

<b>PHA 5-Year and Annual Plan</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires 4/30/2011</b>
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<b>1.0</b>	<b>PHA Information</b> PHA Name: <u>City of Santa Monica Housing Authority</u> PHA Code: <u>CA111</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/01/2010</u>												
<b>2.0</b>	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: <u>1092</u>												
<b>3.0</b>	<b>Submission Type</b> <input type="checkbox"/> 5-Year and Annual Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only												
<b>4.0</b>	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)												
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program <table border="1"> <thead> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>PHA 1:</td> <td></td> </tr> <tr> <td>PHA 2:</td> <td></td> </tr> <tr> <td>PHA 3:</td> <td></td> </tr> </tbody> </table>	PH	HCV	PHA 1:		PHA 2:		PHA 3:	
PH	HCV												
PHA 1:													
PHA 2:													
PHA 3:													
<b>5.0</b>	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.												
<b>5.1</b>	<b>Mission.</b> State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years:												
<b>5.2</b>	<b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.												

	<p><b>PHA Plan Update</b></p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p><b>See attached: The Administrative Plan in its entirety has been revised to reflect current regulations and discretionary policies. Also attached is the Summary of Changes which reflects major changes to the Administrative Plan.</b></p> <p><b>What follows is the Chapter summary from the Administrative Plan regarding Domestic Violence, although policies regarding Domestic Violence are integrated into the Plan and not a separate Chapter within it.</b></p> <p><b>MAJOR POLICY CHANGES</b></p> <p><b>Chapter Sixteen: Program Administration</b> discusses administrative policies and practices that are applicable to the management of the program such as payment standards, repayment agreements, management assessments, and record keeping.</p> <p><b>NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA)</b> A summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, or stalking (see sample notices in Exhibits 16-1 and 16-2)</p> <p>The definitions of <i>domestic violence</i>, <i>dating violence</i>, and <i>stalking</i> provided in VAWA (included in Exhibits 16-1 and 16-2)</p> <p>An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibits 16-1 and 16-2)</p> <p>A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking</p> <p>A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibits 16-1 and 16-2)</p> <p>The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)</p> <p>Contact information for local victim advocacy groups or service providers.</p> <p><b>All comments regarding the Plan received during the comment period are included in the Plan as a standalone Chapter but have been attached separately with responses.</b></p> <p><b>There were no challenged elements.</b></p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. All documents are available at the Administrative Office located at 1901 Main Street and on the City of Santa Monica website.</p>
7.0	<b>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.</b> <i>Include statements related to these programs as applicable.</i>
8.0	<b>Capital Improvements.</b> Please complete Parts 8.1 through 8.3, as applicable.
8.1	<b>Capital Fund Program Annual Statement/Performance and Evaluation Report.</b> As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> , form HUD-50075.1, for each current and open CFP grant and CFFP financing.
8.2	<b>Capital Fund Program Five-Year Action Plan.</b> As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i> , form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.
8.3	<b>Capital Fund Financing Program (CFFP).</b> <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.

9.0	<p><b>Housing Needs.</b> Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p>
9.1	<p><b>Strategy for Addressing Housing Needs.</b> Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. <b>Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</b></p>
10.0	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <ul style="list-style-type: none"> <li>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year Plan.</li> <li>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification”</li> </ul>
11.0	<p><b>Required Submission for HUD Field Office Review.</b> In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office.</p> <ul style="list-style-type: none"> <li>(a) <b>Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations (which includes all certifications relating to Civil Rights)</b></li> <li>(f) <b>Resident Advisory Board (RAB) comments.</b> Comments received from the Housing Commission and the public are included in the Administrative Plan document. All recommendations were integrated into the Administrative Plan.</li> <li>(g) <b>Challenged Elements – No challenges were made to the document.</b></li> </ul>

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, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide 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 is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

## Instructions form HUD-50075

**Applicability.** This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

### 1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

### 2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

### 3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

### 4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

### 5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

**5.1 Mission.** A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

**5.2 Goals and Objectives.** Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

**6.0 PHA Plan Update.** In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

#### PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

**7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers**

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm)  
**Note:** This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

**8.0 Capital Improvements.** This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

**8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report.** PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

**8.2 Capital Fund Program Five-Year Action Plan**

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

**8.3 Capital Fund Financing Program (CFFP).** Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

**9.0 Housing Needs.** Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

**9.1 Strategy for Addressing Housing Needs.** Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

**10.0 Additional Information.** Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

**11.0 Required Submission for HUD Field Office Review.** In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

# SANTA MONICA HOUSING AUTHORITY ADMINISTRATIVE PLAN

## Summary of Chapters

**Chapter One: Overview of the Program and Plan** explains the origin of the HA's creation and authorization, the general structure of the organization, and the relationship between the HA Board of Commissioners (City Council) and staff.

