certify that the alleged incidents of abuse are bona fide. (The Office of Public and Indian Housing [PIH] is developing such a form, and additional information about the form will be forthcoming). In the interim, the PHA and owners will accept other types of certifications from alleged victims.
- To promote a safe environment by denying initial or continued assistance to applicants that have demonstrated a history of violent criminal or drug related activity.

C. PURPOSE OF THE PLAN

The purpose of this Administrative Plan is to establish guidelines for Public Housing Agency staff to follow in determining eligibility for admission and continued occupancy. These policies are governed by the requirements of the Department of Housing and Urban Development with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, participants, and the PHA.

The PHA is responsible for complying with all changes in HUD regulations pertaining to this program. If any changes conflict with this Plan, HUD regulations will have precedence.

This Administrative Plan is set forth to define the PHA's local policies for operation of housing programs in the context of federal laws and

regulations. All issues related to the Housing Choice Voucher Program which are not addressed in this document are governed by such federal regulations, HUD memoranda, notices and policies, or other applicable law.

The Municipality of San Sebastián's Mayor will approve any significant amendments to this Administrative Plan.

Significant Amendment to the Administrative Plan is defined in the 2006 PHA Annual Plan.

D. FAIR HOUSING POLICY

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

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

To further its commitment to full compliance with applicable civil rights laws, the PHA will provide federal/state/local information to voucher holders regarding "discrimination" and any recourse available to them should they be victims of discrimination. Such information will be

made available during the family briefing session and placed in their briefing packet.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25 and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the PHA's offices in such a manner as to be easily readable from a wheelchair.

The Office of the Housing Choice Voucher & Application Division is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by PRT telephone service provider.

The Public Housing Agency will provide and review information regarding Fair Housing rights and responsibilities during family briefing sessions.

E. REASONABLE ACCOMODATIONS POLICY

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the PHA, when the PHA initiates contact with a family, including when a family applies, and when the PHA schedules or reschedules appointments of any kind. An applicant or a participant with a disability must first request a specific

accommodation of their disability before the PHA will deviate from standard practice.

The PHA's policies and practices are intended to afford persons with disabilities and equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, as those who do not have disabilities and is applicable to all situations described in this Administrative Plan. To request a reasonable accommodation due to a disability, an applicant or participant must qualify under the following Americans with Disabilities Act (ADA) definition of disability. The PHA will fully comply with the obligations found in HUD Notice PIH 2002-01 (HA) [Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988].

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

Rehabilitated former drug users and alcoholics are covered under the Americans with Disabilities Act. However, a current drug user is not eligible. Individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if

disabling mental and physical limitations would persist if drug or alcohol abuse were discontinued.

Methods Used to Certify a Person with a Disability

To verify that an applicant is a person with a disability, PHA staff will first check to see whether the applicant is under the age 62 and receives Social Security or SSI disability income.

Some applicants or tenants may be persons with disabilities even though they do not have such income. In these cases, a verification form will be sent to a qualified professional having knowledge of the person's disability who can verify the person's status.

The PHA staff will work with the individual client to determine the least intrusive or restrictive means for certifying a disability.

Methods Used to Certify the Need for a Reasonable Accommodation

Once the individual's disabled status is established, a professional third-party, competent to make an assessment (as referenced in Chapter VII of this Administrative Plan), must provide written verification that the specific accommodation is due to the disability and the specific change is required for equal access to the program.

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

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

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Undue Hardship

Requests for reasonable accommodations from persons with disabilities will be granted upon verification that they meet the need presented by the disability, and they do not create an undue financial and administrative burden. The PHA may deny the request and/or present an alternate accommodation that will still meet their needs.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA (i.e., waiving a family obligation) or one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the PHA.

In determining whether an accommodation would create an undue hardship, the following guidelines will apply:

- The nature and cost of the accommodation needed;
- The overall current financial resources of the facility, or facilities, involved in the provision of the reasonable accommodation;

- The number of families likely to currently need such accommodation;
- The effect on expenses and resources;

F. TRANSLATION OF DOCUMENTS

In determining whether or not, it is reasonable to translate documents into other languages; the PHA will consider the following factors:

- Number of families in the Municipality of San Sebastián who do not speak English, and speak the other language;
- Evaluation of the need for translation by the bi-lingual staff, and by agencies that work with the non-English speaking participants.

G. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing assistance and related services for low-income families on a regular basis when appropriate. When the PHA's waiting list is opened, the PHA will publicize the availability and nature of housing assistance for low-income families in newspapers of general circulation, and by other suitable means.

To reach persons who can not read the newspapers, the PHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community services personnel. The PHA may also utilize public service announcements.

The PHA will communicate the status of housing availability to other service providers in the community and advise them of housing eligibility factors/guidelines in order that they can make proper referrals for housing assistance.

H. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the HUD-9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/PHA will release family information. The PHA will maintain all accommodation records in a confidential manner.

Under Federal privacy laws, a PHA is required to keep confidential any personal information about an applicant or tenant, obtained in a confidential manner or from a confidential source.

The PHA adheres to the following practices and procedures that are designed to safeguard the privacy of applicants and program participants:

- All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff;
- Files will never be left unattended or placed in common areas;
- PHA will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of

family information or improper disclosure of family information by staff will result in disciplinary action;

- Staff persons will be required to disclose whether they have relatives living in PHA housing or receiving assistance from the PHA housing programs.

I. ADMINISTRATIVE FEE RESERVE

All expenditures from the administrative fee reserve will be made in accordance with the approved budget and approved by HUD.

J. OWNER OUTRECH

The PHA encourages owners of decent, safe and sanitary housing units to lease to housing choice voucher families. The PHA maintains lists of units available, by bedroom size, and updates the lists at least every two weeks. New listings received from owners will be compiled according to bedroom size.

The Public Housing Agency will maintain lists of available housing submitted by owners in all neighborhoods within the PHA's jurisdiction to ensure greater mobility and housing choice to very low-income households. The lists of units will be provided at the front desk or mailed on request and provided at briefings. This information may also be available on the Municipality's website.

The staff of the PHA responds to and initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is offered to acquaint owners and managers with the opportunities available under the program.

The PHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The PHA may periodically evaluate the demographic distribution of assisted families to identify these areas. The purpose of these activities is to provide more choices and better housing opportunities to families. Voucher holders are informed of the full range of areas where they may lease units inside the PHA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration.

K. MANAGEMENT ASSESSMENT OBJECTIVES

The PHA operates its housing assistance programs with efficiency and can demonstrate that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the goals and objectives of the following HUD SEMAP indicators:

1. Selection from the Waiting List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections

6. HQS Enforcement
7. Expanding Economic Opportunities
8. FMR/Exception Rent & Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family Self-Sufficiency Enrollment
 - 14a. Percent of FSS Participants with Escrow Account Balances
15. Bonus Indicator (Deconcentration)

Supervisory quality control review will be performed by the PHA Coordinator or other qualified person (other than the person who performed the work), as required by HUD, on the following SEMAP factors:

- Selection from the waiting list
- Rent reasonableness
- Determination of adjusted income
- HQS Enforcement
- HQS Quality Control

Samples of files and records will be drawn in an unbiased manner, leaving a clear audit trail. The minimum sample size to be reviewed will relate directly to each factor.

L. RECORDS FOR MONITORING PHA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the PHA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and/or assess the PHA's operational procedures objectively and with accuracy.

The PHA acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The PHA intends to diligently manage its current program operations and continuously make efforts to be in full compliance with Housing Choice Voucher/Section 8 Management Assessment Program (SEMAP). The policies and procedures of this program are established so that the standards set forth by SEMAP are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

M. LANGUAGE ASSISTANCE FOR LIMITED ENGLISH PROFICIENCY (LEP) PERSONS

It is the goal of the Housing Authority to be accessible to all residents of its jurisdiction regardless of race, color, or national

origin. Therefore, we will endeavor to provide all families the same high quality customer service no matter what language they speak. In order to serve limited English proficiency (LEP) families, the Housing Authority is implementing the following activities:

- 1) When the adult members of the family are LEP, staff will show them the *Language Identification Flashcard* created by the Census Bureau, so that the family can identify what language they speak. The PHA has identified staff who speaks American Sign Language, English and Spanish, to assist with these languages. For other languages, an interpreter will be called to assist the staff person in serving the family.
- 2) All LEP families will be identified on the computer, and in their file, as to their primary language so that appropriate resources can be identified in advance of the family's needing assistance with an appointment.
- 3) When the number of families speaking one non-English language exceeds 5% of the number of program participants, the Housing Authority will translate "important" documents into this language. "Important" is defined as those documents addressing safety, participant rights, participant obligations, or communication regarding the loss of housing (i.e., eviction or termination of the voucher).

CHAPTER II – ELIGIBILITY FOR ADMISSION [24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

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

A. FACTORS AFFECTING ADMISSION [982.201(b)]

The PHA accepts applications only from families whose head or spouse is at least twenty one years of age or an emancipated minor under state law. To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the PHA. Eligibility factors will be verified before the family is issued a voucher.

HUD Factors:

The HUD eligibility criteria are:

- An applicant must be a "family" at admission, as defined in Section B, "Definition of Family".
- An applicant family must be within the appropriate income limits.

- An applicant family must furnish Social Security numbers for all family members age one and older or provide appropriate certification.
- An applicant family must furnish declaration of citizenship or eligible immigrant status and verification when required.
- The PHA will permanently deny admission to the housing choice voucher program to persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing unit in violation of any Federal or State law.
- The PHA will permanently deny admission to sex offenders who are subject to a lifetime registration requirement under a state sex offender registration program.
- An applicant family will not be admitted to the program if any member of the family has been evicted from federally assisted housing for serious violation of the lease within the past five years. (Except as referenced in Chapter XV of this Administrative Plan).
- At least one member of the applicant family must be either an U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance.

PHA Factors:

The PHA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

- The applicant family must not have violated any family obligation during a previous participation in a federally assisted housing program for three years prior to final eligibility determination. The PHA may make exception, if the family member who violated the family obligation is not a current member of the household. The PHA may request the family to provide verifiable documentation.
- Reasons for denial of admission are addressed in the “Denial or Termination of Assistance” (Chapter XV of this Administrative Plan). These reasons for denial constitute additional admission criteria.
- The PHA will deny participation in the program to applicants where the PHA determines there is reasonable cause to believe that a family member is illegally using a controlled substance or engaged in drug-related or other criminal activity. The same will apply if it is determined that any of the family members abuses alcohol in a way that may interfere with the health, safety or peaceful enjoyment of the premises or neighborhood by other residents. This includes cases where the PHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.
- An applicant family will be denied admission to the program if any member of the family fails to sign and submit consent forms to obtaining information required by the PHA, including Form HUD-9886.

- If any applicant family deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).
- Applicants may be required to meet additional criteria for admission.
- The applicant family must not be in debt to any federally assisted housing program. The PHA may allow for the family to participate in the Housing Choice Voucher Program if they are in good standing regarding any current payment agreement made with another PHA for a previous debt incurred.

Eligibility factors will be verified before the family is admitted to the program.

B. FAMILY COMPOSITION [24 CFR 982.201(c)]

Definition of Family (at application stage)

The applicant/s must qualify as a family. A family may be a single person or a group of persons. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis of blood, marriage or operation of law does not relate to them. For occupancy standards purposes, the applicant may claim a spousal relationship. See “Subsidy Standards, Chapter V, of this Administrative Plan.

The PHA defines a family of persons as two or more persons who intended to share residency, whose income and resources are available to meet the family's needs, and who will live together in PHA contracted housing units. Elderly, disabled, and displaced families are defined by HUD in CFR 5.403.

The term "family" also includes, but is not limited to:

- A family with or without children;
- An elderly family;
- A disabled family;
- A displaced family;
- The remaining member of a participant family;
- A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a participant family;
- Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides are a family;
- Two or more near-elderly persons living together, or one or more near-elderly person, living with one or more live-in aide.

The temporary absence of a child from the home due to placement in foster care shall be considered in determining the family composition and family size.

Head of Household

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

Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the non-citizen rule, the definition of “spouse” is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term “spouse” does not apply to boyfriends, girlfriends, partner/significant others, or co-heads.

Co-Head

Co-Head is defined as an individual in the household who is equally responsible for the lease with the head of household. A head of household may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Aide

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

- Is determined by the PHA to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities;

- Is not obligated for the support of the person(s); and
- Would not be living in the unit except to provide care for the person(s).

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

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

- Income of the live-in aid will not be counted for purposes of determining eligibility or level of benefits.
- Live-in aides are not subject to Non-Citizen Rule requirements.
- Live-in aids may not be considered as a remaining member of the tenant family.

A live-in aide may only reside in the unit with the approval of the PHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that the live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61 years of age) or disabled. The PHA shall make the live-in aide subject to the agency's normal screening criteria.

If the live-in aide or their family members participate in drug-related or criminal activity, the PHA will rescind the aid's right to occupy the unit. When the agency takes such action against the live-in aide, the aide is not entitled to the grievance hearing process of the agency.

Split Household Prior to Voucher Issuance

When a family in the waiting list splits into two otherwise eligible families due to divorce or legal separation and both families claim the same placement on the waiting list, if there is no court determination, the PHA will make the decision taking into consideration the following factors:

- Which family member applied as head of household;
- Which family unit retains the children or any disabled or elderly members;
- Recommendations from social service agencies or qualified professionals, such as Children's Protective Services (Family Department).

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

Multiple Families in the Same Household

When families consisting of two families living together, (such as a mother and father, and a daughter with her own husband or children) apply as a family unit, then they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement, but live with one parent at least 51% of the time, will be considered members of that

household. “51% of the time” is defined as 183 days of the year and do not have to run consecutively.

The PHA will require a self-certification of families who claim joint custody or temporary guardianship of children.

When both parents are on the waiting list and both share equal custody of the child/children, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

C. INCOME LIMITATIONS [24 CFR 982.201(b); 982.353]

To be eligible for assistance, an applicant must:

- Have an annual income at the time of admission that does not exceed the low-income limits for occupancy established by HUD.

To become eligible, the applicant must be a family in any of the following categories:

- A very low-income family;
- A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.
- A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511, or a low-income family displaced by any government activity;

- A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A low-income non-purchasing family residing in a project, subject to a home-ownership program, under 24 CFR 248.173;
- A low-income family or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165;
- A low-income family that qualifies for Housing Choice Voucher assistance as a non-purchasing family residing in a project that is subject to a resident homeownership program;
- A low-income family part of an inter-program transfer from low-income public housing to the Housing Choice Voucher Program for the purpose of participating in the Section 8 Homeownership Program.

Families whose Annual Income exceeds the applicable income limit will be denied admission.

Portability

For initial lease-up at admission, families who exercise portability must be within the applicable income limits for the jurisdiction of the receiving PHA in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216; 5.218]

Applicants are required to provide verification of Social Security numbers for all family members age one and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Applicants who have not been issued a Social Security number must sign a certification that they have never been issued a Social Security number.

Applicants who disclose their Social Security number but can not provide verification must sign a certification and provide verification within sixty (60) days. Elderly persons must provide verification within 120 days.

Failure to furnish verification of social security numbers or sign appropriate certification is ground for denial or termination of assistance.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be an U.S. citizen or eligible immigrant. Individuals, who are neither, may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

Citizenship/Eligible Immigration Requirement:

The citizenship or immigration status of each member of the family is considered individually before the family's status is defined.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called “mixed”. Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No Eligible Members

Applicant families that include no family members who are citizens or eligible immigrant members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-Citizen Students

As defined by HUD’s Non-Citizen Regulations, non-citizen students are not eligible for assistance. Appeals regarding disputes of citizenship/eligible immigration status are the only type for which the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status before Admission

The PHA will not provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

F. TENANT SCREENING [24 CFR 982.552(b)]

The PHA will not screen family behavior or suitability for tenancy. The PHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before the PHA approval of the tenancy, the PHA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982]

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

The PHA must give the owner the following information:

- The landlord at the family's current and prior address. The family's current and prior address as shown in the PHA's records; and
- The name and address (if known by the PHA) of the landlord at the family's current and prior address.

The PHA may offer the owner other information in the PHA's possession concerning the family, including:

- Tenant History
- Damage Claims
- History of Evictions
- Credit History
- Monies owed to a PHA

The same types of information will be supplied to all owners.

The PHA will advise families how to file a complaint if they have been discriminated against by an owner. The PHA will advise the family to make a Fair Housing complaint. The PHA may also report the owner to HUD (Fair Housing/Equal Opportunity).

G. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT [24 CFR 982.307]

Changes that occur during the period between issuance of a voucher and lease-up, may affect the family's eligibility or share of the rental payment.

H. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status. See "Complaints and Appeals", Chapter IX for additional information about reviews and hearings.

CHAPTER III – APPLYING FOR ADMISSION [24 CFR 982.204]

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

A. OPENING/CLOSING OF THE WAITING LIST [24 CFR 982.206; 982.54(d)(1)]

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete a pre-application.

When the PHA opens the waiting list, the PHA will advertise through public notice in local newspapers and media entities:

- Local newspapers (Island-wide/regional);
- The PHA will distribute fact sheets to broadcast media and may utilize public service announcements;
- City offices, and

- Local community service providers

The notice will contain:

- The dates, times, and the locations where families may apply;
- The programs for which applications will be taken;
- A brief description of the program.
- A statement that public housing participants must submit a separate application if they want to apply for the Housing Choice Voucher Program;
- Limitations, if any, on who may apply.

The notices will be made in an accessible format, if requested. They will provide potential applicants with information that includes the PHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

Closing the Waiting List

The PHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The PHA may open or close the waiting list by local preference category. The PHA may

stop applications if there are enough applicants to fill anticipated openings for the next twenty-four months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The PHA will announce the closing of the waiting list by public notice.

The PHA will give at least seven (7) days notice prior to closing the list.

When the period for accepting applications is over, the PHA will not accept additional pre-applications, nor maintain a list of those who wish to be notified when the waiting list is open

B. OVERVIEW OF THE APPLICATION PROCESS [24 CFR 982.204(b)]

Notification of Preliminary Status

After a review of the pre-application, a written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be eligible, it will be placed on the waiting list, based on the time and date of application and any claimed preferences.

