

1.0	<b>PHA Information</b> PHA Name: Auburn Housing Authority <span style="float: right;">PHA Code: ME007</span> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): 04/2011																										
2.0	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: 177 <span style="float: right;">Number of HCV units: 590</span>																										
3.0	<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																										
4.0	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)																										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="width: 35%;">Participating PHAs</th> <th rowspan="2" style="width: 10%;">PHA Code</th> <th rowspan="2" style="width: 20%;">Program(s) Included in the Consortia</th> <th rowspan="2" style="width: 20%;">Programs Not in the Consortia</th> <th colspan="2" style="width: 15%;">No. of Units in Each Program</th> </tr> <tr> <th style="width: 5%;">PH</th> <th style="width: 10%;">HCV</th> </tr> </thead> <tbody> <tr> <td>PHA 1:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PHA 2:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PHA 3:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program		PH	HCV	PHA 1:						PHA 2:						PHA 3:					
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PHA 2:																											
PHA 3:																											
5.0	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.																										
5.1	<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:																										
5.2	<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.																										
6.0	<b>PHA Plan Update</b> (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: Auburn Housing Authority has revised the following plan elements #1 since April 2010. 1. Chapter (2) Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures. Chapter (5) Subsidy Standrds 2. Revised Chapter 22 Chapter 8 Project Based Voucher Assistance (b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.  The Main Office of Auburn Housing Authority located at 20 Great Falls Plaza Auburn ME 04210																										
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> Include statements related to these programs as applicable.																										
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> <p>(a) <b>Progress in Meeting Mission and Goals.</b> Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.</p> <p>(b) <b>Significant Amendment and Substantial Deviation/Modification.</b> Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</p>
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> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p>

**Civil Rights Certification**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

**Civil Rights Certification**

**Annual Certification and Board Resolution**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

AUBURN HOUSING AUTHORITY

ME007

\_\_\_\_\_  
PHA Name

\_\_\_\_\_  
PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

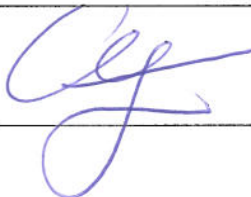
Name of Authorized Official

ARTHUR WING

Title

CHAIRMAN

Signature



Date 11/24/2010

## DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: AUBURN HOUSING AUTHORITY 20 GREAT FALLS PLAZA AUBURN ME 04210  Congressional District, if known: 4c ---	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>   Congressional District, if known:	
<b>6. Federal Department/Agency:</b> U.S. Department of Housing & Urban Development	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI):  N/A	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI):  N/A	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature:  Print Name: <u>Richard S. Whiting</u> Title: <u>Executive Director, Auburn Housing Authority</u> Telephone No.: <u>207-784-7351</u> Date: <u>12-3-10</u>	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

# Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

AUBURN HOUSING AUTHORITY

Program/Activity Receiving Federal Grant Funding

FIVE YEAR ANNUAL PLAN/CAPITAL FUND

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.


2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

- Lake Auburn Towne House 74 Lake Auburn Avenue Auburn ME 04210
- Family Development 100 Valerie Circle Auburn ME 04210
- Merrill Estates 8-10 Spring Street Mechanic Falls ME 04256
- Lincoln School 56 Sixth Street Auburn ME 04210
- Broadview Acres 456 Broad Street Auburn ME 04210

Check here  if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official Richard S. Whiting	Title Executive Director, Auburn Housing Authority
Signature 	Date 12-03-10

# Certification of Payments to Influence Federal Transactions

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

Applicant Name

AUBURN HOUSING AUTHORITY

Program/Activity Receiving Federal Grant Funding

FIVE YEAR ANNUAL PLAN/CAPITAL FUND

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.


(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official Richard S. Whiting	Title Executive Director, Auburn Housing Authority
Signature 	Date (mm/dd/yyyy) 12-03-2010

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:  
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the \_\_\_ 5-Year and/or  Annual PHA Plan for the PHA fiscal year beginning 4--1-2011, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

AUBURN HOUSING AUTHORITY


ME007

PHA Name

PHA Number/HA Code

\_\_\_\_\_ 5-Year PHA Plan for Fiscal Years 20\_\_\_\_ - 20\_\_\_\_  
 X \_\_\_\_\_ Annual PHA Plan for Fiscal Years 20<sup>11</sup> - 20<sup>12</sup>

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official  Arthur Wing	Title  CHAIRMAN
Signature  	Date  12.3.2010



Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

**Certification by State or Local Official of PHA Plans Consistency with the  
Consolidated Plan**

I, Glenn E. Aho the City Manager of Auburn certify that the Five Year and  
Annual PHA Plan of the Auburn Housing Authority is consistent with the Consolidated Plan of  
City of Auburn prepared pursuant to 24 CFR Part 91.



12-3-2010

Signed / Dated by Appropriate State or Local Official

DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET

Approved by OMB  
0348-0046

Reporting Entity: Auburn Housing Authority Page 1 of 1

N/A

11.0 (g)

CHALLENGED ELEMENTS

Auburn Housing Authority has no challenged elements of the PHA plan for fiscal year beginning April 1, 2011.

11.0 (f)

RESIDENT ADVISORY BOARD (RAB) COMMENTS:

Auburn Housing Authority has not received any comments from the Resident Advisory Board for the annual PHA Plan for fiscal year beginning April 1, 2011.

## **SECTION 8 HOUSING CHOICE VOUCHERS ADMINISTRATIVE PLAN**

### **PROPOSED CHANGES SUMMARY**

#### **Chapter 2 ELIGIBILITY FOR ADMISSION**

##### **B. Family Composition**

###### Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 50% of the time will be considered members of the household. The days do not have to run consecutively.

**The change is from 51% to 50%.**

##### **D. Mandatory Social Security Numbers**

###### Add Language

All members of applicant and participant household, regardless of age, must disclose and provide documentation verifying their Social Security Numbers. Assistance to any participant/applicant who does not disclose a valid SSN must be terminated.

###### Remove Language

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

#### **Chapter 5 SUBSIDY STANDARDS**

##### **A. Determining Family Unit (Voucher) Size**

###### Add Language

Separate bedrooms should be allocated for person of the opposite sex (other than adults who have a spousal relationship.)

## Chapter 2

### ELIGIBILITY FOR ADMISSION

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

#### INTRODUCTION

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

#### A. ELIGIBILITY FACTORS [982.201(b)]

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the HA.

The HUD eligibility criteria are:

An applicant must be a "family".

An applicant must be within the appropriate Income Limits.

An applicant must furnish Social Security Numbers for all family members age six and older.

An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification where required.

At least one member of the applicant family must be either a US Citizen or have eligible immigration status before the HA may provide any financial assistance.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria.

The Family's initial eligibility for placement on the waiting list will be made in accordance with the preliminary eligibility factors.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a voucher, unless the PHA determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list.

**B. FAMILY COMPOSITION** [24 CFR 5.403, 982.201]

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A “family” includes a family with or without children. A group of persons consisting of 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 is a family. The HA determines if any other group of persons qualifies as a “family”.

A single person family may be:

An elderly person

A person with a disability

Individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence.

Any other single person

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

**Single Person**

A single person or a person who lives alone or intends to live alone and who does not qualify as an elderly person, disabled person or remaining member of a tenant family.

**Head of Household**

The head of household is the adult member of the household, age 18 or over, 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-Citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

**Co-Head**

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

## **Live-in Attendants**

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

Is determined by the HA to be essential to the care and well being of an elderly person, a near-elderly (50-61) 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).

A live-in aide is treated differently than family members:

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

Live-in aides are not subject to Non-Citizen Rule requirements.

Live-in aides may not be considered as a remaining member of the tenant family.

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

A Live-in Aide may only reside in the unit with the approval of the HA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly, or disabled.

The HA will approve a live-in aide if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Approval of a live-in aide for reasonable accommodation will be in accordance with CFR 24 Part 8 and the reasonable accommodations section in Chapter 1 of this administrative plan.

Verification must include the hours the care will be provided.

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

The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity;

The person currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act; or

The person falls under any criteria established for the denial of assistance under the Program. (see Denial or Termination of Assistance chapter)



### **Split Households Prior to Voucher Issuance**

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the HA 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.