### MAJOR POLICY CHANGES

**PHA MISSION** The mission of the PHA is the same as that of the Department of Housing & Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

**THE PHA'S PROGRAMS** The PHA's administrative plan is applicable to the operation of the Housing Choice Voucher program and pertains to families that participate in the FSS program.

**Chapter Two: Fair Housing and Equal Opportunity** explains the laws and HUD regulations requiring HAs to affirmatively further civil rights and fair housing in all federally-assisted housing programs.

### MAJOR POLICY CHANGES

**REQUEST FOR AN ACCOMMODATION** The PHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the PHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

**APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION** After a request for an accommodation is presented, the PHA will respond in writing, acknowledging receipt of the request, within 10 business days.

Based on the verified need for the accommodation, or the absence thereof, the PHA will render its decision within a reasonable period of time.

If the PHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PHA's operations), the PHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

If the PHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the PHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family.

**PERSONS WITH LIMITED ENGLISH PROFICIENCY** The PHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible, the PHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents. Where feasible and possible, the PHA will encourage the use of qualified community volunteers.

Where LEP persons desire, they will be permitted to use, at their own expense, a qualified interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA. The interpreter may be a family member or friend.

The PHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the PHA does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

**Chapter Three: Eligibility** explains the requirements for admission to the program including income limits, family composition, citizenship/immigration status, and screening criteria.

#### MAJOR POLICY CHANGES

**FOSTER CHILDREN AND FOSTER ADULTS** A *foster child* is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency. A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HQS space standards according to 24 CFR 982.401.



**ABSENT HEAD, SPOUSE, OR COHEAD** An employed head, spouse, or co head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

**TIMEFRAME FOR DETERMINATION OF CITIZENSHIP STATUS** The PHA will verify the citizenship status of applicants at the time other eligibility factors are determined.

**PARENTS** For purposes of student eligibility restrictions, the definition of parents includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

**VETERAN** A veteran is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

**SCREENING FOR SUITABILITY AS A TENANT** The PHA will not conduct additional screening to determine an applicant family's suitability for tenancy.

**REMOVAL OF A FAMILY MEMBER'S NAME FROM THE APPLICATION** As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member's current address upon PHA request.

***Chapter Four: Applications, Waiting List and Tenant Selection*** explains the application process from opening of the waiting list to final determination of eligibility. It is largely technical and procedural.

#### MAJOR POLICY CHANGES

**ORGANIZATION OF THE WAITING LIST** The PHA will maintain a single waiting list for the HCV program. The PHA may merge the HCV waiting list with the waiting list for the HOME funded subsidies, dedicated affordable housing programs funded with City of Santa Monica Redevelopment Agency funds, and inclusionary housing opportunities. The PHA may merge the HCV waiting list with the waiting list for any other program the PHA operates.

**FAMILY OUTREACH** The PHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the PHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

TARGETED FUNDING The PHA administers the following types of targeted funding: Shelter Plus Care.

## LOCAL PREFERENCES

**Tier 1:** Displaced Preference: Involuntarily displaced applicants are applicants who have or will (within twelve months from the date of verification) be required to vacate housing in the City of Santa Monica as a result of:

- A disaster (fire, flood, earthquake, etc.) that occurred through no fault of the applicant, or
- Federal, state or local government action related to code enforcement, public improvement or development, or
- An eviction pursuant to the Ellis Act or Civil Code section 798.56(g) of the Mobile Home Residency Law.