If the family is determined to be ineligible based on the information provided in the pre-application, the PHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform of its right to an informal review. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. (See “Complaints and Appeals”, Chapter XVIII of this Administrative Plan)

Families who wish to apply for the Housing Choice Voucher Program must complete a written pre-application form when the waiting list is open.

The application process will involve two phases:

- The first is the “initial” application for admission (referred to as a pre-application). This first phase is to determine the placement on the waiting list. Duplicate pre-applications will not be accepted.
- The second phase is the “final determination of eligibility for admission” (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time, the PHA ensures that verification of all HUD and PHA eligible factors is current in order to determine the family’s eligibility for an offer of a voucher.

Pre-applications will not require an interview. The information on the application will not be verified until the application has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

C. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

Applicants are required to inform the PHA of changes in family composition, income, and address, or preference status in writing (the PHA may accept changes by telephone) within 30 days. Applicants are also required to respond to requests from the PHA to update information on their application, or to determine their interest in assistance. A

confirmation of receipt of pre-application is sent to applicant by first class mail.

D. COMPLETION OF A FULL APPLICATION

Duplicate applications will not be accepted.

All preferences claimed on the pre-application, or while the family is on the waiting list, will be verified after the family is selected from the waiting list and attends an interview, but prior to determining final eligibility.

The qualification for preference must exist at the time the preference is verified, regardless of the length of time an applicant has been on the waiting list because the claim of a preference is based on current status.

Applicants will be required to:

- Complete a full application (including a *Personal Declaration Form*) in their own handwriting, unless assistance is needed, or a request for accommodation is made by a disabled person. Applicants will then be interviewed by PHA staff to review the information on the full application form. The applicant will sign and certify that all information is complete and accurate.

The full application will be mailed to the applicant in advance.

Requirements to Attend Interview

The PHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information that has been

provided by the family, and to ensure that the information is complete.

The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs that may be available.

All adult family members are required to attend the interview, and are required to sign the housing application and authorization forms. Exceptions may be made on a case by case basis; accommodation may be made upon request.

If an applicant fails to appear for a pre-scheduled appointment, the PHA will automatically schedule a second appointment. If the applicant misses the second appointment without prior approval, the application will be denied.

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

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See "Complaints and Appeals"; Chapter XVIII of this Administrative Plan)

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the PHA.

Applicants will be required to sign specific verification forms for information, which is not covered by the HUD Form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

Every adult household member must sign a consent form to release criminal conviction records and to allow PHAs to receive records and use them in accordance with HUD regulations.

If the PHA determines at, or after the interview, that additional information or document(s) are needed, the PHA will request the document(s) or information in writing. The family will be given ten (10) days to supply the information.

If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance. (See “Complaints and Appeals”; Chapter XVIII of this Administrative Plan)

E. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified using the verification procedures described in “Verification” of this Administrative Plan. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than sixty (60) days old at the time of issuance of voucher.

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201)]

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

G. TIME OF SELECTION

When funding is available, families will be selected from the waiting list in their determined sequence, regardless of family size, subject to income targeting requirements.

When there is insufficient funding available for the family at the top of the list, the PHA will not admit any other applicant until funding is available for the first applicant.

CHAPTER IV – ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST [24 CFR Part 5, Subpart D; 98254(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is the PHA's objective to ensure that the families are placed on the waiting list in the proper order and selected from the waiting list for admission in accordance with the policies in this Administrative Plan.

This chapter explains the local preferences the PHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences, and explains the PHA's system of applying them.

A. WAITING LIST MANAGEMENT [24 CFR 982.204]

Cross-Listing of Different Housing Programs and Housing Choice Voucher

If an applicant is placed on a waiting list, it shall be given the option to apply for all other PHA-administered housing programs, if available, that also have an open waiting list.

Other Housing Assistance

The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

- Refuse to list the applicant on the PHA waiting list for tenant-based assistance;
- Deny any admission preference for which the applicant is currently qualified.

Other housing assistance means a federal, state or local housing subsidy, as determined by HUD, including public housing.

When the PHA issues an applicant a Housing Choice Voucher, the applicant's name will be removed from all tenant-based voucher waiting lists, but will remain on all other waiting lists unless the family makes a written request to withdraw from a particular waiting list.

B. WAITING LIST PREFERENCES [24 CFR 982.207]

The PHA uses a single waiting list for admission to its Housing Choice Voucher Program. Site-based list(s) for project-based assistance may be administratively established in accordance with HUD notices and other requirements.

Except for special admission, applicants will be selected from the PHA waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The waiting list contains the following information for each applicant listed:

- Applicant name
- Social Security Number
- Date of Birth

- Family unit size (number of bedrooms family qualifies for under PHA subsidy standards)
- Date and time of application
- Racial or ethnic designation of the head of household
- Annual (gross) family income
- Targeted program qualifications
- Qualifications for any local preference

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the PHA's selection criteria as defined in this Plan. An applicant's certification indicating that he/she qualifies for a preference will be accepted without verification during the pre-application period. When the family is selected from the waiting list for the determination of eligibility, the preference will be verified at the full application.

Local Preferences

Local preferences will be used to select families from the waiting list. Each preference will receive an allocation of points so that the computer software can put an order to the families on the waiting list. The applicant's cumulative points will determine the preference status and position on the waiting list.

- (4 points) Victims of Domestic Violence
- (3 points) Permanently Disabled Preference for families who have a member with a permanent disability.

- (2 points) Family whose head of household is 62 years of age or older or has a family member over 62 years of age.
- (1 point) Unwed mother head of household.

Among applicants with equal preference status, and among applicants with no preferences, the waiting list will be organized by date and time of the application.

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the Administrative Plan.

C. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CFR 982.207]

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the local preference, and will be notified in writing of the determination.

If the PHA denies a preference, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review (see Chapter XVIII – *Complaints and Appeals*). If the preference denial is upheld as a result of the review, or the applicant does not request a meeting, the applicant will be placed on the waiting list without the benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or knowingly makes false statements in order to qualify for any preference, they will be removed from the waiting list. The PHA will notify the applicant in writing of the reasons he/she was removed from the waiting list and offer the applicant an opportunity for a meeting with designated staff through the internal review process.

Changes in an applicant's circumstances while on the waiting list, may affect the family's eligibility for a preference. Applicants are required to notify the PHA, in writing, of relevant changes in their circumstances within 30 days of the change. When an applicant claims an additional preference, the applicant will be placed on the waiting list in the proper order of their newly claimed preference.

D. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The waiting list will be purged periodically by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within fifteen (15) days, the applicant will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice and the letter and the envelope will be maintained in the file. If an applicant is removed from the waiting list for failure to respond, he/she will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply within the prescribed period.

The PHA allows a grace period of ninety (90) days after completion of the purge. Applicants who respond during this grace period will be reinstated. Applicants are notified with confirmation of the PHA's receipt of their pre-application that the applicant is responsible for notifying the PHA within thirty (30) days of any address change.

E. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the PHA will reserve seventy-five percent (75%) of its Housing Choice Voucher Program new admissions for families whose income does not exceed 30 percent of the area median income (AMI). HUD refers to these families as "extremely low income families". The PHA will admit families who are extremely low income to meet the income-targeting requirement.

The PHA's income targeting requirement does not apply to low-income families continuously assisted as provided for under the 1937 Housing Act.

The PHA is also exempted from this requirement where the PHA is providing assistance to low-income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

F. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of

funding becomes available, the waiting list is searched for the first available family (based on date and time of application) meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a special admission are identified by codes in the automated system. Below are examples of “Targeted” Programs:

- Shelter Plus Care
- Family Unification Program
- Welfare to Work

G. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e); 982.203]

If HUD awards a PHA program funding that is targeted for families living in specific units, the PHA will admit those families under a special admission procedure.

Special admission families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a special unit:

- A family displaced because of demolition or disposition of a public housing project;
- A family residing in a multi-family rental housing project when HUD sells, forecloses or demolishes the project;

- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a project covered by a project-based Section 8 HAP Contract at or near the end of the HAP Contract terms; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

Special admissions includes a *special local needs exception* authority for up to ten percent (10%) of the admissions for families who meet specific criteria as determined by the Housing Authority's Director, or his/her designee.

Applicants, who are admitted under special admissions, rather than from the waiting list, are identified by codes in the automated system.

CHAPTER V – SUBSIDY STANDARDS [24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that PHA's establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This chapter explains the subsidy standards used to determine the voucher size (*family unit size*) for families of different sizes and compositions. This chapter also establishes the guidelines to be applied when a family's size or composition changes or a family selects a unit size that is different from the voucher size.

A. DETERMINING FAMILY UNIT (VOUCHER SIZE) [24 CFR 982.402]

The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The PHA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

The units size of the voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

One bedroom will be assigned to the head of the household and spouse or partner, and one bedroom will be assigned for each additional two

persons. An unborn child (with verification of pregnancy) will be counted as a family member in determining bedroom size.

The subsidy standard will not be increased for additions to the family unless the addition is due to birth, adoption or court-awarded custody. If the household size increases due to the addition of a spouse or partner, the subsidy standard will be increased to accommodate the spouse/partner and the children for whom he/she has legal custody. Adding additional members to the household will not be approved if it causes the family to be underhoused.

The family unit size for any family consisting of a single person must be either a zero or a one-bedroom unit.

Any foster children or adults who are in the home at the time of initial voucher issuance, and who are determined to be in a long-term placement, will be considered as family members in the determination of subsidy size. For the purpose of determining subsidy size, long-term placement is defined as a 12 or more months.

B. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.403(a) & (b)]

The PHA may grant an exception upon request as an accommodation for persons with disabilities. If an exception to the subsidy standards is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability, the family may complete a "Request for Reasonable Accommodation" form and submit it

to the PHA staff or speak with their Housing Specialist. The PHA may approve this request, if necessary, after the need is verified by a medical professional.

Exceptions will be made to allow a live-in aid. Live-in attendants will be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.

Underhoused

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

Overhoused

If a participant has a decrease in the family size, the family has the option to be issued a new voucher or remain in the unit they are currently renting. If the family chooses to remain in the unit, the subsidy standard will be lowered at the next annual re-examination. If the family chooses to move, the voucher issued will be for the correct subsidy standard. The amount the family pays for rent should be affordable and the tenant portion of rent and the current utility allowance can not exceed 40% of their adjusted income at the time of lease-up. The HA rent will be based on the payment standard for the number of bedrooms the family is eligible for or the actual number of bedrooms in the unit, whichever is less. In cases where the

gross rent is less than the payment standard, it will be used as the payment standard.

C. UNIT SIZE SELECTED [24 CFR 982.402(c)]

The family may select a different size dwelling unit than the listed on the voucher. The amount of assistance is based on the authorized or actual bedroom size, whichever is less. The utility allowance is based on the size of the unit actually selected.

CHAPTER VI – FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION [24 CFR Part 5, Subparts E & F; 24 CFR 982]

INTRODUCTION

The accurate calculation of annual income and adjusted income will ensure that families are not paying more or less money for rent than their obligation under Federal regulations.

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

A. MINIMUM RENT

“Minimum Rent” is \$50. Minimum rent is a minimum Total Tenant Payment. A family whose TTP has been set at the minimum rent may receive a utility reimbursement. Families may request an exception to this policy for hardship when the appropriate form is completed.

Hardship Exemption

When a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the first of the month following the family's request.

The PHA then determines whether the financial hardship exists and whether the hardship is temporary (expected to last ninety days or less) or long-term.

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

Temporary Hardship

If the PHA determines that the qualifying financial hardship is temporary, the PHA must suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption.

At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay the PHA the amounts suspended. HUD requires the PHA to offer a reasonable repayment agreement, on terms and conditions established by the PHA. The PHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

Long-Term Hardship

If the PHA determines that the financial hardship is long-term, the PHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

B. INCOME AND ALLOWANCES

Income includes all monetary amounts which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines in the Federal Regulations what is to be calculated and what is to be excluded. In accordance with this definition, all income that is not specifically excluded in the Regulation is counted.

Annual income is defined as, "The gross amount of income anticipated to be received by the family during the twelve months after certification or recertification". Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not the applicants are within the applicable income limits.

Adjusted income is defined as the annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from annual income:

- Dependent Allowance: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
- Elderly/Disabled Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.
- Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.
- Child Care Expenses: Deducted for the care of children under thirteen years of age when child care is necessary to allow an adult member to work, attend school, or actively seek employment.
- Allowable Disability Assistance Expense: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

C. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS/MANDATORY EARNED INCOME DISALLOWANCE (MEID) [24 CFR 5.617]

Initial Twelve-Month Exclusion

The annual income for a qualified disabled family may not be increased as a result of increases in earned income of a family member who is a person with disabilities, beginning on the date on which the increase occurred and continuing for a cumulative 12-month period.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Second Twelve-Month Exclusion and Phase-in

During the second cumulative 12-month period, after the exemption of the initial 12-month period referred to above, the PHA must exclude from annual income of a qualified family, 50% of any increase in income of a family member who is a person with disabilities, as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four-Year Disallowance

The earned income disallowance is limited to a lifetime of 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12-months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

To qualify for the earned income exclusion, a disabled family must be receiving tenant-based rental assistance under the Housing Choice Voucher Program and must meet one or more of the following conditions:

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

The definitions of “Previously Employed” and “Economic Self-Sufficiency Program” are available in the glossary of this Administrative Plan.

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

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

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

Applicability of Child Care and Disability Assistance Expense Deductions

The amount deducted for child care and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for disabled families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care and disability assistance expense deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD Form 50058. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation may include:

- Date the increase in earned income was reported by the family;
- Name of the family member whose earned income increased;
- Reason (new employment, participation in a job training program, within 6 months after receiving TANF) for the increase in earned income;
- Amount of the increase in earned income (amount to be excluded);
- Date the increase in income is first excluded from annual income;
- Date(s) earned income ended and resumed during the initial cumulative twelve month period of exclusion (if any);
- Date the family member has received a total of 12 months of the initial exclusion;
- Date the twelve-month phase-in period began;
- Date(s) earned income ended and resumed during the second cumulative twelve month period (phase-in) of exclusion (if any);
- Ending date of the maximum forty eight months (four years) disallowance period (forty eight months from the date of the initial earned income disallowance);
- Date the family member has received a total of 12 months of the phase-in exclusion.

The PHA will maintain a tracking system to ensure correct application of the earned income disallowance.

Interim reexaminations will not be done for income increases. The initial Twelve-Month Exclusion will still begin on the date on which the increase in earned income begins.

Inapplicability to Admission

The earned income disallowance is only applied to determine the annual income of disabled families who are participants in the Housing Choice Voucher Program, and therefore, does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

D. OCCUPANCY REQUIREMENTS

The PHA must compute all applicable income of every family member, including those who are temporarily absent (see “Temporary Absence of Family Members” below). It is the responsibility of the head of household to report changes in family composition.

Temporary Absence of Family Members

Any member of the household who is away from the unit for less than thirty days will be considered temporarily absent.

Permanent Absence of Family Members

Any member of the household, except minor and full-time students, will be considered permanently absent if he/she is away from the unit for more than thirty consecutive days in a twelve-month period, except as otherwise provided in this chapter.

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

Reporting Absences to the PHA

Reporting changes in household composition is both a HUD and a PHA requirement.

If a family member leaves the household, the family must report this change to the PHA, in writing, within 30 days of the change and certify as to whether the member is temporarily absent or permanently absent.

The PHA may conduct an interim evaluation for changes which affect the Total Tenant Payment in accordance with the interim policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the PHA may terminate assistance in accordance with appropriate termination procedures contained in this Plan. Families are required to notify the PHA before they move out of a unit and to give the PHA information about any family absence from the unit.

If the entire family is absent from the assisted unit for more than sixty (60) consecutive days, the unit will be considered to be vacant and the assistance will be terminated. If it is determined that the unit is considered

to be vacant, the PHA will terminate the HAP contract, terminate the family's assistance and immediately stop any further payments.

In order to determine if the family is absent from the unit, the PHA may:

- Conduct a home visit
- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors
- Contact emergency sources
- Verify if utilities are in service
- Check with the Post Office
- Obtain written or verbal verification from the Owner

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the PHA can verify that the person was unable to notify the PHA in accordance with the family's responsibilities, and if funding is available, the PHA may reinstate the family as an accommodation, if requested by the family.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, the PHA will seek advice from a reliable qualified source as to the likelihood and timing of their

return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 120 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy.

Absence due to Full-Time Student Status

Full time students under twenty-four years of age, who attend school away from the home, will be considered as part of the household (for calculating subsidy standards) if they live with the family for more than 183 days in a year.

Absence due to Incarceration

If the sole member is incarcerated for more than thirty consecutive days, he/she will be considered permanently absent and the PHA will stop providing assistance payments. Any member of the household, other than the sole member, will be considered permanently absent if he/she is incarcerated for thirty consecutive days in accordance with the "Permanent Absence of Family Members" section above.

The PHA will determine if the reason for incarceration is for drug-related or violent criminal activity and take appropriate action (see "Denial or Termination of Assistance", Chapter XV of this Administrative Plan).

Absence due to Military Service

Absence of the head of household or the spouse or partner, due to military service, will be considered a temporary absence.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the PHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than six consecutive months from the date of removal of the child/children, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the PHA's subsidy standards.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the PHA will treat that adult as a visitor for the first ninety days. Any children will then be considered the remaining members of the participant family. If the court has not awarded custody or legal guardianship, but the action is in process, the PHA will secure verification from social services staff or the attorney as to the status.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the PHA will review the status at thirty-day intervals.

If court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under all program criteria, the lease may be transferred to the caretaker, who becomes the head of household subject to all program rules.

The PHA will work with the appropriate service agencies to provide a smooth transition in these cases.

Visitors

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

- Absence of evidence of any other address will be considered verification that the visitor is a member of the household.
- Statements from neighbors and/or the landlord will be considered in making the determination.
- Use of the unit address as the visitor's current address for any purpose that is not explicitly temporary shall be construed as permanent residence.
- The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the PHA will terminate assistance since prior approval was not requested for the addition.