Restrictions that were in place at the time the family applied.

Role of domestic violence in the split.

Recommendations of social service agencies or qualified professionals such as children's protective services.

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 HA.

In cases where domestic violence played a role, the standard used for verification will be the same as that required for the "displaced due to domestic violence" preference.

### **Multiple Families in the Same Household**

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

### **Joint Custody of Children**

Children who are subject to a joint custody agreement but live with one parent at least 50% of the time will be considered members of the household. "50% of the time" is defined as 183 days of the year, which do not have to run consecutively.

When both parents are on the Waiting List and both are trying to claim the child, 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, 982.353]

To be eligible for assistance, an applicant must:

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

To be income eligible the applicant must be a family in the very low-income category, which is a family whose income does not exceed 50 percent of the area median income. The HA will not admit families whose income exceeds 50 percent of the area median income except those families included in 24 CFR 982.201(b).

To be income eligible the family may be under the low-income limit in any of the following categories: [24 CFR 982.201(b)

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.

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 programs 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 mortgage insurance contracts under 24 CFR 248.165.

A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program

To determine if the family is income-eligible, the HA compares the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

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

#### **D. MANDATORY SOCIAL SECURITY NUMBERS** [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if 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.

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

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

All members of applicant and participant household, regardless of age, must disclose and provide documentation verifying their Social Security Numbers. Assistance to any participant/applicant who does not disclose a valid SSN must be terminated.

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

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. 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.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

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

All members ineligible. Applicant families that include non-eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen Students. Defined by HUD in the non-citizen regulations at 24 CFR 5.522. Not eligible for assistance.

Illegal Aliens. Not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

### **Verification of Status Before Admission**

The HA will not provide assistance to families prior to the verification of citizenship/eligible immigration status of the family pursuant to this section.

## **F. OTHER CRITERIA FOR ADMISSIONS** [24 CFR 982.552(b)]

A 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 three years.

A family will be denied admission to the program if any member of the family fails to sign and submit consent forms for obtaining information required by the PHA, including Form HUD-9886.

The HA will apply the following criteria, in addition to the HUD eligibility criteria (see "Denial or Termination of Assistance" chapter), as grounds for denial of admission to the program:

The family must not have violated any family obligation during a previous participation in Section 8, Public Housing or other HUD Housing Program for three years prior to final eligibility determination.

The HA will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.

The family must pay any outstanding debt owed the HA or another HA as a result of prior participation in any federal housing program. For debts owed Auburn Housing Authority, no repayment agreement will be accepted.

The family must be in good standing regarding any current payment agreement made with another HA for a previous debt incurred, before this HA will allow participation in its Section 8 program.

If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the HA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).

## **G. DENIAL OF ADMISSION FOR DRUG-RELATED AND/OR OTHER CRIMINAL ACTIVITY**

### Administration

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, sexual orientation, familial status, disability or against other legally protected groups, and not to violate right to privacy.

To the maximum extent possible, the AHA will involve other community and governmental entities in the promotion and enforcement of this policy.

### HUD Definitions

"Drug-related criminal activity" is the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug-related criminal activity means *on or off the premises, not just on or near the premises*.

"Covered person" means an applicant, any member of the applicant's household, a guest, or another person under the applicant's control.

"Criminal activity" includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the applicant's housing premises by other residents or employees of the AHA.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"Guest" for purposes of this Chapter, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

"Household" means the family and AHA-approved live-in aide.

"Other person under the tenant's control," for the purposes of the definition of "covered person", means that the person, although not staying as a guest (as defined above) in the unit is, or was at the time of the activity in question, on the premises (as defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

"Premises" means the building or complex or development in which the Housing Choice Voucher unit is located, including common areas and grounds.

"Violent criminal activity" means any 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.

### Screening for Drug Abuse and Other Criminal Activity

The AHA will check criminal history for all adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity.

The AHA will check criminal history for all adults in the household to determine whether any member of the family is subject to a lifetime sex offender registration requirement.

The AHA has contracted with the Maine State Bureau of Identification and the Auburn Police Department an FBI approved channeling agent, to process and funnel requests in order to obtain National Crime Information Center (NCIC) data for the purpose of accessing FBI criminal records. The AHA will do a name and social security number check only through its local law enforcement agency to access limited information from the NCIC.

### Standard for Violation

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to Housing Choice Voucher (HCV) Program for a three-year period beginning on the effective date of such eviction.

The AHA will admit, at its sole discretion, the household if the AHA determines:

The person demonstrates successful completion of a rehabilitation program approved by the AHA, or

The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person has died or is imprisoned.

No member of the applicant's family may have engaged in drug related or violent criminal activity within the past three years.

The AHA will deny participation in the program to applicants where the AHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the AHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The AHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous six months.

"Engaged in or engaging in or recent history of" drug-related criminal activity means any act within the past three years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past three years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the AHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative past behavior, the AHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

The AHA will consider waiving the requirement regarding drug-related criminal activity if:

The person demonstrates successful completion of a credible rehabilitation program approved by the AHA; or

The person demonstrates consistent participation in professional rehabilitation for two of the past three years; or

The individual involved in drug-related criminal activity is no longer in the household because the person is incarcerated.

The AHA may permit eligibility for the Housing Choice Voucher and impose conditions that the involved family member(s) does not reside in the unit. The AHA will consider evidence that the person is no longer in the household such as divorce decree/incarceration/death/copy of a new lease with the owner's telephone number and address/or other substantiating evidence.

#### Permanent Denial of Admission

The AHA will permanently deny admission to the HCV Program persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds. The AHA will not waive this requirement.

#### Prohibition on Persons Subject to Lifetime Sex Offender Registration Requirement

The AHA will deny admission to HCV Program to any family in which a family member is subject to a lifetime sex offender registration requirement. This provision will not be waived. The AHA shall perform necessary criminal history background checks in the State where the housing is located and in any other States where household members are known to have resided.

#### Other criminal activity

"Other criminal activity" means a history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents.

For the purposes of this policy, this is construed to mean that a member of the current family has been arrested or convicted of any criminal or drug-related criminal activity within the past thirty-six months.

HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

Applicants and/or their household members who have been convicted of criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness, or child abuse, and are required by law to register as a sex offender will be prohibited from participation in the public housing program.

No family member may have engaged in or threatened abusive or violent behavior toward AHA personnel at any time.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last thirty-six months.

Even if a person has served time in jail and has now been released on probation, that person cannot be admitted into the HCV Program unless three years has passed since the completion of probation.

If the only sentence was probation, three years must have elapsed, without incident, since completion of probation, in order to be considered eligible for HCV Program.

A person who is released from jail with no probation requirement would have to operate on the outside for three years with no further evidence of the prohibited activities in order to be considered eligible for admission.

A person who has been convicted of any crime involving bodily injury would not be considered for admission until three years has passed since full repaying of the social debt, including probation.

### Evidence

The AHA must have evidence of the violation.

"Preponderance of evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence is not to be determined by the number of witnesses, but by the greater weight of all evidence.

"Credible evidence" may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by AHA inspectors and/or investigators.

The AHA may pursue fact-finding efforts as needed to obtain credible evidence.

### Obtaining Information From Drug Abuse Treatment Centers

The AHA will:

Request for certain household members. The AHA shall submit a request to a drug abuse treatment facility only with respect to each proposed household member:

Whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission; or

Whose prior tenancy records indicate that the proposed household member:

Engaged in the destruction of property;

Engaged in violent activity against another person; or

Interfered with the right of peaceful enjoyment of the premises of other residents.

The written consent form shall authorize the AHA to receive information from the drug abuse treatment facility stating only whether the facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

The AHA will maintain such information received from a drug abuse treatment facility in a manner that respects its confidentiality.

Such confidential information will be reviewed by the AHA staff, who will make a decision as to the outcome of the review.

Such confidential information will not be misused or improperly disseminated and will be destroyed not later than 5 business days after the date on which the AHA gives final approval for admission.

If the application is denied, the information will be destroyed within 10 business days following the date on which the statute of limitations for commencement of a civil action from the applicant based upon the denial of admission has expired.