In order to receive the preference as Displaced, applicants who have been displaced must not be living in “standard, permanent replacement housing”. Standard replacement housing is defined as housing that is decent, safe and sanitary (according to HUD HQS), that is adequate for the family size (according to HUD HQS) and that the family is occupying pursuant to a lease or occupancy agreement. Minor HQS violations that are few in a number do not disqualify replacement housing. Standard replacement housing does not include transient facilities, hotels, motels, or temporary shelters.

- Termination Resulting From Funding Shortfalls: Families that have been terminated from the PHA’s HCV program due to insufficient program funding and are at greatest risk of homelessness.

**The wait list for tier 1 applicants shall remain open at all times.**

### **Tier 2:**

- Residential Preference: Applicants who are residents of the City of Santa Monica.
- Applicants who are not residents of the City of Santa Monica who are working a minimum of 36 hours per week (or hired to work a minimum of 36 hours per week) in the City of Santa Monica (Applicants who work for a temporary agency located outside of the City of Santa Monica who do not live in Santa Monica do not qualify for preference if they are on a temporary assignment).
- Applicants on the service registry as established by the City of Santa Monica qualify for the residency preference.
- Homeless applicants who are not on the service registry must be currently receiving services from a recognized homeless service agency which provides case management services, and must have been receiving such services continuously for a minimum of six months previous to the date of selection from the waiting list.

### **Order of Selection Within Tiers:**

- U.S. Military Preference: Families of current member of the U.S. military, families of U.S. veterans, or surviving spouses of U.S. veterans are in the first tier of each rank. Note: Homeless veterans will be referred to the Veterans Administration's VASH program without losing their placement on the HCV waiting list.
- Singles Lack of Preference: Single applicants (1 person household) who are Elderly, Displaced, or Disabled families shall have priority over Other Singles within the same tier (other singles are individuals living alone who are not elderly, disabled, or displaced by government action).

**INCOME TARGETING** The PHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

**Chapter Five: Briefings and Voucher Issuance** describes how Vouchers are issued, the orientation provided to families new to the program, and technical aspects of Voucher issuance.

### **NO MAJOR POLICY CHANGES**

**Chapter Six: Income and Subsidy Determinations** is a technical exposition of the treatment of different types of income and assets, who is included in the family, and the allowances and deductions that are made from income to determine the family's rent.

### **MAJOR POLICY CHANGES**

**TEMPORARY, NONRECURRING, OR SPORADIC INCOME** Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

**STATE AND LOCAL EMPLOYMENT TRAINING PROGRAMS** The PHA defines *training program* as "a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period to time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a

specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

**BUSINESS EXPENSES** To determine business expenses that may be deducted from gross income, the PHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

**SEPARATION OR DIVORCE** All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

**ANTICIPATING EXPENSES** Generally, the PHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), the PHA will estimate costs based on historic data and known future costs

**ALLOWABLE CHILD CARE ACTIVITIES** For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

***Chapter Seven: Verification*** is a guide for staff to use in determining how to verify and document income, allowances, family status, and other factors affecting eligibility and rent calculation.

#### MAJOR POLICY CHANGES

**TENANT INCOME DATA (TID) REPORTS** The PHA will obtain TID reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

TID reports will be compared to family-provided information as part of the annual reexamination process. TID reports may be used in the calculation of annual income, as described in Chapter 6.I.C. TID reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between TID reports and family-provided information will be resolved as described in Chapter 6.I.C. and in this chapter.

TID reports will be used in interim reexaminations when it is necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits,

and to verify that families claiming zero income are not receiving income from any of these sources.

TID reports will be retained in participant files with the applicable annual or interim reexamination documents.

When the PHA determines through TID reports and third party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.

**TENANT INCOME DISCREPANCY REPORTS (TIDRs)** The PHA will generate and review IDRs on a monthly basis. The IDR threshold percentage will be adjusted as necessary based on the findings in the IDRs.

In reviewing IDRs, the PHA will begin with the largest discrepancies.

When the PHA determines that a participant appearing on the IDR has not concealed or under-reported income, the participant's name will be placed on a list of "false positive" reviews. To avoid multiple reviews in this situation, participants appearing on this list will be eliminated from IDR processing until a subsequent interim or annual reexamination has been completed.

When it appears that a family may have concealed or under-reported income, the PHA will request third-party written verification of the income in question.

When the PHA determines through IDR review and third party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.