Examples of acceptable methods of proof are (three are required)

- mail
- address of record given to any federal, state or public entity
- utility bills
- address of record from employment
- credit report history

In a joint custody arrangement, if the minor is in the household less than one hundred eighty three (183) days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents are participating in the HCV program, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

Reporting Changes to Owner and PHA

Reporting changes in household composition to the PHA is both a HUD and a PHA requirement.

The family obligations require the family to request PHA approval to add any other family member as an occupant of the unit and to inform the PHA of the birth, adoption, or court-awarded custody of a child. The family must request prior approval of additional household members in writing. If any new family member is added, the income of the additional member will be included in the family income as applicable under HUD regulations.

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

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court-awarded custody.

E. REMAINING MEMBER OF TENANT FAMILY – RETENTION OF VOUCHER

To be considered the remaining member of the tenant family, the member must have been a part of the household at the time that the family began program participation unless, the remaining member is a minor, co-head (upon approval), or an elderly participant previously authorized by the PHA.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

- The court has to have awarded emancipated minor status to the minor, or

- The PHA has to have verified that social services/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.
- A reduction in family size may require a reduction in the voucher family unit size.

F. WAGES FROM EMPLOYMENT WITH THE PHA OR RESIDENT ORGANIZATION

Upon employment with the PHA or officially recognized Resident Organization, the full amount of employment income received by the person is counted. There is no exclusion of income for wages funded under the 1937 Housing Act Programs, which includes Public Housing and the Housing Choice Voucher Program.

G. AVERAGING INCOME

When annual income cannot be anticipated for a full twelve months, the PHA will arrange known sources of income that vary to compute an annual income.

If there are bonuses or overtime, which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used. (If not used in the prior year). Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month; this estimate will be used so that the

tenant rent will not change from month to month. The method used depends on the regularity, source and type of income.

H. MINIMUM INCOME

There is no minimum income requirement.

Families that report zero income will be required to complete an interim recertification every 90 days. They must provide a written statement regarding their means of basic subsistence, such as food, utilities, transportation, etc.

If the family's expenses exceed their known income, the PHA will make inquiry of the head of household as to the nature of the family's accessible resources.

The PHA will request credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, the PHA will take action to investigate the possibility of fraud or program abuse.

I. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the PHA will exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

J. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(b)(7)]

Regular contributions and gifts are counted as income for calculation of the Total Tenant Payment. After 6 months, regular loans will be considered income.

Any contribution or gift received every three months or more frequently will be considered a “regular” contribution or gift, unless the amount is less than \$400 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See “Verification”, for further definition).

If the family’s expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.

K. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(b)(7)]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the PHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The PHA will accept verification that the family is receiving an amount less than the award if:

- The PHA receives verification from the agency responsible for enforcement of collection; or

- The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

L. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Lump-sum additions to family assets, inheritances, deferred employment income, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income.

Lump-sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump-sum receipt, the PHA uses a calculation method which calculates retroactively.

Retroactive Calculation Methodology

The PHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The PHA will determine the amount of income for each certification period, including the lump-sum, and recalculates the tenant rent for each certification period to determine the amount due the PHA.

The amount owed “retroactive” is due and payable to the PHA. At the PHA’s option, the PHA may enter into a repayment agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family’s attorney fees may be deducted from lump-sum payments when computing annual income if the attorney’s efforts have recovered the lump-sum compensation, and the recovery pay to the family does not include an additional amount in full satisfaction of the attorney fees.

M. CONTRIBUTIONS TO RETIREMENT FUNDS – ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Contributions to company retirement/pension funds are handled as follows:

- While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.

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

N. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(b)]

The PHA must count assets disposed of for less than fair market value during the two years preceding initial certification or reexamination. The PHA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcies are not considered to be assets disposed of for less than fair market value.

Assets disposed of as a result of a divorce or separations are not considered to be assets disposed of for less than fair market value.

The PHA's minimum threshold for counting assets disposed of for less than fair market value is \$5,000. If the total value of assets disposed of within a one-year period is less than \$5,000, they will not be considered as assets.

O. CHILD CARE EXPENSES [24 CFR 5.611; 24 CFR 5.609(c)]

Non-reimbursable child care expenses for children under thirteen years of age shall be deducted from annual income if they enable a family to actively seek employment, to be employed, or to further his or her education to comply with Federal law.

For disabled family members who are children thirteen years of age and older, childcare expenses, which enable a family to actively seek

employment, to be employed, or to further his or her education shall be considered deductible disability expenses.

In the case of a child attending private school, only before or after-hours care can be counted as childcare expenses.

Childcare expenses must be reasonable. Reasonable is determined by what the average allowance expense rates are in the PHA's jurisdiction.

Allowability of deduction for childcare expenses is based on the following guidelines:

- Childcare to Work: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
- Childcare for School: The amount of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).
- Amount of Expense: The PHA will survey the local care providers in the community and other various surveys to determine what is reasonable. The PHA will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the PHA may calculate the allowance using the guideline.

When the person who is enabled to work is a person with disabilities who receives the earned income disallowance (EID) or a full-time student

whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

P. MEDICAL EXPENSES [24 CFR 5.611(a)(3)(i)]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Nonprescription medicines will be doctor-recommended in order to be considered a medical expense.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes eligible receipts.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

Q. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability: Proration of assistance must be offered to any "mixed" applicant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See "Recertifications", Chapter XII). Applicants mixed families are entitled to

prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD Form 50058.

R. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

See “Recertifications”, Chapter XII, of this Administrative Plan.

S. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR 982.517]

The same Utility Allowance Schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family’s actual energy consumption.

The PHA’s Utility Allowance Schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

The PHA may not provide any allowance for non-essential utility costs, such as costs for cable or satellite television.

The PHA must classify utilities in the utility allowance schedule according to the following general categories: space heating, cooking, water heating, water, sewer, trash collection, refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range), and other specified services.

An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners.

The PHA will review the Utility Allowance Schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant's family rent calculation at the next reexamination.

The approved Utility Allowance Schedule is given to families along with their voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the PHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance.

Where the calculation on the HUD Form 50058 results in a utility reimbursement payment due the family, the PHA will provide a utility

reimbursement payment for the family each month. The check will be made out directly to the tenant.

CHAPTER VII – VERIFICATION [24 CFR 982.516; 24 CFR 5.230]

INTRODUCTION

HUD regulations require that the factors of eligibility, Total Tenant Payment and Family Share be verified by the PHA. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information to the PHA whenever information is requested. The PHA's verification requirements are designed to maintain program integrity. This chapter explains the PHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The PHA will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED

The PHA will verify information through the four methods of verification acceptable to HUD in the following order:

- Up Front Verification (when available)
- Third-Party Written
- Oral
- Review of Documents
- Certification

The PHA will allow two weeks for return of third-party verifications and one week to obtain other types of verifications before going to the next method. The PHA will document the file as to the reason third-party written or oral verification was not used.

For applicants, verifications may not be more than sixty days old at the time of voucher issuance. Documents must not be more than thirty calendar days old at time of receipt.

The PHA will not delay the processing of an application or recertification beyond a reasonable and appropriate time period, because a third party information provider does not return the verification in a timely manner.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third-party written verifications.

The PHA will accept verifications delivered by the family as third-party (if they can be verified by other means) from agencies, including but not limited to:

- Social Security Administration
- Veterans Administration
- Welfare Assistance

- Unemployment Compensation Board
- Pharmacy (in regard to prescription drugs)
- A Local, State or Federal Court
- The Work Number
- State Wage/Income Collection Agency
- TANF

Third-Party Oral Verification

When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contact form, noting with whom they spoke, the date of the conversation, and the facts provided. If provided by telephone, the PHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within two weeks, the PHA will utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant's file. In cases where documents are viewed which can not be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form or document.

In absence of third-party written or oral verification, the PHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer printouts from the employer
- Other documents noted in this chapter as acceptable verification

The PHA may accept faxed documents and photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the PHA will utilize the third-party verification.

Self-Certification

When verification can not be made by third-party verification or review of documents, families will be required to submit a self-verification.

Self-verification means a statement signed under penalty or perjury which must be witnessed by a staff person.

B. RELEASE OF INFORMATION [24 CFR 982.516 & 982.551; 24 CFR 5.230]

All adult family members will be required to sign the HUD Form-9886, Release of Information/Privacy Act form.

In addition, adult family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD Form-9886, Authorization for Release of Information/Privacy Act Notice.

Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their view and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance. It is a family obligation to supply any information and to sign consent forms requested by the PHA or HUD.

C. COMPUTER MATCHING

The PHA may employ computer matching.

D. ITEMS TO BE VERIFIED

- All income.
- Full-time student status of all students who are eighteen years or age or older.
- Current assets including assets disposed of for less than the fair market value in the preceding two years.
- Child care expenses where it allows an adult family member to be employed or actively seeking employment to further his/her education.
- Total medical expenses of all family members in household whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled

member of the family, which allow an *adult* family member to be employed.

- Disability for the determination of preferences, allowances and deductions.
- U.S. citizenship/eligible immigrant status.
- Social Security numbers for all family members over one year or older.
- “Preference” status
- Familial or Marital status.
- Verification of Reduction in Benefits for Noncompliance:
The PHA will obtain written verification from the welfare agency stating the family’s benefits have been reduced for fraud or noncompliance *before* denying the family’s request for rent reduction.
- Legal Identity
- Family Composition

E. VERIFICATION OF INCOME

This section defines the methods the PHA will use to verify various types of income.

Employment Income

PHA verification forms request the employer to specify the following:

- Dates of employment
- Amount and frequency of pay

- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during the next 12 months

Acceptable methods of verification include, in this order:

- Employment verification form completed by the employer.
- Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.
- W-2 forms and income tax return forms.
- Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.
- Credit checks.

Applicants and program participants may be required to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made.

**Social Security, Pensions, Supplementary Security Income (SSI),
Disability Income**

Acceptable methods of verification include, in this order:

- Benefit verification form completed by agency providing the benefits.
- Award or benefit notification letters prepared and signed by the providing agency.
- Computer report electronically obtained or in hard copy.
- Bank statements for direct deposit.

Unemployment Compensation

Acceptable methods of verification include, in this order:

- PHA verification form completed by the unemployment compensation agency.
- Computer report electronically obtained or in hard copy, from unemployment office stating payroll dates and amounts.
- Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

- PHA verification form completed by payment provider.
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next twelve months.
- Computer-generated *Notice of Action*.

- Computer-generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

- PHA verification form completed by payment provider.
- Copy of latest check and/or payment stubs from Court Trustee.
PHA must record the date, amount, and number of check.
- Oral verification from the District Attorney Child Support Hotline.
- Copy of a separation or settlement agreement on a divorce decree stating amount and type of support and payment schedule.
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

- PHA verification form completed by parent provider.
- A welfare notice of action showing amounts received by the welfare agency for child support.
- A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the PHA will review the IRS and financial documents from prior years and use this information to anticipate the income for the next twelve months.

Acceptable methods of verification include, in this order:

- Schedule C (Small Business)
- Schedule E (Rental Property Income)
- Schedule F (Farm Income)

Recurring Gifts

The family must furnish a self-certification which contains the following information:

- The person who provides the gifts;
- The value of the gifts;
- The regularity (dates) of the gifts;
- The purpose of the gifts.

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. Recertifications will be done every 90 days.

The PHA will run a credit report if information is received that indicates the family has an unreported income source.

Full-Time Student Status

Only the first \$480 of the earned income of full-time students, eighteen years of age or older, other than the head, co-head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full-time students are not counted towards family income.

Verification of full-time student status includes written verification from the registrar's office or other school official, indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

F. INCOME FROM ASSETS

Acceptable methods of verification include, in this order:

1. Savings Accounts Interest and Dividends
 - PHA verification form to be completed by relevant financial institution.
 - Account statements, passbooks, and/or certificates of deposit.
2. Interest Income from Mortgages or Similar Arrangements
 - Amortization schedule showing interest for the twelve months following the effective date of the certification or recertification.
 - If the family has filed a tax return, they will be required to provide it.
3. Net Rental Income from Property Owned by Family
 - Income tax forms
 - Copies of latest rent receipts, leases, or other documentation or rent amounts.

G. VERIFICATION OF ASSETS

Family Assets

The PHA will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the assets were converted to cash).

Acceptable verification may include any of the following:

- Verification forms, letters, or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- Family's self-certification describing assets or cash held at the family's home.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all certifications and recertifications, the PHA will obtain the family's certifications as to whether any member has disposed of assets for less than the fair market value within the past two years of the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than the fair market value, a self-certification is required that shows:

- a. all assets disposed of for less than FMV;
- b. the date they were disposed of;

- c. the amount the family received; and
- d. the market value of the assets at the time of disposition.

Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Families must provide certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Written verification from the persons who receives the payments is required. If the child care provider is an individual, she/he must provide a statement of the amount they are charging the family for their services.

Verification must specify the child care provider's name, address, telephone number, social security number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Medical Expenses

Families, whose head or co-head is elderly or disabled are eligible to claim medical expenses, will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. One or more of the methods listed below will verify all expense claims:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of: (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b)

extent to which these expenses will be reimbursed by insurance or a government agency.

- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next twelve months. A computer printout will be accepted.
- For attendant care, a knowledgeable professional's confirmation that the assistance of the attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes. The PHA may request the attendant's written confirmation of hours of care provided and the amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next twelve months.
- Receipts or other record of medical expenses incurred during the past twelve months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to

doctors and dentists, but nor for one time, nonrecurring expenses from the previous year.

- The PHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities

In all cases:

- Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of an auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
- Family's certification as to whether they receive reimbursement for any of the expenses or disability assistance and the amount of any reimbursement received.

Attendant Care:

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

Auxiliary Apparatus:

- Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

- In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Current Driver's License
- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- U.S. Military Discharge (DD 214)
- U.S. Passport
- Department of Human Assistance Identification Card
- Company/Agency Identification Card

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth or Naturalization
- Adoption papers
- Custody agreement

- Department of the Family ID
- School ID cards
- Passport
- Drivers License

Familial Relationships

Self-certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will be accepted:

1. Verification of Relationship:
 - Birth Certificates
 - Baptismal Certificates
2. Verification of guardianship:
 - Court-ordered assignment
 - Affidavit of parent
 - Verification from social services agency
 - School records
3. Verification of Marital Status:
 - Certificate of Marriage
 - Divorce Decree
 - Court Records

Verification of Permanent Absence of Family Member

If an adult member who was formally a member of the household is reported permanently absent by the family, the PHA will consider any of the following as verification:

- Husband or wife institutes divorce action, and proof of another home address.
- Husband or wife institutes legal separation, and proof of another home address.
- Order of protection; restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, cancelled checks for rent, driver's license, or lease or rental agreement.
- Statement from other agencies such as social services or a written statement from the owner or manager that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long he/she will be incarcerated.
- If no other proof can be provided, the PHA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Family Composition

The PHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, owners, neighbors, credit data, school records, IRS tax returns and other sources.

Verification of Disability

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

Verification of Citizenship/Eligible Immigrant Status

Ineligible family members have either been determined ineligible or elect not to contest their status. To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by the Immigration and Naturalization Service (INS). Each family member must declare his or her status once. Assistance can not be delayed, denied, or terminated while verification of status is pending, except that assistance to applicants may be delayed while the PHA hearing is pending.

The PHA will not require citizens to provide documentation of citizenship.

Citizens or National of the United States are required to sign a declaration under penalty of perjury.

Eligible immigrants who were participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family.

The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of the household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents as required, they must be listed as ineligible members. If the entire family fails to provide

and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility at the time of the initial application.

For family members added after other members have been verified, the verification occurs before the new family member may move in.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial PHA does not supply the documents, the PHA must conduct the determination.

Extensions of Time to Provide Documents

The PHA will grant an extension of thirty (30) days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Residence Card (I-688)
- Employment Authorization Card (I-688B)

- Receipt issued by the Bureau of Citizenship and Immigration Service, (formerly INS) for issuance of replacement of any of the above documents that show individual's eligibility has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept for five years.

Verification of Social Security Numbers

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of social security numbers will be done through a social security card issued by the Social Security Administration. If a family member can not produce a social security card, only the documents listed below showing his or her social security number may be used for verification.

- A driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by Medicare or Medicaid
- Benefit award letters from government agencies
- Verification of benefits or social security number from Social Security Administration

New family members aged one year and older will be required to have a social security card or the substitute documentation described above together with their certification that the substitute information provided is

complete and accurate. This information is to be provided at the time the change in family composition is reported to the PHA.

If an applicant or participant is able to disclose the social security number but can not meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the PHA.

The applicant/participant or family member will have an additional sixty (60) days to provide proof of the social security number. If they fail to provide this documentation, the individual's assistance will be terminated.

In the case of an individual at least sixty-two (62) years or age, the PHA may grant extensions in 60-day increments for a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the individual's assistance will be terminated and the family subsidy will be pro-rated.

CHAPTER VIII – VOUCHER ISSUANCE AND BRIEFINGS [24 CFR 982.301; 982.302]

INTRODUCTION

The PHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an appropriate housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the PHA will conduct a mandatory briefing to ensure that the families are provided clear information on how the program works. The briefing will provide a broad description of owner and family responsibilities, PHA procedures, and how to lease a unit. The family will also receive a briefing packet that provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. FUNDING AVAILABILITY

When funding is available, the PHA will issue vouchers to applicants whose eligibility has been determined. The number of vouchers issued must ensure that the PHA stays as close as possible to 100 percent lease-up. The PHA performs a monthly calculation to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent the PHA can over-issue (issue more vouchers than the budget allows to achieve lease-up).

The PHA may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers that are over-issued must be honored. If the PHA finds it is over-leased, it must adjust future issuance of vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups. Families who attend group briefings and still have the need for additional assistance will be referred to designated staff.

Briefings will be conducted in Spanish.

The purpose of the briefing is to explain how the program works and to explain the documents in the voucher holder's packet to families so that they are fully informed about the program. This will enable families to utilize the program to their advantage, and it will prepare them to discuss the benefits of the program with potential owners and property managers.

The PHA will not issue a voucher to a family unless the head of household has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend to scheduled briefings without prior notification and approval of the PHA, may be denied admission based on failure to supply information needed for certification.