#### Confidentiality of Criminal Records

The AHA 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 Rental Programs Manager, Occupancy Staff or designee, 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 the Housing Choice Voucher Program, the AHA's copy of the criminal report shall 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 AHA will document in the family's file that the family was denied admission or the tenancy was terminated due to findings in the Criminal History Report

#### Disclosure of Criminal Records to Family

Before the AHA takes any adverse action based on a criminal conviction record, the applicant and subject of record will be provided with a copy of the criminal record and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal hearing. Tenants may contest such records at the grievance hearing or court hearing in the case of evictions.

#### Hearings (See Chapter titled "Complaints and Appeals")

If information is revealed that would cause the AHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to the AHA's hearing procedures outlined in the Complaint and Appeals.



#### **H. TENANT SCREENING** [24 CFR 982.307)]

The HA will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

The HA will not screen family behavior or suitability for tenancy. The HA 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. The owner is responsible for screening families based on their tenancy histories, including such factor as: [24 CFR 982.307(a)(3)]

Payment of rent and utility bills

Caring for a unit and premises

Respecting the rights of other residents to the peaceful enjoyment of their housing

Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and

Compliance with other essential conditions of tenancy

Upon request, the HA will give the owner:

The family's current and prior address as shown in the HA's records; and

The name and address (if known by the HA) of the landlord at the family's current and prior address.

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

#### **I. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT**

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. Changes must be reported prior to execution of the lease, addendum to lease and HAP Contract. Failure to report changes may result in termination from the program.

#### **J. 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 for additional information about reviews and hearings.

**K. PROHIBITED ADMISSIONS CRITERIA** [982.202(b)]

Admission to the program may not be based on where the family lives before admission to the program. However, families who do not reside in HA's jurisdiction at the time of application must lease up in the HA jurisdiction for 12 months prior to eligibility for portability.

Admission to the program may not be based on:

Where a family lives prior to admission to the program.

Where the family will live with assistance under the program.

Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.

Discrimination because a family includes children.

Whether a family decides to participate in a family self sufficiency program; or

Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

**L. INCOME TARGETING** [982.201(b)(2)]

In each fiscal year, at least 75 percent of the HA's new admissions to the Section 8 program must have incomes that do not exceed 30% (extremely low income) of the area median income as published by HUD, with adjustments for smaller and larger families.

If necessary to meet the statutory requirement that 75 percent of new admissions be extremely low income, the HA retains the right to skip higher income families on the waiting list to reach those extremely low applicants.

When requested, HUD may approve different targeting requirements for the HA, if providing tenant-based assistance for a preservation prepayment or an owner opt out would interfere with the HA's income targeting requirements.

## Chapter 5

### SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

#### INTRODUCTION

HUD guidelines require that HA'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 which will be used to determine the voucher size for various sized families when they are selected from the waiting list, as well as the HA's procedures when a family's size changes, or a family selects a unit size that is different from the voucher.

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

1. The HA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the voucher. The HA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.
2. All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.
3. The unit size on the voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.
4. One bedroom will generally be assigned for each two family members. Consideration will be given for medical reasons and the presence of a live-in aide
5. Generally, the HA assigns one bedroom to two people within the following guidelines:
  - a. Head of household or head of house hold with a spouse will have a separate bedroom.
  - b. Adults who have a spousal relationship shall share a bedroom. This includes a head of household in a spousal relationship.
  - c. Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.
  - d. Foster children will be included in determining unit size only if they will be in the unit for more than 6 months.
  - e. Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.
  - f. Space may be provided for a minor child who is away at school, but who lives with the family during school recesses, as long as the school records list that residence as the child's principal address.

- g. Space will be provided for children temporarily away (less than 180 days) from the household because of placement in foster care.
- h. A single pregnant woman with no other household members must be treated as a two person family.
- i. Separate bedrooms should be allocated for person of the opposite sex (other than adults who have a spousal relationship and children younger than 3 years of age.)

**GUIDELINES FOR DETERMINING VOUCHER SIZE**

Voucher Size	Persons in Household (Minimum #)	Persons in Household (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	4	6
4 Bedrooms	6	8
5 Bedrooms	8	10
6 Bedrooms	10	12

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

1. The HA will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:
  - a. Verified medical or health reason such as medical equipment; or
  - b. Elderly persons or persons with disabilities who may require a live-in attendant.
2. Request for Exceptions to Subsidy Standards
  - a. The family may request a larger sized voucher than indicated by the HA’s subsidy standards. Such request must be made in writing within 14 calendar days of the HA’s determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.
  - b. Requests based on health related reasons must be verified by a doctor, medical professional, or social service professional competent to render the opinion and knowledgeable about the person’s situation.
3. **HA Error**  
If the HA errs in the bedroom size designation, the family will be issued a voucher of the appropriate size.

**4. Changes for Applicants**

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

**5. Changes for Participants**

- a. The members of the family residing in the unit must be approved by the HA. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the HA within 14 calendar days. The above referenced guidelines will apply.
- b. The housing authority will not add any household member other than additions by birth, adoption, court-ordered custody, or marriage which would result in a larger unit size except as allowed in other sections of paragraph B.

**6. Under-Housed and Over-Housed Families**

- a. If a unit does not meet HQS space standards\* due to an increase in family size, (unit too small), the HA will issue a new voucher of the appropriate size at the time of their next regularly scheduled annual reexamination, or at the time of a move, whichever comes first, provided funds are available and lease obligations have been fulfilled. In cases where the family composition grossly exceeds space standards for the current unit, a voucher will be issued immediately and the family will have 60 days to find a suitable unit before assistance is terminated.
- b. Those requiring a smaller bedroom size will be given notice that assistance will be downsized at the next annual reexamination, or at the time of a move, whichever happens first.

**C. FAMILY CHOICE OF UNIT SIZE SELECTED** [24 CFR 982.402(c)]

1. The Family will assign individual bedrooms as an internal family matter. The housing authority will not determine who, shall share a bedroom
2. **Size of unit occupied by family.**
  - a. The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.
  - b. The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit size.
  - c. There are three criteria to consider:
    - i. Subsidy Limitation: The family unit size as determined for a family under the HA subsidy standard for a family assisted in the voucher program is based on the HA's adopted payment standards. The payment standard for a family shall be the lower of:
      1. The payment standard amount for the family unit size, as stated on the voucher; or
      2. The payment standard amount for the unit size rented by the family.

- ii. Utility Allowance: The Utility Allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's voucher.
- iii. Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room, such as a den or family room, is used for sleeping.

**\*HQS GUIDELINES FOR UNIT SIZE SELECTED**

Unit Size	Maximum Number in Household
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

**3. Transfer Waiting List**

- a. When a change in family composition requires a larger voucher size and no funds are available, the family will be placed on a Transfer List.
- b. Families will be selected from the Transfer List before families are selected from the applicant waiting list. This assures that families who are already on the program are in the appropriate sized units.
- c. Families will be selected from this list, when there is available funding, in the following sequence:
  - i. A participant family (whose family composition has been approved by the HA) who requires a change in voucher size because they are living in a unit which is overcrowded according to Housing Quality Standards.
  - ii. A participant family (whose family composition has been approved by the HA) who requires a change in voucher size under the subsidy standards, but not under Housing Quality Standards.
  - iii. All others who require a transfer as determined by the HA.

## Chapter 21

### **VIOLENCE AGAINST WOMEN ACT (VAWA) PROVISION RE: DENIAL OR TERMINATION OF ASSISTANCE**

#### **INTRODUCTION**

An applicant or family that is or has been a victim of domestic violence, dating violence, or stalking, as defined below, will not be denied participation or terminated, if the victim of such violence otherwise qualifies for assistance.

“Domestic Violence” has the same meaning given the term in section 4002 of the Violence Against Women Act of 1994;

“Dating Violence” has the same meaning given the term in section 4002 of the Violence Against Women Act of 1994;

“Stalking” means: to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and, in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to; that person; or a member of the immediate family of that person; or the spouse or intimate partner of that person.

“Immediate Family Member” means, with respect to a person a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or any other person living in the household of that person and related to that person by blood and/or marriage.