**EIV IDENTITY VERIFICATION** The PHA will identify participants whose identity verification has failed as part of the annual reexamination process.

The PHA will attempt to resolve PIC/SSA discrepancies by reviewing file documents. When the PHA determines that discrepancies exist due to PHA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

**DOCUMENTATION OF AGE** If an official record of birth or evidence of social security retirement benefits cannot be provided, the PHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

**FOSTER CHILDREN AND FOSTER ADULTS** Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

**RESTRICTIONS ON ASSISTANCE TO STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION** In accordance with the verification hierarchy described in Section 7-1.B, the PHA will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:

The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965 (see Section Exhibit 3-2).

The student is at least 24 years old.

The student is a veteran, as defined in Section 3-II.E.

The student is married.

The student has at least one dependent child, as defined in Section 3-II.E.

The student is a person with disabilities, as defined in Section 3-II.E, and was receiving assistance prior to November 30, 2005.

If the PHA cannot verify at least one of these exemption criteria, the PHA will conclude that the student is subject to the restrictions on assistance at 24 CFR 5.612. In addition to verifying the student's income eligibility, the PHA will then proceed to verify either the student's parents' income eligibility (see Section 7-III.J) or the student's independence from his/her parents (see below).

**INDEPENDENT STUDENT** The PHA will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's eligibility by doing all of the following:

Either reviewing and verifying previous address information to determine whether the student has established a household separate from his/her parents for at least one year or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of *independent student* (see Section 3-II.E)

Reviewing prior year income tax returns to verify whether a parent has claimed the student as a dependent.

Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is \$0.

**FAMILY MEMBERS NOT RECEIVING SSA DISABILITY BENEFITS** For family members claiming disability who do not receive disability benefits from the SSA, a

knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

**TIPS** Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

**ASSETS AND INCOME FROM ASSETS** The PHA will verify the value of assets disposed of only if:

The PHA does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

**INCOME FROM EXCLUDED SOURCES** The PHA will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family share (as is the case with the earned income disallowance). In all other cases, the PHA will report the amount to be excluded as indicated on documents provided by the family.

***Chapter Eight: Housing Quality Standards and Rent Reasonableness Determinations*** recounts the maintenance standards with which units in the program must comply and describes how the PHA inspects units and enforces the standards. This chapter also discusses the policies the PHA will use to make rent reasonableness determinations.

#### MAJOR POLICY CHANGES

**NOTICE AND SCHEDULING** Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m. Generally inspections will be conducted on business days only. In the case of a life threatening emergency, the PHA will give as much notice as possible, given the nature of the emergency.

**OWNER AND FAMILY INSPECTION ATTENDANCE** When a family occupies the unit at the time of inspection an adult family member must be present for the inspection. The presence of the owner or the owner's representative is not required.

At initial inspection of a vacant unit, the PHA will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is permitted, but is not required.

**TIMING OF INITIAL INSPECTIONS** The PHA will complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA).

**UTILITIES** If utility service is not available for testing at the time of the initial inspection, the PHA will allow the utilities to be placed in service after the unit has met all other HQS requirements. The required utilities must be working before the HAP contract is executed by the PHA. The PHA will execute the HAP contract based upon a certification from the family that the utilities are working. A confirmatory inspection may be scheduled within 30 days of HAP contract approval.

**APPLIANCES** If the family 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 unit has met all other HQS requirements. The required appliances must be in place before the HAP contract is executed by the PHA. The PHA will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working. A confirmatory inspection may be scheduled within 30 days of HAP contract approval.

**EXTENSIONS** Extensions will be granted in cases where the PHA has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

A repair cannot be completed because required parts or services are not available.

A repair cannot be completed because of weather conditions.

A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case by case basis, but will not exceed 60 days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 15 calendar days, once the weather conditions have subsided.

**Chapter Nine: General Leasing Policies** includes policy on leases and security deposits. It relates the procedure from the time the family asks the HA to authorize them to rent a particular unit to the time the HA signs the contract with the landlord.



## MAJOR POLICY CHANGES

**PHA REVIEW OF THE LEASE** The PHA will not review the owner's lease for compliance with state/local law.

**TENANCY APPROVAL** The PHA will complete its determination within 10 business days of receiving all required information.