The PHA will conduct individual briefings for families with disabilities at

their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the voucher program will comply with HUD requirements. The family is provided with the following information and materials:

- The term of the voucher, and the PHA policy for requesting extensions or suspension of the voucher (referred to as tolling).
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family; how the PHA determines total tenant payment for a family and information on the payment standard and utility allowance schedule. It shows how the PHA determines the maximum allowable rent for an assisted unit and where the family may lease a unit. For a family that qualifies to lease a unit outside the PHA's jurisdiction under portability procedures, the information must include an explanation of how portability works.
- The HUD required tenancy addendum, which must be included in the lease.
- The form the family must use to Request for Tenancy Approval (RFTA), and a description of the procedure for requesting approval for a tenancy.

- A statement of the PHA policy on providing information about families to prospective owners.
- The PHA Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected.
- The HUD brochure on how to select a unit and the HUD brochure “A Good Place to Live” on how to select a unit that complies with the HQS.
- The HUD pamphlet on lead-based paint entitled *Protect your Family from Lead in Your Home*. Information on Federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The PHA will also include the pamphlet “Fair Housing: It’s Your Right” and other information about fair housing laws and guidelines and the phone numbers of the local fair housing agency and the HUD enforcement office.
- A list of owners or other parties willing to lease to assisted families or help in the search of known units available for the voucher issued. The list includes owners or other parties who are also willing to help families find units outside areas of poverty and minority concentration.
- If the family includes a person with disabilities, notice that the PHA will provide a list of available accessible units known to the PHA.
- The family obligations under the program.

- The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.
- PHA informal hearing procedures including when the PHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability. (Required for PHAs in MSAs).
- A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families. (Required for PHAs in MSAs).
- Information regarding the PHA's outreach program that assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside minority concentrated locations.
- A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration. (Required for PHAs in MSAs).
- The family's rights as a tenant, and a program participant.
- Requirements for reporting changes between annual recertifications.

If the family includes a person with disabilities, the PHA will ensure compliance with CFR 8.6 to ensure effective communication.

Move Briefings

A move briefing may be held for participants who will be reissued a voucher to move (and who have been recertified within the last 120 days). This briefing includes incoming and outgoing portable participants. The PHA may require a recertification within 120 days of a move.

Owner Briefings

Briefings are held for owners monthly. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the three parties (the owner, the family and the PHA).

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW-INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the PHA will provide assistance to families who wish to do so.

The PHA has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

The PHA has maps that show areas outside poverty and minority concentration and has assembled information regarding the

characteristics of these areas (such as job opportunities, schools, transportation, and other services) to use in briefings to inform voucher holders of the full range of areas to search for housing.

The PHA will analyze when voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

- Providing families with a search record form to gather and record information;
- Direct contact with owners;
- Providing information about services in various non-impacted areas;
- Formal or informal discussions with groups of owners;
- Formal or informal discussions with social services agencies.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The PHA will give participants a copy of HUD Form-903 to file a complaint.

E. SECURITY DEPOSIT REQUIREMENT [24 CFR 982.313]

The owner is not required to, but may collect a security deposit from the tenant.

Security deposits charged by owners may not exceed the maximum prescribed by state or local law.

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to beginning of assistance.

Revolving Loan

When funding is available, the PHA may offer a zero (0) interest security deposit loan.

The loan may be repaid over the initial term of the lease, and is limited to the lesser of \$1,500 or 80% of the security deposit, and is paid directly to the owner/agent.

The loan is available for those applicants that have been determined eligible for initial assistance, and have attended the Housing Search Assistance Class.

The PHA may conduct voluntary Housing Search Assistance Classes for those applicants who have been determined eligible for initial assistance.

These special classes will provide applicants with information on how to improve their chances of finding a place to live.

F. VOUCHER ISSUANCE [24 CFR 982.204(d); 982.54(d)(2)]

During the briefing session, each household will be issued a voucher that authorizes the family to search for a suitable unit. The voucher is evidence that the PHA has determined the family eligible for the program and plan to subsidize the family if the family selects a unit that can be approved under program requirements. The voucher specifies the unit size for which the family is qualified for and briefly describes how the program works and explains the family obligations under the program. Admission to the program occurs when the lease and contract become effective.

Term of Voucher [24 CFR 982.303; 982.54(d)(11)]

Vouchers will be issued for a term of 60 days. The family must submit a Request for Tenancy Approval and Lease Approval within this period.

Extensions for Reasonable Accommodations

The PHA will approve extensions to the search term, in 60-day increments, if the family needs and requests an extension of the initial voucher term as a reasonable accommodation to make the program accessible to a family member who is a person with disabilities. The PHA may request a copy of the family search record. The PHA will extend the voucher term up to the term reasonably required for the purpose of making the program accessible to a family member who is a person with disabilities.

Tolling/Suspension of Search Time

The voucher term will be suspended (the clock on the family's voucher is stopped) from the date a Request for Tenancy Approval is received until the PHA approves or denies the request.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the PHA Office to request assistance. Voucher holders will be notified at their briefing session that the PHA periodically updates the listing of available units and how the updated list may be obtained.

The PHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDERS [24 CFR 982.315]

In those instances when a family assisted under the Section 8 program or an applicant becomes divided into two otherwise eligible families to due divorce, legal separation, or other division of the family, and the new families can not agree as to which new family unit should continue to receive the assistance; lacking a determination by a court, the supervisor shall consider the following factors to determine which of the families will continue to be assisted:

- Which of the two new family units has custody of dependent children?
- Which family member was the head of household when the voucher was initially issued (listed on the initial application).
- The composition of the new family units, and which unit contains elderly or disabled members.
- Whether domestic violence was involved in the breakup.
- Which family members remain in the unit?
- Recommendations of social services professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the PHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

CHAPTER IX – REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION [24 CFR 982.302]

INTRODUCTION

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

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the PHA, or outside of the PHA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner who is willing to enter into a Housing Assistance Payments Contract with the PHA. This chapter defines the types of eligible housing, the PHA's policies that pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests for Approval of Tenancy (RFTA).

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.302, 982.305(b)]

The Request for Tenancy Approval (RFTA) and a copy of the proposed lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the RFTA in the form and manner required by the PHA.

The RFTA must be signed by both the owner and the voucher holder.

The PHA will not permit the family to submit more than one RFTA at a time.

The PHA will receive the proposed lease and the Request for Tenancy Approval documents to determine whether or not they are approvable.

The request will be approved if:

- The unit is an eligible type of housing.
- The rent is reasonable.
- The security deposit is approvable in accordance with any limitations in this Plan.
- The proposed lease complies with HUD and PHA requirements (See “Lease Review” section on this Chapter).
- The owner is approved, and there are no conflicts of interest (See “Owner Disapproval”, Chapter XVI of this Administrative Plan)

In addition to the above, at the time a family initially receives assistance in a unit (new admission and moves), if the gross rent for the unit exceeds the applicable payment standard for the family, the family share (defined in glossary) may not exceed forty percent (40%) of the family’s monthly adjusted income (See “Owner Rents, Rent Reasonableness and Payment Standards”, Chapter XI of this Administrative Plan).

Disapproval of RFTA

If the PHA determines that the request cannot be approved for any reason, the owner and the family will be notified in writing. When, for any reason, a RFTA is not approved, the PHA will furnish another RFTA form to the family along with the notice of disapproval so that the family can

continue to search for eligible housing. During this process, the tenant's voucher may accrue tolling time.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353]

The PHA will approve any of the following types of housing:

- All structure types can be utilized.
- Manufactured homes where the tenant leases the mobile home and the pad.
- Manufactured homes where the tenant owns the mobile home and leases the pad.
- Group homes
- Congregate facilities (only the shelter rent is assisted)
- Single room occupancy
- Units owned (but not subsidized) by the PHA (following HUD-prescribed requirements).

A family can own a rental unit but can not reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The PHA may not permit a voucher holder to lease a unit, which is receiving HUD project-based Housing Choice Voucher assistance or any duplicative rental subsidies.

C. LEASE REVIEW [24 CFR 982.308]

The PHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and state and local law. The tenant also must have legal capacity to enter a lease under state and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the Request for Tenancy Approval. If the owner uses a standard lease form for the rental unassisted tenants in the Municipality of San Sebastián, the same lease must be used for HCV program units (with the addition of the HUD Tenancy Addendum).

The lease must specify:

- The names of the owner and tenant;
- The address of the unit rented (including apartment number, if any);
- The amount of the monthly rent to owner;
- The utilities and appliances to be supplied by the owner;
- The utilities and appliances to be supplied by the family.

The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed.

Effective September 15, 2000, the owner's lease must include the Lead Warning Statement and disclosure information required by 24 CFR 35.92(b).

Actions before Lease Term

The following must always be completed prior to the beginning of the initial term of the lease for a unit:

- The PHA must inspect the unit and have determined that the unit satisfies the HQS;
- The PHA must have determined that the rent charged by the owner is reasonable;
- The landlord and the tenant must have executed the lease, including the HUD-prescribed tenancy addendum;
- The PHA must have approved leasing of the unit in accordance with program requirements;
- When the gross rent exceeds the applicable payment standard for the family, the PHA must determine that the family share (total family contribution) will not be more than forty percent (40%) of the family's monthly adjusted income.

D. SEPARATE AGREEMENTS

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side agreements for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items not

included in the lease if the agreement is in writing and approved by the PHA.

Any appliances, services or other items, which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, can not be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the PHA. If agreements are entered into at a later date, they must be approved by the PHA and attached to the lease.

E. RENT LIMITATIONS [24 CFR 982.507]

The PHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease un the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

By accepting each monthly housing assistance payment from the PHA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner is

required to provide the PHA with information requested on rents charged by the owner on the premises or elsewhere.

At all times during the tenancy, the rent to owner may not be more than the most current reasonable rent as determined and approved by the PHA.

F. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed gross rent is not reasonable, at the family's request, the PHA will negotiate with the owner to reduce the rent to a reasonable rent. If, in the voucher program, the rent is not affordable because the family share would be more than forty percent (40%) of the family's monthly adjusted income, the PHA may negotiate with the owner to reduce the rent to an affordable rent for the family.

If the rent can be approved after negotiations with the owner, the PHA will continue processing for tenancy approval and lease.

If the owner does not agree on the rent to owner, the PHA will inform the family and owner that the RFTA is disapproved.

G. INFORMATION TO OWNERS [24 CFR 982.307(B); 982.54(d)(7)]

In accordance with HUD requirements, the PHA will furnish prospective owners with the family's current address as shown in the PHA's records and the name and address of the owner of the unit at the family's current and prior address.

The PHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

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

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

Only the designated staff may provide this information. The PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

H. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the total family share prior to the effective date of the HAP contract at admission, the information will be verified and the total family share will be recalculated.

If the family does not report any change, the PHA need not obtain new

verifications before signing the HAP contract, even if verifications are more than sixty days old.

I. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The PHA prepares the Housing Assistance Contract and lease for execution. The family and the owner will execute the lease agreement, and the owner and the PHA will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents. Upon request, the PHA will retain a copy of all signed documents.

The PHA makes every effort to execute the HAP contract before the commencement of the lease term. The HAP contract may not be executed more than 60 days after commencement of the lease term and no payment will be made until the contract is executed.

The following PHA representative(s) is/are authorized to execute a contract on behalf of the PHA: Assistant Director or delegate.

Each owner must provide the current address of their residence (not Post Office box). If a family leases property owned by relations, the owner's current address will be compared to the subsidized unit's address.

Each owner must provide an employer identification number or social security number.

Each owner must also submit proof of ownership of the property, such as a grant deed or tax bill, and a copy of the management agreement if an agent manages the property.

The owner must also provide a home telephone number and business number if applicable.

Unless the lease was effective prior to June 17, 1998, a family may not lease property owned by a parent, child, grandfather, grandchild, sister or brother of any family member. The PHA will wave this restriction as a reasonable accommodation for a family member who is a person with a disability.

CHAPTER X – HOUSING QUALITY STANDARDS AND INSPECTIONS [24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The PHA will inspect each unit under contract at least annually. The PHA will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the PHA's procedures for performing HQS and other types of inspections, and PHA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and PHA requirements. (See additions to HQS).

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a); 982.405]

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The PHA will not promote any additional acceptability criteria which are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be in service prior to the inspection. If the utilities are not in service at the time of inspection, the inspector will notify the tenant or

owner (whomever is responsible for the utilities according to the RFTA) to have the utilities turned on.

If the tenant is responsible for supplying the stove and/or refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the units has passed all other HQS. The family must then certify after move-in that the appliances are in the unit and working. The PHA will not conduct a re-inspection.

There are four basic types of inspections:

1. Initial/Move-in: Conducted upon receipt of Request for Tenancy Approval.
2. Annual: Will be conducted within twelve months of the last annual inspection.
3. Special/Complaint: Will be performed as needed to determine if the unit meets HQS.
4. Quality Control.

B. INITIAL HQS INSPECTION [24 CFR 982.401(A9; 982.305(b)(2)]

Timely Initial HQS Inspection

To the extent practicable, the PHA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within fifteen (15) days after the family and owner submit a request for tenancy approval. If a Supervisor determines that the inspection is unable to be performed within the stated timeframe, the file will be appropriately documented.

The PHA will include “date unit available for inspection” on the RFTA form.

The fifteen-day clock is suspended during any period when the unit is not available for inspection.

The PHA will make every reasonable effort to conduct initial HQS inspections for the family and the owner in a manner that is time-efficient and indicative of good customer service. The PHA will review the average time required for a family and owner to have a unit inspected from the time the RFTA is submitted by the family and owner to the PHA.

The initial inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the owner will be advised to notify the PHA once repairs are completed.

On an initial inspection, the owner will be given no more than thirty days to correct the items noted as “fail” at the inspector’s discretion, depending on the amount of complexity of work to be done.

The owner will be allowed one re-inspection for repair work to be completed. A second re-inspection may be authorized only with supervisor approval.

If the time period given by the inspector to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the RFTA will be voided and the family must select another unit.

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The PHA conducts an inspection in accordance with Housing Quality Standards at least fifteen days before the last annual inspection, so that the inspections are conducted at least annually, as required by SEMAP.

Special inspections may be scheduled between anniversary dates. The PHA will notify the family and the owner of the special inspection date and time in writing or by phone.

“Reasonable Hours to Conduct an Inspection” are defined as the hours between 8:30 a.m. and 4:30 p.m.

Inspections will be conducted only on business days unless authorized by the Director.

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail or phone. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within seven (7) days of the date originally scheduled for the inspection.

If the family does not contact the PHA to reschedule the inspection, or if the family misses two inspection appointments, the PHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

The family must allow the PHA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.551(d)]

The owner must correct HQS deficiencies that cause a unit to fail, unless the tenant is responsible for the fail.

Re-Inspection

The family and owner are provided a notice of the inspection appointment by phone or mail. If the family is not at home for the re-inspection appointment, a notice will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family in case of owner-caused abatement. Program Eligibility may also be jeopardized for missed inspections which the tenant is responsible for.

The family is also notified that it is a Family Obligation to allow the PHA to inspect the unit. If the family was responsible for a breach of HQS, they will be advised of their responsibility to correct any failed items that are family-caused.

Time Standards for Repair

Emergency items that endanger the family's health or safety must be corrected by the owner within twenty-four (24) hours of notification.

Repairs for non-emergency items must be made within thirty (30) days of the inspection fail date.

For major repairs, the supervisor may approve an extension beyond thirty days.

Rent Increases

Increases in the rent to owners may not be approved if the unit is in the failed condition.

D. MOVE OUT/VACATE

A move out inspection will be performed for Moderate Rehabilitation units only, at the owner's request.

E. SPECIAL/COMPLAINT INSECTIONS [24 CFR 982.405(c)]

If, at any time the family or owner notifies the PHA that the unit does not meet Housing Quality Standards, the PHA will conduct an inspection.

The PHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The PHA will inspect only the items that were reported, but if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be responsible to make the necessary repairs.

If the annual inspection date is within ninety days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality control inspections will be performed by the supervisor and designated staff on the number of files required by SEMAP. The purpose

of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files will include recently completed inspections (within the prior 3 months), a cross-section of neighborhoods, and a cross-section of inspectors.

G. EMERGENCY REPAIR ITEMS [24 CFR 982.404(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within twenty-four hours of notice by the inspector:

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks (such as those causing flooding or significant hazards)
- Natural gas leaks or fumes
- Electrical problem which could result in shock or fire
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle that prevents tenant's entrance or exit
- Lack of functioning toilet in the unit
- Lack of one working smoke detector per floor

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party can not be notified or it is impossible to make the repair, proper authorities will be notified by the PHA.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and it is an HQS breach that is a family obligation, the PHA will terminate the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health threat and will be treated by the PHA as an emergency (24-hour) fail item.

If the smoke detector is not operating properly, the PHA will contact the owner by phone and request the owner to repair the smoke detector within twenty-four hours. The PHA will re-inspect the unit the following day.

If the PHA determines that the family has disconnected the smoke detector (by removing batteries and other means), the family will be required to repair the smoke detector within twenty-four hours and the PHA will re-inspect the unit the following business day.

The PHA will issue a written warning to any family determined to have purposely disconnected a unit's smoke detector. Warning will state that the deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS.

H. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS) [24 CFR 982.404; 982.453]

When it has been determined that a unit is on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the PHA, the PHA must take prompt action to enforce owner obligations. PHA remedies for such breach of the Housing Quality Standards may include abatement or termination of HAP contract.

Abatement

Should circumstances arise that warrant abatement, a notice of abatement of the housing assistance payment will be sent to the owner, and the abatement will be effective the first of the month following the specified correction period. The housing assistance payment will be abated for no more than a period of sixty (60) days at which time the contract will be terminated with the required repairs are not made and cleared by an inspection.

The PHA will inspect abated units within three (3) days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The owner and family will be notified of the re-inspection date. No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of

abatement states that the tenant is not responsible for the PHA's portion of rent that is abated.

Extensions on Abatements

A PHA supervisor may grant an extension in lieu of abatement in the following cases:

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed thirty days.

At the end of that time, if the work is not completed, the PHA will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Termination Notice. The abatement will remain in effect until the HAP contract/lease terminates.