1. Nothing in this Section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

All information provided to an owner, manager, or Auburn Housing Authority pursuant to this Section, including the fact that an individual is a victim of domestic violence, dating violence, or stalking; shall be retained in confidence by Auburn Housing Authority; and shall neither be, entered into any shared database; nor provided to any related entity; except to the extent that disclosure is requested or consented to by the individual in writing, required for use in an eviction proceeding, or otherwise required by applicable law.

#### **A. INCIDENTS OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING**

In responding to an incident or incidents of actual or threatened domestic violence, dating violence, or stalking, Auburn Housing Authority may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking; and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse; and meet the requirements set forth above. Such certification shall include the name of the perpetrator.

The individual shall provide such certification within 14 business days of the date that the participant receives the written request for certification from the owner, manager, or public housing agency.

If the individual does not provide the certification within the 14 business days set forth above, nothing in this Section may be construed to limit the authority of a landlord to evict, or Auburn Housing Authority to terminate the Section 8 voucher for, any tenant or lawful occupant that commits violations of the Section 8 program. Auburn Housing Authority may extend the 14-day deadline at its sole discretion.

An individual may satisfy the certification requirement above by:

providing Auburn Housing Authority with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under the penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incident in questions are:

bona fide incidents of abuse; and

the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

producing a Federal, State, tribal, territorial, or local police court record.

Nothing in this subsection shall be construed to require Auburn Housing Authority to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At its discretion, Auburn Housing Authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.



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## **Project-Based Voucher (PBV) Assistance**

### **22.1 General**

On October 13, 2005, HUD published the final rule for the Project-based voucher program. This rule can be found at 24 CFR Part 983.

All regulations governing the tenant-based Housing Choice Voucher Program (HCVP) program, found at 24 CFR 982, are applicable to the PBV program, with the exception of those sections listed at Parts 983.2(b) and (c) and described in Attachment A to this PBV administrative plan.

The PBV has two components:

New Construction/Rehabilitation, referred to as **“Development” PBV** (for units that will be newly constructed or rehabilitated) and **“Existing” PBV** (for occupied or ready to be occupied units approved after inspection as HQS Compliant)

This administrative plan establishes AUBURN PHA’s PBV policies and procedures for each area of program operation required by 24 CFR Part 983. It also includes discussion about many other important areas of PBV program administration that will assist Authority Staff to undertake careful and accurate administration of this valuable Section 8 program component. This plan has been designed to closely mirror the structure of 24 CFR Part 983. Key AUBURN PHA PBV policy considerations, as they may be amended from time to time, are and will in the future be included in AUBURN PHA’s Annual PHA Plan.

This plan does not apply to the former project-based certificate (PBC) program. Units under the PBC program are subject to the provisions of 24 CFR Part 983 codified as of May 1, 2001, with the exception of the term of renewal, discussed in the October 13, 2005 final rule at 983.10. This section limits extension of PBC HAP contracts to an aggregate term of 15 years. Since all new project-basing of Section 8 Rental Assistance must be through the PBV program, and the Authority has never utilized either program before, the PBC rules are not applicable to Contract Administration duties at the Auburn Housing Authority.

**PHA Discretion to operate a PBV Program (983.5(c) and Maximum Amount of PBV assistance (983.6 (a))**

AUBURN PHA wishes to exercise its discretionary authority to operate a Project Based Voucher component under the October 13, 2005 final rule and regulations found at 24 CFR Part 983. The option to set-aside up to 20% of HCVP budget authority (983.6(a)) will permit AUBURN PHA to develop and maintain long-term safe, decent and affordable housing that is accessible to its Section 8 applicants and program participants. AUBURN PHA has not set a specific goal for the amount of its budget authority that it will dedicate to its PBV program; however, in any given calendar year, AUBURN PHA reserves the right to utilize up to 20% of its budget authority for its PBV program.

***22.2 Selection of PBV Owner Proposals***

**22.2.1 Two approved methods for proposal selection (983.51(b)(1) and (2))**

The final rule establishes two methods that a PHA can use to select owner proposals. These methods are found at 983.51(b)(1) and (2).

1. 983.51(b)(1) permits the PHA to publicly issue a competitive request for PBV proposals.
2. 983.51(b)(2) permits the PHA to select proposals that have successfully competed for housing assistance under a federal, state, or local government housing assistance, community development, or supportive services program, provided the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and in the case of competitive selections that the earlier proposal did not involve any firm commitment that the project would receive PBV assistance prior to approval of occupancy. An example of such a non-competitive proposal could be, for instance, the non-competitive selection of a project applying for an allocation of Federal Low Income Housing Tax Credits (LIHTC's) for a proposed new construction or existing substantial rehabilitation effort where the property will be affordability-use restricted for at least a ten-year term. In this way, the Authority may provide needed rental assistance support to such proposals targeted towards the creation of project-based affordable housing opportunities already identified by the community as meeting a specific public purpose.

AUBURN PHA reserves the right to use both methods of PBV proposal selection.

### **22.2.2 Public notice of AUBURN PHA request for PBV proposals (983.51(c))**

Public notice is required for competitive PBV proposals that will be selected under 983.51(b)(1).

The AUBURN PHA utilizes local newspapers and trade journals to publish all major announcements and all key documents for its entire complement of housing and community development programs and activities. Key areas of public notification for which AUBURN PHA utilizes this method include, but are not limited to: Notifications of Funding Availability (NOFA) and Requests for Proposals (RFP); and notification of assisted unit availability (opening of waiting lists, for instance).

AUBURN PHA will announce all PBV NOFAs and any subsequent modifications to these PBV NOFAs in a local newspaper of choice.

#### **22.2.2.1 Public announcement of “Existing” PBV Competitive Allocation NOFAs**

“**Fixed date-due**” NOFAs will be announced at least four weeks in advance of the prescribed due date. NOFAs for “**rolling**” applications will be announced at least three weeks in advance of the initial application acceptance date. Any modification(s) to an “existing” PBV NOFA will be announced on the website and will indicate an effective date of the modification(s) including, in the case of “rolling” applications, the date at which AUBURN PHA will no longer accept additional applications.

AUBURN PHA reserves the right to implement more than one “existing” PBV initiative at a time. In this instance, the specific NOFA requirements of each initiative will be publicly announced as described above.

#### **22.2.2.2 Public announcement of “Development” PBV NOFAs**

The Maine State Housing Authority (MSHA) administers the State of Maine’s (LIHTC) program, the HOME program, and several other federal and state funded development programs and solicits proposals and awards funds for these and other state development programs based on publicly announced competitive selection criteria established for each of them. These solicitations are referred to as MSHA’s LIHTC Affordable Housing Funding rounds. MSHA also partners with other federal, state, and local agencies to administer several development and rental assistance programs and initiatives. On occasion, the Auburn PHA may choose to coordinate its NOFA issuance with competitive funding announcements for development or rental assistance to be provided by MSHA and/or their partnership agencies as described above.



Selection of publicly solicited PBV proposals (983.51(b)(1) )

#### **22.2.2.3 “Existing” PBV proposals**

Each NOFA, its respective proposal application and review criteria will be posted in the public announcement pages of a local newspaper of choice. The AUBURN PHA will screen all applications for competitive “existing” PBV proposals and make all proposal selections. It will consult with the Auburn PHA Board of Commissioners prior to making a final commitment of PBV funds for each project. For “rolling” NOFA’s, the Auburn PHA will announce within a local newspaper of choice the date it will stop accepting these competitive PBV proposals. The proposals will be reviewed on a rolling basis as they are received unless otherwise stated in the NOFA’s proposal selection requirements.

Awards will be contingent upon: 1) the availability of voucher and budget authority at the time the project is projected to be ready for occupancy; and, 2) the proposal’s consistency with the published review criteria.

#### **22.2.2.4 Competitive “Development” PBV proposals linked to MSHA-administered affordable housing funding rounds**

Each respective NOFA for competitive funding programs will indicate if AUBURN PHA “development” PBVs will be made available to any applicant that requests PBVs and successfully competes for the applicable development funds. The NOFA will indicate the maximum number of PBVs that could be made available for successful MSHA funding applicants and will emphasize that the proposal must be otherwise compliant with all PBV requirements.

#### **22.2.2.5 “Development” PBV proposals for any future initiative**

Awards of PBV assistance for any future development initiative that AUBURN PHA may elect to implement will be made by AUBURN PHA and/or a publicly announced partner agency designated by AUBURN PHA for this purpose.