If the terms of the RTA/proposed lease are changed for any reason, including but not limited to negotiation with the PHA, the PHA will obtain corrected copies of the RTA and proposed lease, signed by the family and the owner.

Corrections to the RTA/proposed lease will only be accepted as hard copies, in-person, by mail, or by fax. The PHA will not accept corrections over the phone.

If the PHA determines that the tenancy cannot be approved for any reason, the owner and the family will be notified in writing and given the opportunity to address any reasons for disapproval. The PHA will instruct the owner and family of the steps that are necessary to approve the tenancy.

Where the tenancy is not approvable because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher.

If the tenancy is not approvable due to rent affordability (including rent burden and rent reasonableness), the PHA will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the family must continue to search for eligible housing within the timeframe of the issued voucher.

***Chapter Ten: Moving with Continued Assistance and Portability*** lists the requirements applicable to families who move from one unit to another while on the program. It includes a discussion of the technicalities of "portability" under which participants can move to another jurisdiction.

## MAJOR POLICY CHANGES

**INSUFFICIENT FUNDING** The PHA will deny a family permission to move on grounds that the PHA does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the PHA; (b) the PHA can demonstrate that the move will, in fact, result in higher subsidy costs; and (c) the PHA can demonstrate, in accordance with the policies in Part VIII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs. This policy applies to moves within the PHA's jurisdiction as well as to moves outside it under portability. If the PHA has grounds for denying or terminating a family's assistance, the

PHA will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances. Refer to sections 3-III.G and 12-II.E for VAWA provisions.

**REEXAMINATION OF FAMILY INCOME AND COMPOSITION** For families approved to move to a new unit within the PHA's jurisdiction, the PHA will perform a new annual reexamination in accordance with the policies set forth in Chapter 11 of this plan.

For families moving into or families approved to move out of the PHA's jurisdiction under portability, the PHA will follow the policies set forth in Part II of this chapter.

**VOUCHER ISSUANCE AND TERM** For families approved to move under portability, the PHA will issue a new voucher within 10 business days of the PHA's approval to move. The initial term of the voucher will be 60 days.

**VOUCHER EXTENSIONS AND EXPIRATION** The PHA will **not** approve extensions to a voucher issued to an applicant or participant family porting out of the PHA's jurisdiction except under the following circumstances: (a) the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA, (b) the family decides to return to the initial PHA's jurisdiction and search for a unit there, or (c) the family decides to search for a unit in a third PHA's jurisdiction. In such cases, the policies on voucher extensions set forth in Chapter 5, section 5-II.E, of this plan will apply, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

To receive or continue receiving assistance under the initial PHA's voucher program, a family that moves to another PHA's jurisdiction under portability must be under HAP contract in the receiving PHA's jurisdiction within 60 days following the expiration date of the initial PHA's voucher term (including any extensions). (See below under "Initial Billing Deadline" for one exception to this policy.)

**ABSORBING A PORTABLE FAMILY** If the PHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the PHA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If the PHA decides to absorb a family after that, it will provide the initial PHA with 30 days' advance notice.

**Chapter Eleven: Reexaminations** is a guide for staff use in conducting annual or interim examinations of families' income and other factors that affect eligibility and rent calculation.

## MAJOR POLICY CHANGES

UTILITY ALLOWANCES Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination after the allowance is adopted.

**Chapter Twelve: Termination of Assistance and Tenancy** relates all the causes for which the HA may deny assistance to applicants or terminate assistance to participants including the rules related to drug use and alcohol abuse, fraud, and unauthorized additions to the family.

## MAJOR POLICY CHANGES

FAMILY CHOOSES TO TERMINATE ASSISTANCE The request to terminate assistance shall be made in writing and signed by the head of household and spouse or co-head. Before terminating the family's assistance, the PHA will follow the notice requirements in Section 12-II.F.

INSUFFICIENT FUNDING The PHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, the PHA will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, the PHA will inform the local HUD field office. The PHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA's annual budget authority.