If repairs are completed before the effective termination date, the termination will be rescinded by the PHA if the tenant chooses to remain in the unit.

I. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404; 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service
- Failure to provide or maintain tenant-supplied appliances

- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear (“Normal wear and tear” is defined as items which could not be charged against the tenant’s security deposit under state law or court practice).

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation, even if caused by the family’s living habits. Owners may seek restitution from families. If such infestation is serious and repeated, it may be considered a lease violation, and the owner may evict for serious and repeated violation of the lease.

The PHA may terminate the family’s assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection.

If the family is responsible, but the owner carries out the repairs, the owner may bill the family for the cost of the repairs and the family’s file will be noted.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency (24 hour) or non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family, after providing an opportunity for an informal hearing. The owner’s rent will not be abated for items which are the family’s responsibility.

If the tenant is responsible and corrections are not made, the PHA contract will terminate when assistance is terminated.

CHAPTER XI – OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS [24 CFR 982.502; 982.503, 982.504; 982.505, 982.507]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implanted by the Quality Housing and Work Responsibility Act of 1998 for the Housing Choice Voucher Program Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the “merger date”. These amendments complete the merging of the Housing Choice Voucher Program Certificate and Voucher Programs into one program called the Housing Choice Voucher Program.

All Housing Choice Voucher Program participant families have been transitioned to the Housing Choice Voucher Program on or before October 1, 2001. Rent calculation methods for the Housing Choice Voucher Program are described at 24 CFR 982.505. The rent calculation formula is specified and is not subject to interpretation.

However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA’s responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This chapter explains the PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM
[24 CFR 982.508]

All HAP contracts will begin on the 1st. of the month. Exceptions may be granted by Program Manager approval. The tenant will be responsible for any rent prior to the start date. The owner will be responsible for collecting any rent owed prior to the start date. The rent to owner is limited only by rent reasonableness. The PHA must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, if the gross rent for the unit exceeds the applicable payment standard for the family, the family share may not exceed 40 percent of the family's monthly adjusted income.

During the initial term of the lease, the owner may not raise the rent to the participant family (contract rent).

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP contract is executed, the PHA begins processing payments to the owner. A HAP Register will be used as a basis for monitoring the

accuracy and timeliness of payments. Changes are made to the HAP Register for the following month. Checks are disbursed by the Finance Division to the owner each month. Checks may not be picked up by owners at the PHA. Exceptions may be made with the approval of a Supervisor in cases of hardship.

Checks that are not received will not be replaced until a request has been received from the payee and a stop payment has been put on the check. A request for stop payment will be processed ten days after the check issuance date.

Excess Payments

The total rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the contract rent. The owner must immediately return any excess payment to the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in the “Owner and Family Debts to the PHA”, Chapter XVII of this Administrative Plan.

Late Payments to Owners

To avoid owners to charge tenants a reasonable late fee for rents not received by the owner by the due date, the PHA must make housing assistance payments to the owner promptly and in accordance with the HAP contract.

The PHA will pay a \$35.00 late fee to the owner for housing assistance payments that are not mailed to the owner by the fifth day of the month, if

requested by the owner, excluding the first two calendar months of the HAP contract term.

Proof of “Mailed to” date will be the date of the check on the HAP Register.

Proof of “Date Deposited to the Bank Account” for checks mailed directly to the bank.

To assist the PHA in its outreach efforts to owners, and to provide better customer service, the PHA may offer to make automatic monthly HAP deposits into the bank account of the owner. If the owner agrees to such an arrangement with the PHA, the date the bank shows as the deposit date, will be the official date of record and will be the determining factor in cases involving late payment penalties.

The PHA will not be obligated to pay any late payment penalty if HUD determines that the late payment is due to factors beyond the PHA’s control, such as a delay in the receipt of program funds from HUD. The PHA will not use any program funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATION [24 CFR 982.507]

The PHA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

The PHA will not approve a lease unit the PHA determines that the initial rent to owner is a reasonable rent. The PHA must reassess reasonability

before any increase in the rent to owner. The PHA must also reassess rent reasonability if there is a five percent decrease in the published FMR in effect sixty days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The PHA must reassess rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system. The PHA may elect to reassess rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or reassessed by the PHA.

The owner will be advised that by accepting each monthly housing assistance payment she/he will be certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere. The PHA will only request information on the owner's units elsewhere if the PHA has cause to demonstrate that the owner has a tendency to charge higher rents to program participants or if needed for the rent reasonableness comparable units.

The data for other unassisted units will be gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness are zip codes-subdivisions-census tracts-neighborhoods within the PHA's jurisdiction.

The following items may be used for rent reasonableness documentation:

- Size (number of Bedrooms/square footage)
- Location
- Quality
- Amenities (bathrooms, dishwasher, air conditioning, etc.)
- Housing Services
- Age of unit
- Unit Type
- Maintenance
- Utilities

Rent Reasonableness Methodology

The PHA uses an “appraisal” method and tests the subject unit against selected units with similar characteristics. Adjustments are made for favorable and unfavorable differences between the subject unit and comparable units on the market.

The PHA maintains a database, which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than eighteen (18) months old.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulations, and at the PHA's discretion, the Voucher Payment Standard amount is set by the PHA between 90 percent and 110 percent of the HUD established FMR. This is considered the basic range. The PHA reviews the appropriateness of the Payment Standard annually when the FMRs are published. In determining whether a change is needed, the PHA will ensure that the Payment Standard is always within the range of 90% to 110% of the new FMR, unless an exception payment standard has been approved by HUD. The PHA will establish a single voucher payment standard amount for the FMR area in the PHA jurisdiction. For the FMR area, the PHA will establish a payment standard amount for each "unit size". The PHA may have a higher payment standard within the PHA's jurisdiction if needed to expand housing opportunities outside areas of poverty concentration, as long as the payment standard is within the 90-110% of FMR range. The PHA may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities. However, the payment standard cannot be approved over 110% of the Fair Market Rent.

E. ADJUSTEMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents

affordable. The PHA may not raise Payment Standards solely to make “high end” units available to Voucher holders. The PHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families’ Rent Burdens

The PHA will review its voucher payment standard amounts at least annually to determine whether more than forty percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

The PHA will establish a separate voucher payment standard, within the basic range, for designated parts of its jurisdiction, if it determines that a higher payment standard is needed in these designated areas to provide families with quality housing choices and to give families an opportunity to move outside of areas of high poverty and low-income.

Quality of Units Selected

The PHA will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standards increases are only made when needed to reach the mid-range of the market.

PHA Decision Point

The PHA will review the average percent of income of families on the program. If more than twenty-five percent of families are paying more than thirty percent of monthly adjusted income for rent, the PHA will

determine whether there is a difference by voucher size, whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's HQS and any additional standards added by the PHA in the Administrative Plan.

If families are paying more than thirty percent of their income for rent due to the selection of larger bedroom size units or luxury units, the PHA may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, the PHA will continue increasing the payment standard.

Rent to Owner Increases

The PHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increases by bedroom size.

Time to Locate Housing

The PHA may consider the average time period for families to lease-up under the Voucher program. If more than fifty percent of the Voucher holders are unable to locate suitable housing within the term of the voucher, and the PHA determines that this is due to thirty percent of rents in the jurisdiction being affordable to families even with the presence of a voucher, the Payment Standard may be adjusted.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment in the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard

should be lowered. In any case, the Payment Standard will not be set below the FMR without authorization from HUD.

Financial Feasibility

Before increasing the Payment Standard, the PHA may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current payment standards.

File Documentation

The PHA will retain a file for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation at 24 CFR 982.503(c).

If needed to prevent financial hardship for families, and increase housing choice opportunities, the PHA should request approval from the local HUD office to establish payment standards of up to 120% of the FMR.

G. OWNER PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM [24 CFR 982.308(g)]

The owner is required to notify the PHA, in writing, at least before any change in the amount of contract rent is scheduled to go into effect. Any

requested change in rent to owner will be subject to rent reasonableness requirements.

CHAPTER XII – RECERTIFICATIONS [24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the PHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulations. It is a HUD requirement that families report all changes in household composition. Between regular annual recertifications, HUD requires that families report all changes in household composition, but the PHA decides what other changes must be reported and the procedures for reporting them. This chapter defines the PHA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

The terms ***annual recertification*** and ***annual reexamination*** are synonymous.

A. ANNUAL RECERTIFICATION [24 CFR 982.516]

The PHA will recertify each family's continuing eligibility at least annually.

Recertification Notice to the Family

The PHA will maintain a recertification tracking system and the household will be notified by mail at least ninety (90) days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format. The

PHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities.

Completion of Annual Reexamination

The PHA will have all recertifications for families completed within 12 months of the last annual recertification. This includes notifying the family of any changes in rent at least thirty days before the schedule date of the change in family rent.

Failure to Respond to Notification to Recertify

The written notification must state the due date the completed recertification documents are required. The family may call to request an extended due date in case of emergency.

If the family does not respond by the due date, the recertification documents will be sent a second time.

If a family responds to a second notice, a formal warning will be issued.

If the family fails to respond to the second notice, the PHA will mail the family a notice of proposed termination of eligibility, and an informal hearing request form.

Exception to these policies may be made by supervisory or designated staff if the family is able to document an emergency situation that prevented them from recertification or attending the appointment, or if requested, as a reasonable accommodation for a person with a disability.

Verification of Information

All information affecting the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. Verifications used for recertification must be less than 120 days old. All verifications will be placed in the file, which has been established for the family.

When the information has been verified, it will be analyzed to determine:

- The continued eligibility of the participant as a *family* or as the *remaining member* of a family;
- The unit size required by the family; and
- The amount of rent the family should pay.

Tenant Rent Increases

If tenant rent increases, a notice of the change is mailed to the family at least 30 days prior to the effective date of change.

If less than thirty days are remaining before the scheduled effective date of the annual recertification, the tenant rent increase will be effective on the first of the month following at least a thirty-day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the recertification processing, there will be a retroactive increase in rent to the scheduled effective date of the annual recertification.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If a family causes a delay so that the process of the recertification is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the recertification processing by the PHA.

If the participant experiences a decrease in income and the participant reports the change after reporting the annual reexamination but prior to the effective date of the annual recertification, the change will be treated as an early annual reexamination. The change will be effective the first day of the following month that the family reported the change. The next annual reexamination date (anniversary date) will be one year from the effective date of the early annual reexamination.

B. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the PHA within thirty (30) days of the change. This includes additions due to birth, adoption and court-awarded custody. The family must obtain PHA approval prior to all other additions to the household.

If any new family member is added, family income must include any income of the new family member. The PHA will conduct a recertification to determine such additional income and will make the proper adjustments in the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required prior to moving into the unit.

Increases in Income

The PHA will conduct interim recertifications when families have an increase in income above \$200 per month.

Families must report any changes in income and assets to the PHA within thirty (30) days of the change.

Decreases in Income

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The PHA must calculate the change if a decrease in income is reported.

PHA Errors

If the PHA makes a calculation error, an interim recertification will be conducted if necessary to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

C. OTHER INTERIM REPORTING ISSUES [24 CFR 5.615]

The PHA counts imputed welfare income (defined below) for families whose welfare assistance is reduced specifically because of:

- Welfare fraud; or
- Failure to participate in an economic self-sufficiency program; or

- Noncompliance with a work activities requirement.

However, the PHA will count actual welfare income if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but can not or has not obtained employment; or
- The family has complied with welfare program requirements, but the duration time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Definition of “Imputed Welfare Income”

Imputed Welfare income is the amount of annual income projected but, not actually received by a family as a result of a specified welfare benefit reduction.

The amount of imputed welfare income is determined by the PHA, based on written information supplied to the PHA by the welfare agency, including:

- The amount of the benefit reduction
- The term of the benefit reduction
- The reason for the reduction
- Subsequent changes in the term or amount of the benefit deduction

The family's annual income will include the imputed welfare income, as determined at the family's annual or interim recertification, during the term of the welfare benefits reduction (as specified by the welfare agency).

The amount of imputed welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted participant when the welfare sanction began, imputed welfare income will not be included in the annual income.

If the family claims the amount of imputed welfare income has been calculated incorrectly, designated staff will review the calculation for accuracy. If the imputed welfare income amount is incorrect, the PHA will provide a written notice to the family that includes:

- A brief explanation of how the amount of imputed welfare income was determined;
- A statement that the family may request an informal hearing if they do not agree with the PHA determination.

Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of imputed welfare income and the PHA denies the family's request to modify the amount, the PHA will provide the tenant with a notice of denial, which will include:

- An explanation for the PHA's determination of the amount of imputed welfare income.
- A statement that the tenant may request an informal hearing.
- A statement that the grievance information received from the welfare agency can not be disputed at the informal hearing, and the issue to be examined at the informal hearing with by the PHA's determination of the amount of imputed welfare income, not the welfare agency's determination to sanction the welfare benefits.

Verification of Welfare before Denying a Request to Reduce Rent

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements before denying the family's request for rent reduction.

The PHA will rely on the welfare agency's written notice to the PHA regarding welfare sanctions.

Cooperative Agreement [24 CFR 5.613]

The PHA will execute a Memorandum of Understanding with the local welfare agency under which the welfare agency agrees:

- To target public assistance benefits and services to participants in the PHA's Self-Sufficiency Program;
- To provide verification to the PHA concerning welfare benefits for applicants and participant families, and specified reduction in

welfare benefits for a family member, listing: amount of reduction; reason for reduction; term of reduction; and subsequent redetermination.

The PHA will rely on the welfare agency's notice regarding the amount of specified benefit reduction.

D. NOTIFICATION OF RESULTS OF RECERTIFICATION

The HUD Form-50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Staff is not required to sign these notices by the PHA. If the family disagrees with the rent adjustment, they may request an informal hearing.

E. TIMELY REPORTING OF CHANGES IN FAMILY COMPOSITION

Changes in family composition require an interim recertification and may result in either an increase or decrease in Tenant Rent.

Standard for Timely Reporting of Changes

The PHA requires that the family report in writing any change to family composition to the PHA within thirty days of when the change occurs.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change is reported in a Timely Manner

The PHA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

- Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.
- Decreases in the Tenant Rent are effective the first of the month, following the month in which the PHA is provided adequate written documentation. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

Procedures when the Change is not reported by the Family in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim recertification processing and the following guidelines will apply:

- Increase in Tenant Rent will be effective retroactive to the date it would have been effective and it being reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement or make a lump sum payment.
- Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the PHA and not retroactively.

Procedures when the Change is not processed by the PHA in a Timely Manner

“Processed in a timely manner” means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change can not be made effective on that date, the change is not processed by the PHA in a timely manner.

In this case, an increase will be effective after the required thirty days’ notice prior to the first of the month after completion of processing by the PHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

F. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES

(See “Subsidy Standards”, Chapter V of this Administrative Plan)

G. CONTINUANCE OF ASSISTANCE FOR “MIXED” FAMILIES

Under the Noncitizens Rule, “mixed” families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

The Noncitizens Rule was implemented on or after November 29, 1996, and mixed families may receive prorated assistance only.

H. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may terminate assistance

and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum)

I. REPORTING OF CHANGES IN FAMILY COMPOSITION

All changes in family composition must be reported within thirty days of the occurrence.

Increases in Household Size

Increases other than by birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, and the change in voucher shall be made effective immediately.

CHAPTER XIII – MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under portability procedures. The regulations also allow the PHA the discretion to develop policies, which define any limitations or restrictions on moves. This chapter defines the procedures for moves, both within and outside of the PHA's jurisdiction and limitations on moves.

A. ALLOWABLE MOVES

A family may move into a new unit with continued assistance if:

- The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family with PHA approval.
- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (Unless assistance to the family will be terminated, see "Denial or Termination of Assistance", Chapter XV of the Administrative Plan).
- The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner).

B. INTERPROGRAM TRANSFERS

Public Housing participants may transfer out of Public Housing into the HCV Program when lease-up rates in Public Housing are at 98% or greater and vouchers are available or under the following circumstances:

- Reasonable accommodation for Disable Families;
- With approval from the Director.

C. RESTRICTIONS ON MOVES [24 CFR 982.314; 982.552(a)]

Families will not be permitted to move within the PHA's jurisdiction during the initial term of assisted occupancy.

Families will not be permitted to move outside the PHA's jurisdiction under portability procedures during the initial term of assisted occupancy.

Families will only be permitted to move once every 12 months, except by supervisor approval.

The PHA will deny permission to move if there is insufficient funding for continued assistance.

The PHA will deny permission to move if the family owes any PHA money, or is not current with payments as specified in any PHA repayment agreement.

The Director may consider exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

Emergency is defined in the glossary of this Administrative Plan.

D. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

Subject to the restrictions on moves, the PHA will issue the authorization to move.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

Notice Requirements

The family must give the owner the required number of days written notice of intent to vacate specified by applicable law and must simultaneously give a copy to the PHA.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for no more than 14 days of the month in which the family moves, with prior Director approval.

E. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the PHA's jurisdiction within the United States and its territories.

F. OUTGOING PORTABILITY [24 CFR 982.353; 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the PHA's jurisdiction. The PHA will allow the family to exercise its right to portability anywhere in the United States where there is a PHA with tenant-based programs.

When a family requests to move outside of the PHA's jurisdiction, the family's written request must specify the area to which the family wants to move. This PHA will identify the receiving PHA and approve or deny the request, submitting a written response to the family. If there is more than one PHA in the area in which the family has selected a unit, the PHA will choose the receiving PHA.

Restrictions on Portability [24 CFR 982.353]

Applicants: If neither the head nor spouse had a domicile (legal residence) in the PHA's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher, unless the PHA approves such move.

For a portable family that was not already receiving assistance in the PHA's tenant-based program, the PHA must determine whether the family is eligible for admission under the receiving PHA's program.

Participants: The receiving PHA does not re-determine eligibility for a portable family that was already receiving assistance in the initial PHA Housing Choice Voucher Program.

For admission to the program a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

After a participant has leased-up in the jurisdiction of the initial housing agency, they can not exercise portability during the first term of assisted occupancy, except in the following circumstances:

- The family's move relates to an opportunity for education, job training or employment
- Other: Documented medical reason. Documented life threatening emergencies

The PHA will not permit families to exercise portability if:

- The family is in violation of a family obligation.