#### **22.2.2.6 Written notification of PBV selection to owner**

Once an application has been screened and selected for PBV assistance on either the “existing” or “development” component, the Auburn PHA will issue a notice of “conditional reservation” of PBV assistance to the owner/project sponsor. This letter will advise the owner/project sponsor of all further requirements that must be satisfied prior to executing the Agreement to Enter Into a Housing Assistance Payments (AHAP) contract (in the case of “development” projects), or the Housing Assistance Payments Program (HAP) contract ( in the case of “existing” projects.) Examples of these requirements could include, but are not limited to, satisfactory completion of the subsidy layering review (SLR), the environmental review (ER), approval of the owner’s tenant selection plan, and final inspection of the units for HQS compliance. The letter will advise the owner/project sponsor that failure to complete all requirements for approval by HUD (where required) and AUBURN PHA will mean that AUBURN PHA will not be able to provide PBV assistance to the project. (See further discussion in Section 22.4.1).

#### **22.2.3 Selection of PBV proposals previously selected through a non-PBV competition (983.51(b)(2))**

At its option and on a case-by-case basis, AUBURN PHA may entertain requests to attach PBV assistance to units previously selected by a non-PBV competition, in accordance with the requirement of 983.51(b)(2)), under the following circumstances:

- Adequate PBV voucher and budget authority is projected to be available when the units are ready for occupancy;
- The request meets a compelling need and is otherwise consistent with AUBURN PHA’s long-term affordable housing goals;
- The project is otherwise in compliance with all HUD and AUBURN PHA PBV requirements.
- Number of units requested and target population is consistent with current AUBURN PHA PBV NOFA requirements

The owner/project sponsor must initiate a written request for PBV assistance to AUBURN PHA accompanied by a letter from the “selection agency” that competitively selected the project for housing assistance under a federal, state or local government program. This letter, submitted on the “selection agency’s” letterhead and signed by an authorized official, must include the following information:

1. Date of the proposal selection;
2. A certification that the proposal was competitively selected by the agency in full compliance with all publicly advertised selection requirements;
3. A statement that proposal selection did not involve a firm commitment that the project would receive PBV assistance.
4. A copy of the NOFA or other similar solicitation for affordable housing assistance that the owner/project sponsor responded to; and,
5. A description of the housing program for which the applicant successfully competed, noting any special deed restrictions and/or special considerations such as tenant selection preferences.

When AUBURN PHA receives the “selection agency” letter, it will request that the owner/project sponsor fill out a AUBURN PHA PBV application, and subsequently determine if a reservation of PBV can and will be made.

#### **22.2.4 Public notice of AUBURN PHA PBV owner/project sponsor selection (983.51(d))**

Once AUBURN PHA has received all required HUD approvals to proceed to AHAP or HAP, as applicable, and all other program requirements have been met, AUBURN PHA will publicly announce the selection of owner proposals in the local newspaper of choice.

#### **22.2.5 PHA-owned units (983.51(e))**

The final rule permits PBV assistance to be attached to PHA-owned or controlled units. It expands the definition of PHA-owned housing to include “agents” of the PHA who hold a direct or indirect interest in the building in which the PBVs will be located. Therefore, any proposal for PBV housing in which the AUBURN PHA has a direct or indirect interest must be considered PHA-owned housing.

All PHA-owned proposals must be approved by MSHA after AUBURN PHA has granted its preliminary approval.

AUBURN PHA will employ the following selection process for any PHA-owned housing:

### **22.2.5.1 “Existing” PBV PHA-owned unit proposals:**

#### **22.2.5.1.1 “Rolling” NOFAs**

Where AUBURN PHA’s competitive “existing” NOFA provides for proposals to be submitted on a rolling basis, AUBURN PHA will review the proposal(s) as they are received and make awards based upon its published criteria. Any rolling “existing” PHA-owned proposal selected by AUBURN PHA will be forwarded to MSHA for its review and approval as the third-party selection agent. When making the approval request, AUBURN PHA will forward to MSHA 1) the owner/project sponsor application and all attachments; 2) the NOFA under which the proposal was submitted, ; and 3) the selection criteria used by AUBURN PHA to make its determination.

#### **22.2.5.1.2 “Fixed Due-Date” NOFAs**

When AUBURN PHA’s “existing” NOFA provides for a “fixed due-date”, AUBURN PHA will forward to MSHA as the designated third-party selection agent a list of all applications received and a list of all applications selected in addition to items 1-3 above.

### **22.2.5.2 “Development” PBV PHA-owned unit proposals**

These proposals will have been selected according to the published criteria announced by AUBURN PHA’s published selection criteria to be included within any competitive NOFA for new development proposals. A program description, a funding competition description for each program, the proposal evaluation by Auburn PHA professional staff and/or board members, and selection criteria for each program are provided in **Attachment B**. If MSHA requires additional information to demonstrate that these projects have been selected in accordance with the respective development program’s competitive selection criteria, the AUBURN PHA will provide the additional requested information. Once MSHA approval to proceed has been received, AUBURN PHA will issue the owner a written notification of PBV selection contingent upon the project meeting all PBV requirements.

### **22.2.5.3 Rents and inspections in PHA-owned PBV units (983.59(b)(1) and (2) and 983.103(f))**

For both “existing” and “development” PHA-owned PBV units all inspections and determinations of reasonable rent made by the Auburn PHA must be reviewed and confirmed as reasonable by either MSHA’s Asset Management Branch or an alternative responsible independent entity (such as a neighboring PHA) already performing Contract Administration (CA) duties for other project-based Section 8 programs by HUD. This step is necessary to prevent a conflict of interest. Further, the initial contract rent must be based upon an appraisal performed by a licensed, state-certified appraiser. Furthermore, to prevent even the appearance of a conflict of interest, it shall be the policy of the AUBURN PHA not to award any PHA owned or affiliated project participating in the PBV program contract rents in excess of those being charged for comparable HCVP units receiving subsidy in Auburn.

### **22.2.6 Housing type - high rise elevator project for families with children (983.53(b))**

A high-rise elevated building is defined by HUD as any building with 5 or more stories with an elevator. The final rule prohibits attaching PBV assistance to a high-rise elevator project that may be occupied by families with children unless the PHA initially determines there is no practical alternative (e.g., as a reasonable accommodation for a household member who is mobility impaired), and HUD approves such a finding. The PHA may make this determination on a project-by-project basis. Prior to approving any such proposals, AUBURN PHA will consult with the Manchester, ME HUD office to ascertain what type of documentation would be required to potentially support such PBV projects based upon each project's particular demographics.

### **22.2.7 Subsidy layering review (SLR) - prohibition of excess public assistance (983.55)**

SLRs must be completed and approved by HUD for all "existing" and "development" PBV projects that utilize other publicly supported housing funds including, but not limited to, LIHTC's.

The SLR is "intended to prevent excessive public assistance for the housing by combining (layering) housing assistance subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits." HUD indicates in the preamble to the final rule that it will issue additional guidance on the requirements for processing SLR requests. If necessary, this section of the PBV administrative plan will be amended to conform to any new HUD SLR requirements.

#### **22.2.7.1 SLR submission process**

1. The applicant must submit to AUBURN PHA all the information required by the HUD mandated SLR checklist found in Attachment C.
2. AUBURN PHA must review the SLR package prepared by the applicant for completeness and consistency with program requirements.
3. If it appears complete and acceptable, AUBURN PHA must forward the SLR package to HUD's Manchester office and if directed by same to the Boston Area HUD Office having jurisdiction over Public and Indian Housing (PIH) programs. This office will also review the material, and, if found acceptable, submit it to HUD Headquarters for final review and approval.

Because of the multiple reviews involved in completing a SLR review (AUBURN PHA, HUD Boston and HUD Headquarters), AUBURN PHA will advise applicants that a final award of PBVs cannot be made until this review is completed and approved by HUD.

### **22.2.8 Exceeding the 25% cap on number of PBV units in a building (983.56)**

In general, no more than 25% of the units in a building may receive PBV assistance. Two categories of housing are automatically exempt from this requirement:

1. Units in a **single-family** building, defined as any building with 1-4 units;
2. Units that will house **elderly and/or disabled** households for the term of the HAP contract.