If the PHA must terminate HAP contracts due to insufficient funding, the PHA will do so in accordance with the following criteria and instructions:

The PHA will first terminate assistance to families receiving HAP assistance of \$100.00 or less per month, starting with the families that have been receiving assistance the longest. If there are not sufficient families receiving HAP assistance of \$100.00 or less per month, the PHA will follow the same process to terminate assistance to families with monthly subsidy of less than \$150.00 per month, and will continue to terminate families whose assistance increases at \$50.00 increments until enough families have been terminated for the PHA to stay within budget authority. The PHA will not terminate elderly or disabled families whose sole source of income is Social Security or Disability benefits.

NOTICE OF TERMINATION BASED ON CITIZENSHIP STATUS The notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination.

**Chapter Thirteen: Owners** discusses the role of an owner in the program and highlights key owner rights and responsibilities. This chapter also explains the relationship between the HA and the owner as expressed in the HAP contract.

#### MAJOR POLICY CHANGES

RETENTION All PHA activities that may affect an owner's ability to lease a unit will be processed as rapidly as possible, in order to minimize vacancy losses for owners.

The PHA will provide owners with a HCV factsheet that explains the program, including HUD and PHA policies and procedures, in easy-to-understand language.

The PHA will give special attention to helping new owners succeed through activities such as:

- Providing the owner with a designated PHA contact person.

- Coordinating inspection and leasing activities between the PHA, the owner, and the family.

- Initiating telephone contact with the owner to explain the inspection process, and providing an inspection booklet and other resource materials about HUD housing quality standards.

- Providing other written information about how the program operates, including answers to frequently asked questions.

Additional services may be undertaken on an as-needed basis, and as resources permit.

**Chapter Fourteen: Program Integrity** presents HA policies related to preventing, detecting, and investigating errors and program abuse, and corrective measures taken when errors or program abuse are found.

#### MAJOR POLICY CHANGES

Independent Audits and HUD Monitoring The PHA will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the PHA's error detection and abuse prevention efforts.

**PHA REIMBURSEMENT TO THE FAMILY** The PHA will not reimburse the family for any underpayment of assistance when the underpayment clearly is caused by the family.

**PROHIBITED ACTIONS** Any of the following will be considered evidence of family program abuse:

- Payment to the owner in excess of amounts authorized by the PHA for rent, security deposit, and additional services;

- Offering bribes or illegal gratuities to the PHA Board of Commissioners, employees, contractors, or other PHA representatives;

- Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to the PHA on the family's behalf;

- Use of a false name or the use of falsified, forged, or altered documents;

- Intentional misreporting of family information or circumstances (e.g. income, family composition)

- Omitted facts that were obviously known by a family member (e.g., not reporting employment income)

- Admission of program abuse by an adult family member

The PHA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

**PROHIBITED OWNER ACTIONS** Any of the following will be considered evidence of owner program abuse:

- Charging the family rent above or below the amount specified by the PHA

- Charging a security deposit other than that specified in the family's lease

- Charging the family for services that are provided to unassisted tenants at no extra charge

- Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit

- Knowingly accepting incorrect or excess housing assistance payments

Offering bribes or illegal gratuities to the PHA Board of Commissioners, employees, contractors, or other PHA representatives

Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the PHA

Residing in the unit with an assisted family

**PROHIBITED ACTIVITIES** Any of the following will be considered evidence of program abuse by PHA staff:

Failing to comply with any HCV program requirements for personal gain

Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant, participant, or owner

Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to the PHA

Disclosing confidential or proprietary information to outside parties

Gaining profit as a result of insider knowledge of PHA activities, policies, or practices

Misappropriating or misusing HCV funds

Destroying, concealing, removing, or inappropriately using any records related to the HCV program

Committing any other corrupt or criminal act in connection with any federal housing program

**CRIMINAL PROSECUTION** When the PHA determines that program abuse by an owner, family, or PHA staff member has occurred and the amount of overpaid subsidy meets or exceeds the threshold for prosecution under local or state law, the PHA will refer the matter to the appropriate entity for prosecution. When the amount of overpaid assistance meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG). Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.

**Chapter Fifteen: Special Housing Types** describes the eligible housing types the HA may permit a family to occupy.

## MAJOR POLICY CHANGES

SPECIAL HOUSING TYPES Families will not be permitted to use any special housing types, with the exception of manufactured homes where the family owns the home and leases the space, unless use is needed as a reasonable accommodation so that the program is readily accessible to a person with disabilities.