G. INCOMING PORTABILITY [24 CFR 982.354; 982.355]

Absorption or Administration

A PHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher. If administering, the family will be issued a "portable" voucher by the PHA. The term of the voucher will not expire before the expiration date of the initial PHA voucher. The family must submit a request for approval of tenancy for an eligible unit to the receiving PHA during the term of the receiving PHA voucher. However, if the family decides not to lease-up in the PHA's jurisdiction, they must contact the initial PHA to request an extension.

When the PHA does not absorb the incoming voucher, it will administer the initial PHA's voucher and the receiving PHA's policies will prevail.

The receiving PHA will determine the family unit size for the portable participant family and will issue a “portability voucher” in accordance with the subsidy standards of the receiving PHA.

Income and Total Tenant Payment of Incoming Portables [982.353(d)]

If the PHA conducts a recertification of the family, it will not cause a delay in the issuance of a voucher.

Requests for Tenancy Approval

A briefing will be mandatory for all portability families.

If the family leases up successfully, the PHA will notify the initial PHA within ten days, and the billing process will commence.

If the PHA denies assistance to the family, the PHA will notify the initial PHA within ten days and the family will be offered a review or hearing.

When a family submits a Request for Tenancy Approval, it will be processed using the PHA’s policies. If the family does not submit a Request for Tenancy Approval or does not execute a lease, the receiving PHA will notify the initial PHA if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the voucher.

The PHA will notify the family of its responsibility to contact the initial PHA if the family wishes to move outside the PHA’s jurisdiction under continued portability.

Regular Program Functions

The PHA will perform all program functions applicable to the tenant-based assistance program, such as:

- Annual recertification of family income and participant family composition;
- Annual inspection of the unit; and
- Interim recertification when requested or deemed necessary by the PHA.

Terminations

The PHA will notify the initial PHA in writing of any termination of assistance within twenty-one (21) days of the termination of the hearing decision being rendered. If an informal hearing is required and requested by the family, the hearing will be conducted by the PHA. A copy of the hearing decision will be furnished to the initial PHA.

The initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial PHA notifies the PHA that the family is in arrears or the family has refused to sign a payment agreement, the PHA will terminate assistance to the family.

Required Documents

As receiving PHA, the PHA will require the documents listed on the HUD Portability Billing Form 52665 from the initial PHA.

Billing Procedures

The receiving PHA will bill the initial PHA monthly for housing assistance payments if the family has not being absorbed. The billing cycle for other

amounts, including administrative fees and special claims, will be monthly unless requested otherwise by the initial PHA.

The PHA will bill 100% of the housing assistance payment, (100% of special claims) and 80% of the administrative fee (at the initial PHA's rate) for each "portability" voucher leased as of the first day of the month.

The PHA will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify the PHA of changes in the administrative fee amount to be billed.

CHAPTER XIV – CONTRACT TERMINATIONS [24 CFR 982.311; 982.314]

INTRODUCTION

The Housing Assistance Payments (HAP) contract is the contract between the owner and the PHA that defines the responsibilities of both parties. This chapter describes the circumstances under which the contract can be terminated by the PHA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP contract is the same as the term of the lease. The contract between the owner and the PHA may be terminated by the PHA, or by the owner or by the tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the PHA to the owner after the month in which the contract is terminated. The owner must reimburse the PHA for any subsidies paid by the PHA for any period after the contract termination date.

If the family continues to occupy the unit after the Housing Choice Voucher contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the PHA for vacancy loss under the provisions of certificate HAP contracts effective before October 1st. 1966. With the exception of Mod Rehab and Project-Based units which may claim compensation for vacancy loss.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The

contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY [24 CFR 982.314(c)(2)]

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: **EVICCTIONS [24 CFR 982.310; 982.455]**

If the owner wishes to terminate the lease, the owner must provide proper notice as stated in the lease.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant. The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations and State/local law.

The owner must provide the PHA with a copy of the eviction notice.

During the term of the lease, the owner may evict for:

- Serious or repeated violations of the lease, including but not limited to, failure to pay rent or other amount due under the lease, or repeated violations of the terms and conditions of the lease;

- Violations of Federal, state or local law that imposes obligations on the tenant in connection with occupancy or use of the premises;
- Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.
- Any drug-related criminal activity on or near the premises;
- Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises;
- Other good cause (when in accordance with federal, state, and local law)

The eviction notice must specify the cause for the eviction.

During the initial term of the lease, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310).

After the initial term of the lease, other good cause includes:

- Business or economic reason for regaining possession;
- Owner's desire to repossess unit for personal use; or
- Tenant's refusal to accept offer of a new lease.

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity of a family member if the owner determines they have engaged in the criminal activity:

- Regardless of arrest or conviction
- Without satisfying the standard of proof used for a criminal conviction

Exclusion of Culpable Household Member

The owner may require a tenant to exclude a household member in order for the family to continue to reside in the assisted unit.

Consideration of Rehabilitation

When determining whether to terminate the tenancy for illegal drug use or alcohol abuse, the owner may consider whether the family member:

- Is no longer participating in the drug and or alcohol abuse;
- Has successfully completed a supervised drug or alcohol rehab program;
- Has otherwise being successfully rehabilitated.

The owner may require the tenant to submit evidence of any of the three (above).

Actions of termination by the owner must be consistent with the fair housing and equal opportunities as stated in 24 CFR 5.105.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction

action. The notice may be included in, or may be combined with, any other eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

Housing assistance payments are paid to the owner under the terms of the HAP contract. If the owner has begun eviction and the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant, unless the family moves or other reasons for termination apply.

If the action is finalized in court, the owner must provide the PHA with the documentation, including notice of the lockout date.

If the eviction is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY PHA [24 CFR 982.404(a); 982.453; 982.454; 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the PHA terminates program assistance for the family, and/or when the owner has breached the HAP contract. (See “Owner Disapproval and Restriction”, Chapter XVI of this Administrative Plan).

The PHA may also terminate the contract if:

- The PHA terminates assistance to the family;
- The family is required to move from the unit when the subsidy is too big for the family size (pre-merger certificate program) or the unit does not meet the HQS space standards because an increase in family size or a change in family composition (pre-merger certificate and voucher programs);
- Funding is no longer available under the ACC;
- Family vacates without notice.

The contract will terminate if 180 days have passed since the last housing assistance payment to the owner.

If the HAP contract terminates, the lease terminates automatically.

Notice of Termination

FOR HQS SPACE STRNDARDS: When the PHA terminates the HAP contract under the violation of HQS space standards, the PHA will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

The PHA will provide the owner and family with at least thirty days written notice of termination of the contract.

CHAPTER XV – DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 5.902; 5.903; 5.905; 982.4; 982.54; 982.552; 982.553]

INTRODUCTION

The PHA may deny or terminate assistance for a family because of the family's action or failure to act. The PHA will provide families with a written description of the family obligations under the program, the ground under which the PHA can deny or terminate assistance, and the PHA's informal hearing procedures. This chapter describes when the PHA is required to deny or terminate assistance, and the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.54; 982.552; 982.553]

If denial or termination is based upon behavior resulting from a disability, the PHA will delay the denial or termination in order to determine if there is an accommodation that would negate the behavior resulting from the disability.

Denial of assistance for an applicant may include, but is not limited to, any or all of the following:

- Denial for placement on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include, but is not limited to, any of the following:

- Refusing to or failure to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Mandatory Denial or Termination [24 CFR 982.54(d); 982.552(b); 982.553(a); 982.553(b)]

The PHA must terminate assistance for participants if the family is under contract and 180 days (or 12 months, depending on the HAP contract used) have elapsed since the PHA's last housing assistance payment was made. (See "Contract Terminations", Chapter XIX of this Administrative Plan)

The PHA must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.

The PHA must deny admission to the program for applicants, and terminate assistance for participants if the PHA determines that any household member is currently engaging in illegal use of a drug. (See Section B of this chapter for the PHA's established standards)

The PHA must deny admission to the program for applicants, and terminate assistance for program participants if the PHA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. (See Section B of this chapter for the PHA's established standards)

The PHA must deny admission to an applicant if the PHA determines that any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. See Section B of this chapter for the PHA's established standards regarding criminal background investigation and determining whether a member of a household is subject to a lifetime registration requirement under a State sex offender registration program.

The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The PHA must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.

The PHA must deny admission or terminate assistance when required under the regulation to establish citizenship or eligible immigration status.

Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)]

The PHA may deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

- If any family member violates any family obligation under the program as listed in 24 CFR 982.551.
- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any drug-related criminal activity.
- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any violent criminal activity.
- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breaches an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to an owner by PHA. The PHA at its discretion may offer the family the opportunity to enter into a repayment agreement. The PHA will prescribe the terms of the agreement. (See “Repayment Agreements” chapter)

- The family has engaged in or threatened abusive or violent behavior toward PHA personnel.
- “Threatening, abusive or violent behavior towards PHA personnel or contractors” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial. “Threatening” refers to oral or written threats or physical gestures that communicate the intent to abuse or commit violence.
- Physical abuse or violence will always be cause for termination.
- If any member of the family engages in, or has engaged in drug or alcohol abuse that interferes with the health, safety or peaceful enjoyment of other residents. See Section B of this chapter.
- If any member of the family commits drug-related criminal activity, or violent criminal activity. (See Section B of this chapter and 982.553 of the regulations)
- If the entire family is absent from the assisted unit for more than 30 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

Refer to “Eligibility for Admission”, Chapter II of this Administrative Plan, for further information.

Notice of Termination of Assistance

In any case where the PHA decides to terminate assistance to the family, the PHA must give the family written notice which states:

- The reason(s) for the proposed termination;
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance;
- The date by which the request for an informal hearing must be received by the PHA.

If the PHA proposes to terminate assistance for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the tenant with a copy of the criminal record.

The PHA will provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

Confidentiality of Criminal Records

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed by staff for screening for criminal behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

Misuse of the above information by any employee will be grounds for termination of employment. Penalties for misuse are contained in Personnel Policies.

If the family is determined eligible for initial or continued assistance, the PHA's copy of the criminal report should be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made.

The PHA will document in the family's file that the family was denied admission or the tenancy was terminated due to findings in the Criminal History Report.

B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the PHA to fully endorse and implement a policy designed to:

- Help create and maintain a safe and drug-free community
- Keep our program participants free from threats to their personal and family safety.

Administration

All screening and termination of assistance procedures shall be administered fairly and in such a way as not to violate the rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex, or other legally protected groups.

The privacy policy will be posted on the bulleting boards of the PHA's area management offices and copies will be made readily available to applicants upon request. To the maximum extent possible, the PHA will encourage other community and governmental entities in the promotion and enforcement of this policy.

Screening of Applicants

Criminal Background screening will apply to any member of the household who is 18 years of age or older, or an emancipated minor.

Disclosure of Criminal Records to the Family

If the PHA takes any adverse action based on a criminal conviction record, the applicant or participant will be provided with a copy of the criminal record and an opportunity to dispute the record.

Applicants will be provided an opportunity to dispute the record at an informal review.

Standard for Violation

The PHA will deny participation in the program to applicants where the PHA determines there is a reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other

criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the PHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The PHA will consider the illegal use of a controlled substance or alcohol abuse to be a pattern if there is more than one arrest or conviction during the previous 18 months.

“Engaged in or engaging in” violent criminal activity means any act within the past 5 years by an applicant or participant or household member which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage, which resulted in the arrest and/or conviction of the applicant, participant, or household member.

In evaluating evidence of negative past behavior, the PHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Applicants will be denied assistance if they have been convicted of violent criminal activity within the last 5 years prior to the date of the certification interview.

If an applicant is denied admission to the program for the reasons detailed in this section, the applicant retains the right to appeal. (See “Complaints and Appeals”, Chapter XVIII of this Administrative Plan)

Denial of Assistance for Sex Offenders

The PHA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the PHA will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement.

Denial and Termination of Assistance for Drug-related Criminal Activity or Violent Criminal Activity

Denial: Persons evicted from federally assisted housing because of drug-related criminal activity are ineligible for admission to the Section 8 program for a 5 year period beginning on the date of such eviction.

However, the household may be admitted if, after considering the individual circumstance of the household, the PHA determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA.
- The circumstances leading to eviction no longer exist because the criminal household has died or is imprisoned.

Termination: Under the family obligations listed at 24 CFR 982.551, the members of the household must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens

the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. HUD regulations at 24 CFR 982.553(b) requires the PHA to establish the following standards for termination of assistance for the family when a household member has violated the family obligation to refrain from participating in drug-related or violent criminal activity.

The PHA may waive the requirement regarding drug-related criminal activity if:

- The person demonstrates successful completion of a credible rehabilitation program approved by the PHA, or
- In appropriate cases, the PHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the PHA may consider individual circumstances with the advice of Juvenile Court officials.

Terminating Assistance for Alcohol Abuse by Household Members: Under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in any way that threatens the health, safety or right to peaceful enjoyment of other residents or persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if the PHA determines that a member of the household has demonstrated a pattern of alcohol abuse that

threatens the health, safety or right to peaceful enjoyment for other residents and persons residing in the immediate vicinity of the premises.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR 982.551). “Information” includes any requested certification, release or other documentation.

The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

All information supplied by the family must be true and complete.

The family is responsible for a HQS breach caused by the family as described in 982.404(b).

The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

The family may not commit any serious or repeated violations of the lease.

The family must notify the owner and, at the same time, notify the PHA before the family moves out of the unit or terminates the lease upon notice to the owner.

The family must promptly give the PHA a copy of any owner eviction notice.

The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

The PHA must approve the composition of the assisted family residing in the unit. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

The family must promptly notify the PHA if any family member no longer resides in the unit.

If the PHA has given approval, a foster child or a live-in aid may reside in the unit. If the family does not request approval or the PHA approval is denied, the family may not allow a foster child or live-in aid to reside with the assisted family.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.

The family must not sublease or transfer the unit.

The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.

The family must not own or have any interest in the unit.

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

The household members and/or guests may not engage in drug-related criminal activity or violent criminal activity, nor may they engage in any criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. The members of the household may not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. An assisted family, or member of the family, may not receive assistance through the Housing Choice Voucher Program while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

Public Housing Authority Discretion [24 CFR 982.552(c)]

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The PHA will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The PHA may also review the family's most recent history and record of compliance, and the effects that denial

or termination of assistance may have on other family members who were not involved in the action or failure to act.

The PHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The PHA may permit the other members of the family to continue in the program.

Enforcing Family Obligations

Explanations and Terms

The term “promptly” when used with the family obligations always means “within 30 days”. Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach

The Field/Housing Specialist will determine if an HQS breach as defined in 24 CFR 982.404(b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Housing Director.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

- If the owner terminates tenancy for serious or repeated violations of the lease.
- If there are police reports, neighborhood complaints or other third party information, that has been verified by the PHA.

- Nonpayment of rent is considered a serious violation of the lease.

Family Member Moves Out

Families are required to notify the PHA if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

- The date the family member moved out.
- The new address, if known, of the family member.
- A statement as to whether the family member is temporarily or permanently absent.

Limitations on Profit-Making Activities in Unit

If the PHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the PHA determines the business is not legal, it will be considered a program violation.

Interest in Unit

The owner may not reside in the assisted unit regardless of whether she/he is a member of the assisted family, unless the family owns the mobile home and rents the pad, excluding shared housing, or unless the client is a participant in the Homeownership Program.

Fraud in each case, the PHA will consider which family members were involved, the circumstances, and any hardship that may be caused to innocent members.

D. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514; 5.516; 5.518]

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The PHA must offer the family an opportunity for a hearing. (See “Eligibility for Admission), Chapter III, Section on Citizenship/Eligible Immigration Status)

Assistance may not be terminated while verification of the participant family’s eligible immigration status is pending.

Procedure fro Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verification failed to document the status, the family may make an appeal to the INS and request a hearing with the PHA either after the INS appeal or in lieu of the INS appeal.

After the PHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

E. ZERO (\$0) ASSISTANCE TENANCIES

HAP Contract On or After 10/2/95 [24 CFR 982.455(a)]

The family may remain in the unit at \$0 assistance for 180 days after the last HAP payment and then the assistance will be terminated. If, within the 180-day timeframe, the PHA receives notice that the family incurs a decrease in their income, which would cause the family to be eligible for a

housing assistance payment, the PHA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days of receiving zero assistance, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551;982.552(c)]

If the family has misrepresented any facts that caused the PHA to overpay assistance, the PHA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement.

G. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551; 982.552(c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the PHA will deny or terminate assistance.

H. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551; 982.552(c)]

It is a family obligation to supply information, documentation, and certification as needed for the PHA to fulfill its responsibilities. The PHA schedules appointments and sets deadlines in order to obtain the required information. The obligations also require that the family allows the PHA to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the PHA, may be sent

a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the PHA to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Certificate/Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Recertifications
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency
- Emergency, not including incarceration

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given two opportunities before being issued a notice of termination or denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing, the termination will be rescinded only after the family cures the breach.

CHAPTER XVI – OWNER DISAPPROVAL AND RESTRICTION [24 CFR 982.54; 982.306; 982.453]

INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the Voucher Program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the PHA. The regulations define when the PHA must disallow an owner participation in the program, and they provide the PHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval and the various penalties for owner violations.

A. DISAPPROVAL OF OWNERS [24 CFR 982.306, 98254(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, “owner” includes a principal or other interested party.

The PHA will disapprove the owner for the following reasons:

- HUD or the agency directly related has informed the PHA that the owner has been disbarred, suspended or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed the PHA that the federal government has instituted an administrative or judicial action against the owner for violations of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.

- HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.
- Unless their lease was effective prior to the effective date of federal regulation, the owner may not be parent, child, grandparent, grandchild, sister or brother of any family member. The PHA may waive this restriction as a reasonable accommodation for a family member who is a person with a disability.
- In cases where the owner and tenant bear the same last name, the PHA may, at its discretion, require the family and owner to certify whether they are related to each other in any way.
- The owner has violated obligations under a housing assistance payments contract.
- The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit to HQS, including any standards the PHA has adopted in this policy.
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.
- The owner has engaged in drug trafficking.
- The owner has a history or practice on non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based

Section 8 assistance or leased under any other federal housing program.