An additional category of units referred to as “**excepted**” units are also exempt from the 25% cap. They are defined as follows:

3. Units that will house a qualifying family, defined by HUD as a household where at least one member will receive at least one **supportive service** for the term of the HAP contract.

#### **22.2.8.1 Elderly and disabled households**

AUBURN PHA may support PBV units targeted to elderly and/or disabled households in both competitive and non-competitive variants. At the AUBURN PHA’s discretion, it may require that services targeted to the needs of the elderly and/or disabled are provided on a regular basis by qualified providers, and/or that the elderly units be part of an assisted living project, as defined by Section 983.3(b) of the final rule.

#### **22.2.8.2 Families receiving supportive services (983.56)**

AUBURN PHA may support PBV units targeted to families receiving supportive services, including those projects where the number of PBV units requested will exceed the 25% building cap. The types of services that AUBURN PHA will deem eligible to qualify a project to meet HUD’s definition of “excepted” units include, but are not limited to:

- 1) **Household Training** (e.g.: homemaking, parenting skills, money management);
- 2) **Job Training** (preparation and counseling, job development and placement, follow-up assistance after job placement);
- 3) **Services and Resources** (appropriate to assist families to achieve economic independence and self-sufficiency);

- 4) **Counseling for parents and other kinship relations caring for children with needs** (programs for families adopting children from State of ME social service programs and agencies);
- 5) **Remedial Education** (education for the completion of secondary or post-secondary education);
- 6) **Substance Abuse Treatment** (counseling and treatment for substance abuse).

It is not necessary that the services be provided on site or by the project sponsor if the Auburn PHA has approved the services.

#### **22.2.8.2.1 Extent to which services must be provided in “Exception” PBV Projects**

A family must have at least one member receiving at least one “qualifying” supportive service. Every participating family occupying an “excepted” unit in a PBV supportive services project must sign a AUBURN PHA-developed “PBV Contract of Family Participation.” This contract will establish a minimum period of time of no less than one year in which the family is expected to participate in one or more services and achieve certain goals during the term of the contract.

A household occupying an “excepted” unit cannot be required to participate in medical or disability-related services other than drug and alcohol treatment in the case of abusers as a condition of occupancy, although such services may be offered. (983.56(b)(2)(B))

The family may continue in occupancy in the “excepted” unit after they have successfully completed their supportive services contractual obligations. In this instance, the units will continue to count as “excepted” units for as long as the family eligibly resides in the unit.

#### **22.2.8.2.2 AUBURN PHA monitoring family receipt of services (983.56.(b)(2)(ii)(C) )**

As required by the final rule, AUBURN PHA will monitor the tenants’ continued receipt of supportive services on an annual basis.

As part of the PBV application process for Exception Projects, each owner/project sponsor must articulate key program goals and core performance indicators in their PBV application. The owner/project sponsor will be required to describe how participant households will be monitored for compliance with their PBV Contract of Family Participation. During each

12-month cycle of the family’s contract, the owner/project sponsor will be expected to maintain on-going evidence of the family’s participation in their service program and maintain agreed

upon data for inclusion in an annual performance report (PBV-APR) to be submitted to AUBURN PHA.

#### **22.2.8.2.3 Termination of family for failure to fulfill service obligation**

Failure by the family residing in an “excepted” unit to fulfill its service obligation, without good cause, will result in termination of the tenant from the PBV program and termination of the unit from the PBV program unless it is re-occupied by another “qualifying family.”

At the Auburn PHA’s request, the owner/project sponsor will be required to attend any tenant termination hearing and provide documentation supporting the owner’s determination that the tenant failed to comply with their PBV Contract of Family Participation.

#### **22.2.9 Site selection standards (983.57)**

Every PBV owner applicant must demonstrate that their project is consistent with HUD’s statutory goal of “deconcentrating poverty and expanding housing and economic opportunities.” AUBURN PHA will assess each application in this regard based on the following HUD-mandated criteria:

1. **HUD Designated Zone** Whether the census tract in which the proposal will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.
2. **Public Housing Demolition** Whether a PBV development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition.
3. **Significant Revitalization** Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization.
4. **Public Investment** Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement.
5. **New Market Rate Units** Whether new market-rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market-rate units will positively impact the poverty rate in the area.
6. **Decline in Poverty Rate** If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the PHA should consider whether in the past five years there has been an overall decline in the poverty rate.
7. **Education and Economic Opportunities** Whether there are meaningful opportunities for educational and economic advancements in the census tract where the proposed PBV development will be located.



Every AUBURN PHA PBV applicant must demonstrate to AUBURN PHA that their project satisfies the twin goals of deconcentrating poverty and expanding housing and economic opportunity regardless of the project's poverty rate as defined by the most recent census data. AUBURN PHA will make its assessment of an applicant's project's compliance with achieving these goal based on the totality of the applicant's response, taking into consideration the target population to be served (i.e. family, elderly, disabled, populations needing supportive services).

HUD's aforementioned criteria require the applicant to discuss each factor as it relates to the project's actual census tract. AUBURN PHA will only consider information about activity in neighboring census tracts if the information about the actual census tract demonstrates that HUD's goals of deconcentrating poverty and expanding housing and economic activity are being achieved in the actual tract.

AUBURN PHA will also further assess each proposal to determine if it achieves the following AUBURN PHA Section 8 Administrative Plan objectives:

- Development and maintenance of an adequate supply of safe, decent housing that is affordable and accessible to residents with a range of income levels and household needs;
- Assurance that ME residents with long-term support needs have access to appropriate services and accessible community housing options;
- Assurance of full and fair access to housing for all residents.

#### **22.2.10 Environmental review (ER) (983.58)**

Every PBV project is subject to HUD environmental review requirements. Prior to execution of an AHAP (for "development" PBV projects) or a HAP (for "existing" PBV projects), the owner must present evidence that the environmental review has been performed by a HUD designated "responsible entity" (such as MSHA's Development Division in the case of LIHTC projects), where applicable, categorically excluded from review under the National Environmental Policy Act (NEPA).

## **22.3 Dwelling Units**

### **22.3.1 Additional AUBURN PHA quality and design requirements (983.101.(e))**

All AUBURN PHA PBV units must meet an inspection grade of B+ or higher in order to be eligible for initial PBV assistance. AUBURN PHA grading standards can be found in the PHA Administrative Plan. All PBV units must maintain a B grade or higher status throughout the term of the HAP contract and have any deficiencies found through unit annual inspections that would bring such apartment out of compliance corrected within thirty days and re-inspected to assure compliance with HUD's Housing Quality Standards.

### **22.3.2 Annual inspections (983.103(d))**

The final rule permits PHAs to annually re-inspect at least 20% of all PBV units per HAP. AUBURN PHA may choose to exercise this option if it feels it necessary to assure that our housing quality inspection minimum standard of a B grade is maintained in each PBV unit.

### **22.3.3 Remedies for HQS violations (983.207(b)(2))**

If PBV units are not maintained in accordance with AUBURN PHA PBV HQS standards (or other HAP requirements), the Auburn Housing Authority may exercise any of its remedies under the HAP contract, including termination of assistance, abatement or reduction of HAP payment, reduction of contract units and/or termination of the HAP contract.

## **22.4 Requirements for Rehabilitated and Newly Constructed Units**

Prior to ANY demolition and/or construction, all "development" PBV units require the owner/project sponsor to enter into an Agreement to Enter Into a Housing Assistance Payment (AHAP) contract with the AUBURN PHA.