**Chapter Sixteen: Program Administration** discusses administrative policies and practices that are applicable to the management of the program such as payment standards, repayment agreements, management assessments, and record keeping.

## MAJOR POLICY CHANGES

SETTING PROGRAM STANDARDS AND SCHEDULES Copies of the payment standard and utility allowance schedules are available for review in the PHA's offices during normal business hours.

The PHA will maintain documentation to support its annual review of payment standards and utility allowance schedules. This documentation will be retained for at least 3 years.

NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA) A summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, or stalking (see sample notices in Exhibits 16-1 and 16-2)

The definitions of *domestic violence*, *dating violence*, and *stalking* provided in VAWA (included in Exhibits 16-1 and 16-2)

An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibits 16-1 and 16-2)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibits 16-1 and 16-2)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers.

**Chapter Seventeen: Project-Based Vouchers** describes the general provisions of the Project-Based Voucher program including the policies related to the submission and selection of owner proposals for project-based voucher assistance.

## MAJOR POLICY CHANGES

OVERVIEW The PHA will operate a project-based voucher program using up to 20 percent of its budget authority for project-based assistance.



## CHAPTER 18

### COMMENTS and RESPONSES

Public Comments	Response
<p>The Santa Monica Housing Authority should amend the draft Administrative Plan to incorporate the language in HUD Notice PIH 2009-52, Protecting Tenants at Foreclosure Act – Guidance on New Tenant Protections.</p>	<p>The SMHA will abide by Section 703 of the Protecting Tenants at Foreclosure Act (PTFA) and as soon as HUD revises the HAP contract, it will be implemented by the SMHA. In the interim, the HA will provide proper notice, as determined by the HA, to landlords and tenants of the provisions of the PTFA.</p> <p>The SMHA subscribes to Nan McKay’s Model Administrative Plan Revision service. Updates to the Plan are provided annually. When the HA receives updates, they are incorporated into the SMHA’s Administrative Plan.</p>
<p>The Santa Monica Housing Authority should implement a policy to record a special notice each time a new unit is leased by a Section 8 voucher holder. This request for special notice ensure that the SMHA is informed of any foreclosure notices recorded on the assisted property.</p>	<p>In the notice that will be provided to tenants, the SMHA will outline tenant rights and responsibilities which will include notifying the HA within 10 days of receipt of correspondence related to foreclosure proceedings and providing a copy thereof to the HA within the same time.</p>
<p>The SMHA should clarify in Chapter 13.II.F-<u>Change in Ownership</u> that a successor in interest after foreclosure is subject to both the lease and the HAP contract even if the new owner does not expressly assume the HAP contract or provide the written certifications set forth in proposed Chapter 13.</p>	<p>The SMHA will add the following language to Chapter 13.II.F –<u>Change in Ownership</u> – However, in the case when ownership is transferred through foreclosure, the new owner is obligated under the existing HAP contract even if the owner is not qualified to become an owner, fails to sign a written request stating the name and address of the new HAP payee and the effective date of assignment, or fails to provide a written certification.</p>
<p>The SMHA should amend Chapter 8.II.G -<u>Enforcing Owner Compliance</u> to make it clear that in the event that the family wishes to stay in the unit, the HA will take all reasonable steps to allow the family to remain, especially in the event that the new owner(successor in interest) is intentionally not maintaining the property.</p>	<p>The SMHA will add the following language to Chapter 8.II.G –<u>Enforcing Owner Compliance</u> -in the event that the family wishes to stay in the unit, the HA will take all reasonable steps to remedy the problem, including notifying both the owner and tenant of their rights and responsibilities.</p>
<p>The SMHA should not require the mandatory termination of a tenant when an “eviction” is the result of a disability of that person or household member.</p>	<p>The SMHA Administrative Plan addresses the termination of persons with disabilities in Chapter 12-II.DCriteria for Deciding When to Terminate under section <u>Consideration of Circumstances</u>, where the PHA will consider the extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in Section 12 – II.E) a victim of domestic violence, dating violence, or stalking, and section <u>Reasonable Accommodation</u>, if the family includes a person with disabilities, the PHA’s decision to terminate the family’s assistance is subject to consideration is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.</p>