- The owner has a history or practice of renting units that fail to meet State or local housing codes.
- The owner has not paid State or local real estate taxes, fines or assessments.
- The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for project with mortgages insured by HUD or loans made by HUD.
- The owner has engaged in or threatened abusive or violent behavior toward PHA personnel. “Abusive or violent behavior” includes verbal as well as physical epithets or other language, written or oral, that is customarily used to intimidate, may be cause for termination or denial. “Threatening” refers to oral or written threats or physical gestures that communicate intent of abuse or commit violence.

CHAPTER XVII – OWNER OR FAMILY DEBTS TO THE PHA [24 CFR 982.552]

INTRODUCTION

This chapter describes the PHA's policies for the recovery of monies that have been overpaid for families and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method or calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus
- Income tax set-off programs
- Referral to the State Attorney General of HUD
- Inspector General's Office

A. PAYMENT AGREEMENTS [24 CFR 982.552(c)(v-vii)]

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payments, any special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

The PHA will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the owner or family based on the circumstances surrounding the debt to the PHA.

There may be some circumstances in which the PHA will not enter into a payment agreement. They are:

- If the family already has a Payment Agreement in place.
- If the PHA determines that the family committed program fraud.
- If the PHA determines that the debt, due to failure to report income, is so large that it would take more than twelve months to repay.

The maximum length of time the PHA will enter into a payment agreement is twelve months.

If the family requests a move to another unit and has a payment agreement in place, the family will be required to pay the balance in full prior to the issuance of the voucher.

Late Payments

A payment will be considered to be in arrears if the payment is not received by the close of the five days after the due date.

B. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud or abuse is a single act or pattern of actions that:

- Constitute false statements, omissions, or concealment of a substantive fact, made with intent to deceive or misled, and that result in payment of Section 8 program funds in violation of Section 8 program requirements.

Program Fraud

Owners or families who owe money to the PHA due to program fraud will be required to pay in accordance with the payment procedures for program fraud, below.

If an owner or family owes an amount, which equals or exceeds \$5,000 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the PHA will refer the case for criminal prosecution.

Payment Procedures for Program Fraud – Families

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

- The maximum time period for a Payment Agreement will be 60 days.
- The family will be required to pre-pay ½ of the amount owed prior to or upon execution of a Payment Agreement.

The family's assistance may be terminated. Unless the PHA receives the balance of the payment agreement in full within fifteen days of the termination notice, the family's assistance will be terminated. No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the payment agreement is current:

- Family size exceeds the HQS maximum occupancy standards
- The HAP contract is terminated due to owner non-compliance or opt-out
- A natural disaster

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Director.

Additional Monies Owed: If the family already has a payment agreement in place and incurs an additional debt to the PHA, the PHA will not enter into more than one payment agreement with the family.

C. PAYMENTS FOR PROGRAM FRAUD – OWNERS [24 CFR 982.453(b)]

If the PHA determines that the owner has retained housing assistance or claim payments the owner is not entitled to, the PHA may reclaim the amounts from future housing assistance or claim payments owed the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the PHA will:

- Require the owner to pay the amount in full within 30 days.

- Pursue collections through a collection agency.
- Restrict the owner from future participation.

D. WRITING OFF DEBTS

All debts will be referred for collection.

Debts will be written off if:

- The debtor is deceased.
- The debtor is confined to an institution indefinitely.
- The debt is less than \$100 and the debtor can not be located.

CHAPTER XVIII – COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS TO THE PHA

The PHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The PHA requires that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

The PHA hearing procedures will be distributed to families in their briefing packets.

Complaints from Families

If a family disagrees with an action or inaction of the PHA or owner, the complaint will be referred to a Principal Analyst.

Complaints from Owners

If an owner disagrees with an action or inaction of the PHA or family, the complaint will be referred to a Housing Specialist.

Complaints from Staff

If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to the Principal Analyst.

Complaints from the General Public

Complaints or referrals from persons in the community in regard to the PHA, a family or an owner will be referred to a Housing Specialist.

If a complaint is not resolved, it will be referred to the Housing Director.

B. PREFERENCE DENIALS

When the PHA denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for a meeting with the PHA staff to discuss the reasons for the denial and to dispute the PHA's decision. The family will have 10 days to request the informal review in writing.

The persons who conduct the meeting will be an employee of the PHA who is at or above the level of Housing Specialist, but not the employee who made the decision.

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54(d)(12)]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible;
- The procedure for requesting a review if the applicant does not agree with the decision; and
- The time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision was based.

The PHA must provide applicants with the opportunity for an informal review of decisions denying:

- Qualification for preference
- Listing on the PHA's waiting list
- Issuance of a voucher
- Participation in the program
- Assistance under portability procedures
- Non-Citizen Eligibility

Informal reviews are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances

- A determination of the family unit size under the PHA subsidy standards
- Refusal to extend or suspend a voucher
- A PHA determination not to grant a request for tenancy
- Determination that the unit is not in compliance with occupancy standards due to family size or composition

Procedure for Review

A request for an informal review must be received in writing by the close of the business day, no later than ten days from the date of the PHA's notification of denial. The informal review will be held within thirty days from the date the request is received.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The review may be conducted by mail and/or telephone if acceptable to both parties.

A notice of the review findings will be provided in writing to the applicant within fifteen days after the review. It shall include the decision of the review, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation and copy of the final decision will be retained in the family's file.

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f); 982.54(d)(13)]

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The PHA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the PHA;
- The family's right to an explanation of the basis of the PHA's decision;
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing;
- To whom the hearing request should be addressed;
- A copy of the PHA's hearing procedures.

The PHA must provide participants with the opportunity for an informal hearing for decisions related to any of the following PHA determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under PHA subsidy standards
- Determination to terminate assistance for any reason

- Determinations to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

The PHA must provide participants with the opportunity for an additional hearing before termination of assistance.

Informal hearings are not required for established policies and procedures and the PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of the voucher term.
- A PHA determination not to approve a unit or lease
- A PHA determination that an assisted unit is not in compliance with HQS (PHA must provide hearing for family breach of HQS because that is a family obligation).
- A PHA determination that the unit is not in accordance with HQS because of the unit size.
- A PHA determination to exercise or not exercise any right or remedy against the owner under the HAP contract.

Failure to Request an Informal Hearing

If the complainant does not request an informal hearing within fourteen days of the date of written notice, she/he waives her/his right to a hearing, and the PHA's proposed disposition of the grievance will become final.

This section in no way constitutes a waiver of the complainant's right to contest the Authority's disposition in an appropriate judicial proceeding.

Notification of Hearing

It is the PHA's objective to resolve disputes at the lowest possible level. The PHA will ensure that applicants and participants will receive all of the protections and rights affordable by the law and the regulations.

When the PHA receives a request for an informal hearing, a hearing shall be held within 30 days. The notification of hearing will contain:

- The date and time of the hearing
- The location where the hearing will be held
- The family's right to bring evidence, witnesses, legal or other representative at the family's expense
- The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 5 days before the hearing date.
- A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. Requests

for such documents or evidence must be received no later than 5 days before the hearing date.

The PHA's Hearing Process

After a hearing date is scheduled, the family may request to reschedule only upon showing "good cause" which is defined as an unavoidable conflict which seriously affects the health, safety and welfare of the family.

Families have the right to:

- Present written or oral objections to the PHA's determination;
- Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the Hearing Officer;
- Copy of relevant documents at their expense;
- Present any information or witnesses pertinent to the issues of the hearing;
- Request that the PHA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the PHA will make the copies for the family and assess the cost of reproducing the material. In no case will be the family allowed to remove the files from the PHA's office.

In addition to other rights contained in this Chapter, the PHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The PHA appoints only qualified hearing officers.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" include records and regulations.

The Hearing Officer(s) may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment without good cause or deadline ordered by the Hearing Officer(s), the action of the PHA shall take effect and another hearing will not be granted.

The Hearing Officer(s) will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on the preponderance of the evidence presented at the hearing.

A notice of the hearing findings shall be provided in writing to the PHA and the family within 14 days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed and documentation of the calculation of monies owed;
- Notice that the Code of Civil Procedure Sect. 1094.6 governs the time within which judicial review must be sought;
- The date the decision goes into effect;
- If the PHA is upheld by the hearing decision, a notice of termination of subsidy will be sent effective 30 days from the date of the notice.

The PHA is not bound by hearing decisions:

- Which concern matters in which the PHA is not required to provide an opportunity for a hearing;

- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws, or
- Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer(s)'s determination within ten days. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation and a copy of the final decision will be retained at the family's file.

Expedited Hearing Procedures

The PHA may expedite a hearing in its sole discretion. All of the rights and obligations of the family and the PHA stated in this Chapter shall apply except as follows:

- Family will have a hearing within ten days after receipt of notice of action or inaction of the PHA;
- PHA shall provide a hearing within 30 days after receipt of family's request for a hearing;
- The hearing officer shall provide both the family and the PHA a written decision within 14 days after the hearing.

Transcripts

Either party may arrange in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

Agreement

The parties may agree in writing to follow a different procedure in the resolution of a grievance.

E. HEARING AND APPEAL PROVISIONS FOR “RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS” [24 CFR Part 5, Subpart E]

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

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

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA notifies the applicant or participant within 10 days of their right to appeal to the INS within 30 days or to request an informal hearing with the PHA either in lieu of or subsequent to INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate.

The time period to request an appeal may be extended by the PHA for good cause.

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

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

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral
- Terminate the participant if the family does not qualify for deferral

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

All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose termination is carried out after temporary deferral, may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a

hearing based on their right to a hearing regarding determination of tenant rent and Total Tenant Payment.

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

F. MITIGATING CIRCUMSTANCES FOR APPLICANTS AND PARTICIPANTS WITH DISABILITIES [24 CFR 982.204; 982.552(c)]

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

CHAPTER XIX – SPECIAL HOUSING TYPES [24 CFR 982.601]

INTRODUCTION

The PHA will permit the use of the following special housing types in its program:

- Single Room Occupancy Housing
- Group Homes
- Congregate Housing
- Shared Housing
- Cooperative Housing
- Homeownership
- Manufactured Homes
- Project-Based Assistance

A. SINGLE ROOM OCCUPANCY [24 CFR 982.602]

The PHA will use a separate lease and housing assistance payment contract or each assisted person residing in a SRO. [24 CFR 982.603]

SRO Rent and Housing Assistance Payment [24 CFR 982.604]

The PHA SRO payment standard is seventy-five percent of the zero bedroom payment standard schedule. For a person residing in an exception area the payment standard is 75% of the HUD-approved zero bedroom exception payment standard amount. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

Utility Allowance

The utility allowance for an assisted person residing in SRO is 75% of the zero bedroom utility allowance.

Housing Quality Standards

The PHA will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards or SROs as regulated in 24 CFR 982.605.

B. CONGREGATE HOUSING [24 CFR 982.606]

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

The PHA may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The PHA will approve a live-in aid if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract [24 CFR 982.607]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the payment standard for a family that resides in the congregate housing unit is the zero-bedroom payment standard on the PHA payment standard schedule.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the bedroom payment standard amount.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Housing Quality Standards

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

C. GROUP HOMES [24 CFR 982.610; 982.612]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the PHA, a live-in aide may reside with a person with disabilities.

The PHA must approve a live-in aid if needed as a reasonable accommodation so the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons with disabilities.

The PHA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continued medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term “pro-rata portion” means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in aide.

Group Home Rent and HAP Contract [24 CFR 982.613]

The rent to owner for an assisted person may not exceed pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent, the PHA will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Maximum Subsidy

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aid will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size.

Utility Allowances

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Housing Quality Standards

The PHA will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

D. SHARED HOUSING [24 CFR 982.615]

Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The PHA may also approve a live-in aide to reside with the family in order to care for a person with a disability. The PHA must approve a live-in aide needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the PHA. However, housing assistance may not be paid on behalf of an owner. The PHA will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term “pro-rata portion” means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the “Owner Rents, Rent Reasonableness, and Payment Standards”, Chapter XI of this Administrative Plan.

Maximum Subsidy

For a family that resides in a shared housing unit, the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the share housing unit size.

If the PHA approves a live-in aide, the live-in aide will be counted in determining the family unit size.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The PHA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards or shared housing as regulated in 24 CFR 982.618.

E. HOMEOWNERSHIP [24 CFR 982.625]

Overview

The Section 8 Housing Choice Voucher Program permits eligible participants in the Housing Choice Voucher Program, including participants with portable vouchers, the option of purchasing a home with their voucher rather than renting.

Eligible families will be current Housing Choice Voucher participants. Public Housing residents are also eligible as long as applicable transfer requirements between the Public Housing Program and the Housing Choice Voucher Program are met and vouchers are available. The Housing Choice Voucher Homeownership Program can only be offered to those eligible for voucher program.

In addition, families can have no outstanding debt to the PHA or other Public Housing Agency, and must have successfully completed a certified homebuyers training program provided by a recognized HUD homeowner-counseling agency.

Limitation

The homeownership program is limited to five percent (5%) of the Total Housing Choice Voucher Program administered by the PHA in any fiscal year, provided that the elderly or disabled families shall not be subject to the five percent annual limitation. In addition, no more than 20 percent of the total number of voucher units funded shall be allocated to the homeownership program at any one time. Elderly or disabled families shall not be included in the calculation of the 20 percent maximum.

Eligible Types of Homes

The family shall have the flexibility to choose the type of housing most suitable for its particular circumstances. Housing Choice Voucher Program homeownership may be used to purchase any home within the Municipality of San Sebastián, including new or existing single-family, condominium, planned use development, cooperative, loft/work units or manufactured homes.

Portability

The PHA will also allow portability of homeownership assistance to another jurisdiction, provided the receiving jurisdiction is administering a voucher homeownership program and is accepting new families. Public Housing residents may also be eligible as long as applicable transfer requirement between the Public Housing program and the Housing Choice Voucher program are met and vouchers are available.

Family Eligibility Requirements

Participation in the Housing Choice Voucher Homeownership Program is voluntary. Each homeownership participant must meet the general requirement of admission to the Housing Choice Voucher Program as set forth in the Housing Choice Voucher Program Administrative Plan.

The Housing Choice Voucher Program must also be eligible to participate in the PHA Homeownership Program, as follows:

- Be a First-Time Homebuyer;
- Meet minimum income and employment duration requirements;
- Have fully paid any outstanding debt owed to the PHA;
- Not defaulted on a mortgage securing debt to purchase a home under the homeownership option; and
- Not have any member who has a present ownership interest in a residence at the commencement of the homeownership assistance.

In the event that the Municipality of San Sebastián develops and implements this type of program, this Administrative Plan will be amended to expand the options and explain the terms and conditions as well as management requirements to run the program.

MUNICIPALITY OF SAN SEBASTIÁN
OFFICE OF ASSISTED HOUSING
HOUSING CHOICE VOUCHER PROGRAM
(SECTION 8)
PHA PLAN 2008

Following the guidelines contained in 24 CFR Part 903.17 regarding the process for obtaining public comment on the PHA Plan for Fiscal Year 2008, the Office of Assisted Housing of the Municipality of San Sebastián published a Public Notice on December 29, 2007, making available the proposed PHA Plan for 2008, the required attachments related to the Plan, and all the information relevant to the public hearing to be conducted on February 20, 2008 available for inspection by the public at the principal office of the PHA during normal working hours.

As scheduled, the Public Hearing took place on said date at the Main Section 8 Administrative Offices of the Municipality. There were no ones attending the Hearing.

The PHA conducted outreach activities to encourage public participation in the PHA Plan. An agenda and an invitation announcement were distributed among municipal staff and program participants indicating the format and content of the issues to be discussed at the public hearing.

The Residents Advisory Board was also consulted regarding the Plan's content to get their comments and recommendations.

Based on the information and in consultation with the Resident Advisory Board, no changes are necessary to the proposed PHA Plan for Fiscal Year 2008-09.



FSS Action Plan for Section 8
Agency Plan 2004



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FAMILY SELF-SUFFICIENCY PROGRAM

The 1998 Quality Housing and Work Responsibility Act (QHWRA) removed the mandate for Housing Authorities to establish and maintain a Family Self Sufficiency (FSS) program, except for the agencies that were obligated to carryout an FSS program prior to the enactment of QHWRA. For Agencies mandated to administer an FSS program, the number of families that finish the program reduces the mandatory size of the program.

The Housing Authority of the City of San Sebastián will administer an FSS program in conformity with the Section 8 Program regulations and applicable laws. The mandatory size of the San Sebastián program is 15 families. The Housing Authority's program size of the program will vary depending on the number of families wishing to participate in the program.



FAMILY SELF-SUFFICIENCY ACTION PLAN

June 2004

Section 8 Program of the Municipality of San Sebastián

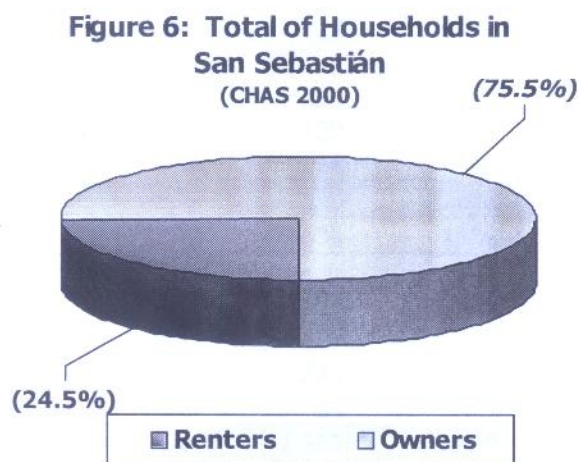
- (1) **Family demographics** – a description of the number, size, characteristics, and other demographics (including racial and ethnic data), and the supportive service needs of the families expected to participate in the FSS program.

The Housing Authority of the City of San Sebastián administers a Section 8 Housing Choice Voucher Program with a current allocation of 139 Vouchers (not including the award of 15 vouchers for FSS slots). Characteristics of the families within the program, as of May 2004, include the following:

MUNICIPALITY DEMOGRAPHICS

Renters and Homeowners by Income

According to the 2000 CHAS Databook, San Sebastián has approximately 13,528 households that represent 1.1% of total households in Puerto Rico.