### **22.4.1 Requirements that must be satisfied prior to AHAP execution**

It is imperative that each PBV developer understands that an AHAP cannot be executed, and NO construction, demolition or work on the land can begin until the following actions are completed and approved by HUD (where applicable) and AUBURN PHA:

1. A subsidy layering review (SLR) for any project that has any other housing assistance from federal, state or local agencies, including tax concessions and tax credits. HUD, or an agency

designated by HUD, must perform and approve the SLR. *NB: Any developer worried about the potential conflict between the SLR approval process and MSHA's tax credit requirement for expending a percentage of tax credit funds by a certain date should contact AUBURN PHA to discuss this situation immediately.*

2. An environmental review (ER) performed by the “responsible entity” (RE) designated by the city/town or state, or a certification by the RE that a review is not required. In the case of MSHA LIHTC transaction, the required environmental review for the award of such credits shall meet this requirement.
3. If a PHA-owned property, MSHA must approve the selection of the environmental review proposal and perform the inspection or hire a contractor from its approved EV contractor list to do so. In addition, MSHA must make the final determination of rent reasonableness based upon a review of materials provided by the PHA.
4. If a high-rise elevated building that will house families with children, HUD must approve the site based on criteria that indicate “there is no practical alternative” for family housing in the community.
5. In-place tenants must be determined Section 8 eligible and appropriately housed in accordance with AUBURN PHA’s subsidy standards for the HCVP. The unit cannot be assisted with PBV assistance if the tenant is not eligible and would have to be displaced, unless the tenant agrees to move and the owner is prepared to relocate the tenant household at the owner’s expense, in a comparable unit located in the same or nearby building.
6. The owner must provide various certifications and provide the required attachments prior to AHAP execution.
7. If the unit is located in a high poverty census tract (20% or greater), AUBURN PHA requires that the applicant demonstrate before the AHAP can be signed that their project is consistent with HUD’s statutory goal of “deconcentrating poverty and expanding housing and economic opportunities.” The seven required HUD criteria that must be addressed can be found in Section 22.2.9 of AUBURN PHA’s PBV Administrative Plan. AUBURN PHA will make its assessment of the project’s compliance with these criteria based on the totality of the applicant’s response. A project that cannot demonstrate compliance with these criteria will not be permitted to enter into AHAP.

Several of these requirements may conflict with other publicly funded housing programs. However, HUD has made clear that PBV requirements supersede other program requirements, even if these other programs are HUD-funded.

Failure to complete these steps in accordance with HUD’s criteria and timeline **and** to obtain the required approvals means that the proposal cannot receive PBV assistance.

#### **22.4.2 Required mandatory meeting with owner/project sponsor for “development” PBV projects**

In the written notification of “conditional reservation” of PBV assistance to applicants for “development” PBV (see Section 22.2.2.9), AUBURN PHA informs the owner/project sponsor that they must attend a mandatory meeting with the Executive Director of the AUBURN PHA and applicable staff to discuss all key AHAP and HAP requirements. It is the owner/sponsor’s responsibility to contact the Auburn Housing Authority upon receipt of this letter to set a date and time for such discussion. Each project has its own set of particular issues to be understood and worked out in advance of AHAP and/or HAP. These mandatory meetings are essential to assuring that the development process runs as smoothly as possible and that all stakeholders understand these key requirements from the day of notification of PBV selection.

The owner/sponsor is encouraged to bring the management agent for the property to this meeting. Owner/sponsors who have previously developed AUBURN PHA PBV units are still required to attend this meeting for all new projects. Because there are almost always different stakeholders involved in each respective development project, this meeting allows key staff from each agency to meet one another before any work commences and to focus on issues specific to the project.

#### **22.4.3 Prompt execution of AHAP (983.153(c))**

The final rule states that the AHAP must be executed promptly after PHA notice of proposal selection to the selected owner. AUBURN PHA will comply with this requirement immediately upon receipt of HUD’s ER clearance letter and HUD approval of the SLR and any other criteria that require HUD approval.

#### **22.4.4 Additional AHAP requirements for Auburn PHA and PBV New Construction Applications**

##### HUD AHAP Boilerplate

Part 1, Form HUD 52531-A; AHAP will be utilized for new construction projects.

##### Auburn PHA AHAP Contract Number

The Auburn PHA is required to assign a contract number to the AHAP which will be the same number used for the HAP contract.

### AHAP Effective Date

The effective date of the AHAP may either be the date of execution or a subsequent date. Under no circumstances may the effective date precede the AHAP execution date.

Other significant dates:

- Date for commencement of work must be on or after the AHAP effective date and be a realistic date based on likely possible delays.
- Time for completion of work should be based on estimated completion date, with some cushion provided for unforeseeable delays. The AUBURN PHA may extend the completion date if all work is not completed by the date indicated for reasonable cause acceptable to their office.

### Contents of the AHAP:

- Exhibit A - The Auburn PHA must maintain in its files the property owner's application letter, the AUBURN PHA's PBV reservation letter and the Internal PBV Processing Memo to File stating that the complete application is available for viewing at the office of the AUBURN PHA during normal business hours.
- Exhibit B - The Auburn PHA must include the owner's narrative description of the work to be completed that contains: 1) a certification that currently the project does not substantially comply with HQS and additional AUBURN PHA or local government inspection standards and requires the described work in order to be compliant; 2) A certification that the owners and other principals are not on the US General Services Administration list of parties excluded from federal procurement and non-procurement programs; 3) A Memo to File stating that the work write-up for rehabilitation, or if new construction, the specifications and plans, may be viewed at the office of the AUBURN PHA as selection agency.
- Exhibit C - This is prepared by the Auburn PHA and includes:
  1. AHAP contract number;
  2. Project address;
  3. Number of units by bedroom distribution;
  4. Size of the units, square footage, and the number of bathrooms in each unit;

5. Utilities and services to be provided by the owner at no additional cost outside of the contract rent.
  6. Estimated gross rents that cannot exceed 110% of the published FMR or the HUD approved Exception Rent (ER), minus any allowance for tenant-paid utilities.
- Exhibit D - A copy of the Housing Assistance Payments (HAP) contract, Form HUD52530 A, that will be executed when the units are complete and accepted for occupancy by the Auburn Local Government and MSHA; completed with owner name, contract number, (the same one used for the AHAP) and Exhibit B of the HAP contract which lists the services, maintenance and utilities to be provided by the owner at no additional cost outside of the contract rent.
  - Exhibit E -If the work is to be completed in stages and brought under HAP in stages, this exhibit should indicate, by unit number, when each stage will be completed and ready for HAP.
  - Exhibit F -The architect's certification as explained in the AHAP.
  - Exhibit G - If PBV will be attached to nine or more units in the project, the Davis-Bacon (D B) Wage Rate Schedule, available online at <http://www.access.gpo.gov/davisbacon> will be exhibit G.

*Each page of **all** exhibits must include: 1) the project name; 2) address; 3)contract number, and 4) exhibit letter.*

All construction must be completed within the time specified in the AHAP (including any extensions approved by the Auburn PHA). Only when all work has been completed and the units pass AUBURN PHA's HQS inspection and are accepted for occupancy, will the owner and the Auburn PHA be authorized to execute the HAP contract.

With the exception of Davis-Bacon monitoring discussed below, monitoring of Section 3 compliance in part II of the AHAP involves informing the owner of the contractual obligations contained in Part 2 of the AHAP and, where applicable, keeping a copy of owner certifications of compliance in the project file.

#### **22.4.4.1 Davis-Bacon (D-B)**

Projects that will have nine or more units assisted with PBV are subject to D-B prevailing wage provisions for PBV. Even if there is HOME money in a project and it would ordinarily not be subject to D-B until 12 or more units are receiving assistance, the PBV award requires D-B compliance at nine units. The General Contractor (GC) is responsible for compliance with D-B for all employees on the site.

If D-B provisions apply to the project, the owner is responsible for ensuring that the appropriate language is contained in the construction contract(s). If another entity has not been identified to monitor D-B compliance by AUBURN PHA, MSHA, a future partner agency or a “selection agency” per Section 22.2.3 of this plan, it is the responsibility of the Auburn PHA to monitor this compliance who may request MSHA assistance in meeting this obligation. Attachment D provides a complete overview of the Davis Bacon monitoring responsibilities.

### **22.5 Housing Assistance Payments Contract**

#### **22.5.1 Identifying “Excepted” units (983.203(h))**

If PBV will be attached to more than 25% of the units in a multifamily building, the “excepted units” that will be set aside for the qualifying families must be identified.

For example: In a building with a total of 8 units, it is permissible to provide PBV assistance to all 8 units (100%). In this instance, at least 6 of the units must be identified as “excepted units” and be occupied exclusively by elderly or disabled households or households that will receive services in accordance with Section 22.2.8 of this PBV administrative plan. The remaining two units fall within the 25% limit and do not need to be (but may be) occupied by one of these qualifying families.