Approximately 75.5%) are owners and 24.5%) are renter. The distribution of total households by income groups is as follows:

HUD Area Median Family Income (HAMFI)	Category of Income	Number of Households	Percentage
Incomes below 30% of HAMFI	Extremely low	2,520	19%
Incomes between 31% an 50%	Very low	1,896	14%
Incomes between 51% to 80%	Low	2,472	18%
Incomes between 81% and 95%	Moderate	6,640	49%
TOTAL		13,528	100%

Distribution by income group (Table 1) shows that 6,888(50.9%) households are in the income group of low to moderate.

Table 1: Households by income group

Category	0 to 30% of HAMFI	31 to 50% of HAMFI	51 to 80% of HAMFI	81% + HAMFI	Total
RENTERS					
Elderly 1 and 2 members	136	128	66	94	424
Small Related	512	234	362	805	1,913
Large Related	149	129	139	188	605
All other	134	38	66	123	361
Total renter	931	529	633	1,210	3,303
	28%	16%	19%	36%	100%
OWNERS					
Elderly	352	525	788	1,015	2,680
Small Related	733	617	797	3,324	5,471
Large Related	251	141	177	911	1,480
All other	253	84	77	180	594
Total owner	1,589	1,367	1,839	5,430	10,225
	16%	13%	18%	53%	100%
Grand Total	2,520	1,896	2,472	6,640	13,528
	19%	14%	18%	49%	100%



Table 2: Housing units by bedroom size, tenure and status

	0 - 1 Bedroom	2 Bedrooms	3 or More Bedrooms	Total
Renter occupied units	1,254	881	1,192	3,327
Owner occupied units	3,477	2,210	4,930	10,617
Vacant units for rent	125	142	83	350
Vacant units for sale	44	70	125	239
Total	4,900	3,303	6,330	14,533
	34%	23%	44%	100%

Table 3: Housing units affordable to households with incomes below 30%, 50% or 80% of HAMFI

	0 - 1 Bedroom	2 Bedrooms	3 or More Bedrooms	Total
Renter occupied units	878	693	950	2,521
Vacant units for rent	87	102	75	264
Owner occupied units	599	552	689	1,840
Vacant units for sale	20	42	20	82
Total	1,584	1,389	1,734	4,707
	33%	29%	36%	100%

Cost Burden and Severe Cost Burden

Housing cost burden is one of the most serious problems affecting the residents of San Sebastián.

Of the 6,888 households (51% of total households) with incomes low enough to qualify for some type of subsidized housing, 689 or 10% pay between 31 to 49% of their income for housing costs. This is further aggravated by the fact that 1,280 households or 18% have a severe housing cost burden by paying over 50% of their income for housing costs. In summary, 2,614 households or 38% are experiencing a cost burden or severe cost burden in meeting their housing costs.



As noted in Table 4, the problem of cost burden is concentrated in the households with extremely low and very low income.

Table 4: Total Households By Income Group And Cost Burden

Income Group	Extremely Low	Very Low	Low
Cost Burden	740	324	215
>50%			
>30%	146	238	274

Table 5, Renter Households by Income Group and Cost Burden shows that for the income groups of extremely low and very low-income renter households (excluding elderly) there are 145 and 95 renter households with severe cost burden. For the elderly group there are 65 extremely low and 32 very low-income households with severe cost burden.

Table 5: Renter Households By Income Group And Cost Burden

All renter except elderly	Extremely Low	Very Low	Low
Income Group			
Total	795 (100%)	401 (100%)	567 (100%)
Cost Burden			
>50%	145 (18%)	95 (23%)	25 (4%)
>30%	34 (4%)	83 (20%)	150 (26%)
Elderly	136 (100%)	128 (100%)	66 (100%)
Total			
Cost Burden			
>50%	65 (48%)	32 (25%)	4 (6%)
>30%	0	25 (19%)	16 (24%)



Because of their low income (less than 50% of HAMFI) this group of renter households is not eligible for market homeownership and the only present alternative to resolve their housing problem is rental subsidy.

Characteristics of families in the program (MTCS Data):

Household Size:

Household Size							
	1person	2persons	3persons	4persons	5persons	6persons	7persons
Number of Households	28	29	37	22	18	4	1

Primary source of income:

	With any wages	With any Welfare	With any SSI/SS/Pension	With any other Income
Number of Households	32	19	22	56

Income:

	Income			
	\$0	\$1-\$5,000	\$5,001-\$10,000	\$10,001-\$15,000
Number of Families	29	86	20	4



SUPPORTIVE SERVICE NEEDS OF FAMILIES EXPECTED TO PARTICIPATE

Education
Child Care
Job Training
Job Placement
Transportation Assistance
Money Management Counseling
Homeownership training



- (2) **Estimate of participating families** – a description of the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated Federal, State, local and private resources.

The Municipality's current allocation for the FSS Program is 15 Section 8 Vouchers. Currently it is anticipated that 15 slots will be filled with FSS participating families in accordance with time requirements of the program. Final results are in part dependent upon agencies and individuals that are not under the direct control of the Housing Authority; therefore the rate of success of the program may unfold at a slower rate than anticipated. Preliminary contact with supportive service agencies indicates that such agencies have their own program participation waiting lists and requirements; and have limited funding. Both conditions will constrain FSS family participation in supportive service programs and slow the achievement of the goals of the FSS Program.

Number of actual families, and the rate at which they will enter into Contracts of Participation, will depend on:

1. Estimated wait periods for other agency services such as those provided by WIA;
2. Willingness to participate in the provision of services by other local, state and federal programs;
3. Response to Project Coordinating Committee's outreach to private business and private resources in the community.
4. Response from existing Section 8 Program participants to PHA outreach.



- (3) **Eligible families from other self-sufficiency program** – if applicable, the number of families, by program type, who are participating Project Self-Sufficiency, or any other local self-sufficiency program who are expected to agree to execute an FSS contract of participation.

Self-Sufficiency Advisory Meetings

Although the Municipality of San Sebastián does not have any other self-sufficiency or established program, prior to this FSS Program, the Municipality constantly promotes and advises their Section 8 participants on the benefits of obtaining their own self-sufficiency. At least annually, the Municipality conducts a meeting with their Section 8 participants where they are advised regarding the Section 8 policies and all other issues that they may be interested in, such as self-sufficiency and homeownership.

With the exception of the FSS Program, participation in educational or job training is not a requirement for continued housing assistance. Currently, 8 of all the households receiving Section 8 assistance and as a result of the counseling received, 6 households are currently studying and 2 are in the process of gathering educational advice.

The number of families who currently participate in some kind of educational training who are expected to agree to execute an FSS contract of participation is 8. Participation in FSS by future tenants will be encouraged; it is anticipated that expanded supportive services beyond what is currently available in the Municipality will be available.



- (4) **Incentives to encourage participation** – a description of the incentives that the PHA intends to offer eligible families to encourage their participation in the FSS program (incentives plan). The incentives plan shall provide for the establishment of the FSS account in accordance with the requirements set forth in Section 984.305, and other incentives, if any, designated by the PHA. The incentives plan shall be part of the Action Plan.

The initial incentive for participation in the FSS Program is the FSS escrow account. Upon gradual development of the program, with increasing participation from other agencies and private business, it is anticipated that additional incentives will be added for attracting and serving FSS participants.

Additional incentives will grow over time, as the Program Coordinating Committee (PCC) expands to encompass additional supportive services and activities. The existence of this Committee will ensure the success of the Program by adding confidence to the participants and prospective participants, when the resources became available and feasible in the shortest possible time frame.

The Section 8 Coordinator and the PHA staff personnel will serve as the Coordinators of the services which will lead participating families under the program to self-sufficiency.

The PCC will consist of representative of the following:

1. Mayor's Office
2. Director of the Office of Community Affairs
3. Federal Programs Office
4. Section 8 Coordinator
5. Family (Social Services) Department
6. Labor and Human Resources Department

We are expecting to have collaboration from the new municipal's Center for the Children.



(5) **Outreach efforts** – a description of:

- (i) The PHA's effort, including notification and outreach efforts, to recruit FSS participants from among eligible families.

The PHA has developed a letter and questionnaire (see Attachment B) to be sent to all Section 8 Certificate and Voucher holders. The letter introduces the FSS Program to Housing Authority program participants, and provides information on how to apply. The questionnaire seeks anonymous response to requests for information on goals for economic independence and on desired services and assistance; and whether the respondent would be interested in the program. A self-addressed envelop is included with each letter/questionnaire. The information derived from this mailer serves two purposes:

- a. notifies all eligible families of the opportunity to apply for FSS;
- b. Provides a basis for the Project Coordinating Committee to target service providers who can assist in achieving the goals of likely FSS participants.

The letter questionnaire is also made available to all Section 8 Certificate and Voucher applicants at the time of their initial interview for eligibility determination. Whereas they will not be eligible for the FSS Program until they receive rental assistance, they can be prepared to apply when assistance becomes available to them. If all slots are filled at that time, they will be placed on a FSS waiting list.

- (ii) The PHA's actions to be taken to assure that both minority and non-minority groups are informed about the FSS program, and how the PHA will make this information known (e.g., through door-to-door flyers, advertisements in newspapers of general circulation, as well as any media targeted to minority groups.)

Direct mail to each eligible participant ensures that every family, minority and non-minority, that is a potential participant will receive the same information at the same time.



- (6) **FSS activities and supportive services** – a description of the activities and supportive services to be provided by both public and private resources to FSS families, and identification of the public and private resources, which are expected to provide the supportive services.

The list of FSS activities and supportive services will grow over time, as the program expands to encompass additional supportive services. The Program will begin with the cooperation of the following agencies/services:

Puerto Rico's Labor and Human Resources Administration
("Administración de Derecho al Trabajo"):

1. Individual Job Search Seminar ("Seminario sobre Búsqueda de Empleo Independiente")
2. Profession Counseling ("Consejería Ocupacional")
3. How to prepare a Resume ("Preparación de Resumé")
4. How to fulfill a job application ("Completar Solicitud de Empleo")

Puerto Rico's Family Department ("Departamento de la Familia"):

1. Self-evaluation and identification of capabilities ("Auto-evaluación e identificación de habilidades")
2. Case Management: Healthy life in community ("Vida saludable en comunidad – Manejo de Casos")
3. Training in house skills and parenthood ("Adiestramientos en destrezas del hogar y ser padres")
4. Individual services for job search ("Asistencia individual en la búsqueda de empleos")
5. Job /Job Training; Training and Counseling; Job Development and Job Placing; Assistance once obtained the job and completed the contract of participation. ("Empleo-adiestramiento de empleo, preparación y asesoría, desarrollo y ubicación de empleo, asistencia una vez obtenido el empleo y completado el contrato de participación")

The primary objective of the Municipality of San Sebastián is to target and promote self-sufficiency among participating families, and provide for the necessary supportive services to those families in order to enable these same families to achieve economic independence.



- (7) **Method for identification of family support needs** – a description of how the FSS program will identify the needs and deliver the services and activities according to the needs of the FSS families:

Responses to the outreach questionnaire will provide the initial data on needs of FSS families. With a basic cadre of support services at the outset of the Program, most basic services will be provided upon availability by the provider. As individual Training and Service Plans are developed for participating families, there will be a refinement of identification of needs.

Delivery of services begins with the development of individual Training and Service Plan. After goals have been established and the required services identified necessary to achieve the goals, the FSS Coordinator will link the family with the needed services.



- (8) **Assurance of non-interference with rights of non-participating families** – an assurance that a family’s election to not participate in the FSS program will not affect the family’s admission to the Section 8 Program or the family’s right to occupancy in accordance with its lease.

Participation in the FSS Program requires participation in the Section 8 Program; admission to the FSS Program will not precede Section 8 approval. Therefore a family, who elects to no participate in the FSS program, provided the family is income eligible, has already received Section 8 assistance and their election cannot play a role in receiving rental assistance. There is no local preference for families who intend to participate in the FSS Program.



- (9) **Timetable for program implementation** – a timetable for implementation of the FSS program as provided in Section 984.301(a)(1), including the schedule for filling FSS slots with eligible FSS families, as provided in Section 984.301.

As soon as the Municipality of San Sebastián has known the availability of the obligated funds to operate the FSS Program, the Section 8 Staff began the operating process to implement its local FSS Program. Operation means that activities such as outreach, participant selection, and enrollment have begun.

The Municipality began the outreach of the Program to its participants and the local educational/job services agencies, preparing its action plan, which includes a questionnaire and communications, to be offered to its participants, have assisted to HUD seminars and have preliminarily identified and briefly talks to its possible FSS participants. The list of FSS activities and supportive services will grow over time.

All the activities implicated in the management of a FSS Plan, requires an ongoing and eventually case by case work task. The Program has worked on the following Work Schedule:

- I. FSS ACTION PLAN AND PROGRAM COORDINATING COMMITTEE (PCC) PREPARATION
 - A. Mailed letter requesting formal certification/commitment to offer support services
 - B. Signed (if deemed necessary) specific support services agreements
 - C. Prepare/Revise the FSS Action Plan (include relevant suggestions and/or viable policies offered by the Program Coordination Committee)
 - D. Coordinate meetings and work plan with the Committee

- II. CASE MANAGER (FSS Coordinator)
 - A. New cases
 1. Identified possible Program participants
 2. Advise the interested person and/or potential participant
 3. Signed FSS Contracts (which includes the FSS Individual Training and Services Plan) – Form HUD-52650-S
 4. Complete the form HUD-50058 (in all its applicable parts) and transmit the form to HUD
 5. Follow up each case (motivates participants, review their rules and deadlines achievements)



- (10) **Certification of coordination** – a certification that development of the services and activities under the FSS program has been coordinated with the JOBS Program; the programs provided under the JTPA; and any other relevant employment, child care, transportation, training, and education programs in the applicable area, and that implementation will continue to be coordinated, in order to avoid duplication of services and activities.

These certifications are included as Appendix A to this Action Plan. They include Certifications of Coordination with:

- Puerto Rico's Labor and Human Resources Administration (Administración de Derecho al Trabajo)
- Puerto Rico's Family Department (Departamento de la Familia)



- (11) **Other additional information** – such other information that would help HUD determine the soundness of the PHA's proposed FSS program.

The FSS program is a first step toward the development of an on-going program that will grow and change with experience and with changes in regulations. This initial version of the Action Plan contains the basic requirements for the Plan. The initial goal is to establish a program that is rooted in regulations, with room for Housing Authority discretion to expand and facilitate the delivery of services to FSS families.



(12) **FSS Administrative Plan** – in accordance with CFR 982, the FSS Administrative Plan has been moved to the FSS Action Plan. The Administrative Plan is as follows:

(i) Eligibility

All current Section 8 voucher families are eligible for FSS (984.103).

(ii) Selection

Non-Discrimination: Families will be selected for participation without regard to race, color, religion, sex, handicap, familial status, or national origin. All Section 8 families will be informed of the FSS program at the time of initial interview and again at briefing, ensuring that all families receive the same information upon entering the Section 8 program. For those families in the Section 8 program at the time of FSS implementation, a notice will be sent out informing them of the FSS program. Families interested in participating in FSS will be selected as stated below. The Housing Authority will make every reasonable accommodation for individuals with mobility, manual, or speech impairments, and mental or developmental disabilities.

Preference Slots (984.203)

The Housing Authority gives preference, on a first-come, first-serve basis, for 50% of FSS slots to eligible families, as defined in Section I, who are currently enrolled with or on the waiting list of one of the following supportive service agencies:

- Puerto Rico's Labor and Human Resources Administration (Administración de Derecho al Trabajo)
- Puerto Rico's Family Department (Departamento de la Familia)

Non-Preference Slots

Families not enrolled with or on the waiting list for supportive services will be selected in order of the date a family was placed on the FSS waiting list, with a lottery as the secondary selection method.

Motivational Screenings

No motivational screenings will be used.

Denial of Application

A family's FSS application may not be denied for any of the following reasons:



1. The Housing Authority determines that the participant is unable to become self-sufficient in five years (PIH 94-59 B-11). Other goals of the FSS program include obtaining a job for the first time or obtaining a better job, getting off welfare and public assistance, and earning a degree or diploma.
2. The family has supportive service needs not key to successful completion of the Contract of Participation, and those services are not available in the community (984.303e).
3. The head of household is elderly or disabled. The Housing Authority should make all reasonable accommodations to allow participation in the FSS program, and other family members have the option of being designated as head of household (PIH 94-59 B-9, 10).

If a family is denied admission into the FSS program or voluntarily chooses not to participate, this does not affect the family's participation in the Section 8 program or the family's right to occupancy in accordance with its lease, unless the family is denied admission for reasons that also exclude their participation in the Section 8 Program (984.201 8).

(iii) Suspension of Escrow Credits

During periods of non-compliance with the assisted lease or certificate/voucher, the Housing Authority will cease any credits to the escrow account. Such credits will resume if the participant becomes compliant. In addition, if the participant does not return the Service Verification Form by the required deadline at the time of interim and annual reviews, credits will be suspended until the form is received.

(iv) Termination Procedures

If the FSS family does not comply with the Contract of Participation, their contract may be terminated, and their FSS escrow account forfeited, in the fourth year or thereafter. Escrow accounts are forfeited immediately upon contract termination. Families will be notified in writing of the Housing Authority's decision to terminate the Contract of Participation. The notice will include the reason for the decision, and inform the family of its right to an informal hearing of the decision. Non-compliance with the Contract of Participation is not grounds for termination from Section 8, unless the non-compliance also is grounds for termination under Section 8 regulations.

(v) Hearing Procedures

If the Housing Authority decides to terminate FSS participation because the family failed to comply with its FSS Contract, the Housing Authority must offer the family an informal hearing. The hearing shall be conducted by any person or persons designated by the Housing Authority, other than



a person who made or approved the decision under review or a subordinate of such person. The family shall be given an opportunity to present written or oral objections to the Housing Authority decision. The Housing Authority shall notify the applicant in writing within 10 days of the final Housing Authority decision after the informal review, including a brief statement of the reasons for the final decision.