#### **22.5.2 Term of HAP contract and effective date of first payment (983.205(a))**

The HAP contract may be executed for a term of up to fifteen years based on the owner’s request and AUBURN PHA approval. Under no circumstances may an assisted lease be made effective, or subsidy payments begin, prior to the effective date of the HAP contract.

#### **22.5.3 HAP contract extensions (983.205(b))**

Within one year of expiration of the initial HAP contract, AUBURN PHA may agree to extend the contract for an additional term of up to fifteen years. Any extension of the term must be on the form and subject to the conditions prescribed by HUD at the time of the extension. Subsequent extensions are subject to the same limitation.

In all instances, an updated rent reasonableness test will need to be performed at the time of contract extension.

### **Factors to consider if contract extension is requested**

AUBURN PHA will consider several factors in its decision whether to extend an expiring PBV HAP contract, including but not limited to:

- Owner compliance with HQS and consistent maintenance of the B or higher inspection grade.
- Rate of tenant turnover. A high rate (more than 25% annually), may indicate tenant dissatisfaction with the unit or owner.
- Timeliness of owner reporting of vacancies in order to minimize the time the unit remains vacant.
- Length of unit vacancies.
- Ease of re-leasing units at turnover.
- Owner's overall compliance with the HAP contract provisions.

AUBURN PHA will permit a HAP contract extension for a unit that may be vacant at the time the contract expires provided the vacancy is recent and the project has not experienced a high rate of turnover during the contract term.

#### **22.5.4 Wrong unit size for in-place family at time of contract extension request (983.253(b) and 983.259)**

If an in-place family's bedroom needs have changed at the time of contract extension and the family is under-housed or over-housed and is no longer eligible for that particular unit size, the HAP contract may not be extended for that unit unless the family vacates the unit. In this case, the family must either be offered another PBV unit of an appropriate size, if available and nearby, or be issued a portable replacement voucher at least 120 days prior to the HAP expiration date. If the family fails to use the voucher during its initial and any extended term, the voucher will expire, and the family will be responsible for the full gross rent of the unit.

In instances where the family size changes within 120 days of the HAP contract expiration, the same requirements previously stated apply. In these cases the HAP contract can be extended for the duration of the voucher (and any extensions), or for the time it takes for the tenant to re-locate to another PBV unit.

#### **22.5.5 Termination of the HAP contract by owner because of rent reduction (983.205(d))**

If the Auburn PHA (with MSHA concurrence in the case of PHA controlled units) performs a rent reasonableness test that results in a reduced amount below the contract rent, the owner may



elect to terminate the HAP contract and the tenant must be offered the next available tenant-based voucher.

**22.5.6 HAP contract amendment to add or substitute contract units (983.206(a) and (b))**

**22.5.6.1 Substituting contract units (983.206(a))**

AUBURN PHA will permit the owner to substitute a different unit with the same number of bedrooms in the same project for a previously covered contract unit provided the owner has otherwise acceptably performed all requirements under the HAP contract and the substitution does not violate the 25% cap.

**22.5.6.2 Amendment to add contract units (983.206(b))**

AUBURN PHA may permit additional PBV units to be added to the PBV HAP contract provided it has adequate voucher and budget authority at the time the request is received, and:

1. The total number of units in the building that will receive PBV assistance, or other project-based assistance, will not exceed 25% of the number of dwelling units (assisted or unassisted) in the building.
2. The HAP can be amended during the three-year period immediately following the execution date of the HAP contract.
3. The owner has otherwise acceptably performed all requirements under the HAP contract.
4. Addition of unit is consistent with any AUBURN PHA publicly stated target population requirements (i.e. elderly, disabled, homeless, family, etc.) for PBV units at the time the request is made.

**22.5.7 HQS and rent reasonableness requirements prior to contract extension**

Prior to the extension term, the following actions must occur:

1. All units must be inspected for HQS compliance at a minimum inspection grade of B.
2. A rent reasonableness test for each unit must be performed by the Auburn PHA.
3. The units must be determined to be eligibly occupied and size appropriate for the in-place family.
4. In the case of PHA-owned units, MSHA, or another chosen third-party responsible entity (such as a neighboring PHA) must grant final approval of the Auburn PHA's determination of rent reasonableness and conduct physical inspections to insure compliance with HUD HQS requirements.

## **22.5.8 Termination of assistance**

### **22.5.8.1 Reduction of unit(s) from HAP contract for tenant-caused program violations**

If a tenant family is terminated by the Auburn PHA for program violations during the term of the HAP contract, both the owner and participant family will be notified by letter that assistance will be terminated effective one calendar month from the date of the notice. The AUBURN PHA tenant based HCVP program termination appeal procedures apply to tenants of PBV units. In the event the termination is upheld but the tenant remains in place, the subsidy may be moved to another available unit of the same size and quality in the same project (with no increase in the total number of units to be assisted) if requested by the owner. If no eligible unit is available or if the owner does not request a unit replacement, the HAP must be reduced by that one unit. At such time as the unit becomes vacant, the owner can request that the unit be restored to the HAP contract and if adequate voucher and budget authority is available, AUBURN PHA may reinstate the unit.

### **22.5.8.2 HAP contract options when tenants become ineligible through no fault of tenant household**

Families that become ineligible through no fault of the family, such as when an increase in household income results in 30% of its adjusted monthly income being equal to or greater than the gross rent for the unit, may remain in the unit paying the full rental amount. A family may remain in place (as a tenant in good standing) and pay the full rental amount without assistance indefinitely. The PBV contract, however, must be reduced by one unit through execution of a HAP amendment.

If the project is partially assisted the owner may request to substitute another same-size comparable unit for the ineligibly occupied one. If no such request is made by the owner, the HAP contract will be reduced by one unit.

Both the owner/project sponsor and the tenant will be notified by letter that the contract for the unit will be terminated effective one month from the date of notification.

If a family remains in place paying the full rent and subsequently becomes income eligible, the unit may be restored to the HAP contract if:

1. Adequate voucher and budget authority is available; and
2. The family has been re-determined program eligible; and
3. The owner did not substitute a different unit when the HAP contract for the ineligibly occupied unit was terminated.

Unlike the HCVP, the PBV program does not provide for a six-month zero subsidy window for participants in PBV units. The only way an over-income tenant who subsequently experiences a reduction in income could be reinstated to the PBV program is if the tenant stays in the terminated unit paying full rent, as described above, and the owner did not substitute another unit.

## **22.6 Occupancy**

### **22.6.1 Determining in-place tenant eligibility (983.251)**

When PBV applications are selected (both “existing” and “development”) and include units that are currently occupied at the time of selection, both the owner and the Auburn PHA must take the following steps:

#### **22.6.1.1 Owner/Project sponsor responsibility**

The owner sponsor must send all in-place tenants a letter explaining that the owner’s units have been selected for PBV assistance and that if the tenants are determined program eligible (including being appropriately housed according to Auburn PHA’s occupancy standards), they will be eligible to receive PBV assistance. The owner’s letter must emphasize that any tenant found ineligible will not be displaced. The Auburn PHA will provide the owner with the details about program eligibility and relocation requirements. At the owner’s request, the Auburn PHA will assist the owner in composing this letter.

#### **22.6.1.2 Auburn PHA responsibility**

Once the owner’s in-place tenant letter has been sent, the Auburn PHA will send to these tenants a modified HCVP pre-application that seeks information about each tenant’s household composition. This information will assist them in determining whether or not the household is occupying the appropriate number of bedrooms. Once the information is received, the AUBURN PHA will inform the owner about its unit size determinations.

Because of time delays in getting the various HUD approvals (when required) completed, the Auburn PHA will not perform the final tenant eligibility determination for any in-place tenant until the unit(s) has been otherwise approved for PBV assistance (e.g. passed HQS, and found to have met other applicable HUD requirements). Final eligibility includes the determination that the in-place household is appropriately housed with the correct number of bedrooms.

## **22.6.2 In-place non-eligible households (983.251(b)(2))**

### **22.6.2.1 Over-housed and under-housed in-place households**

Where there exists an in-place non-eligible, over- or under-housed household, that occupied unit cannot be brought onto the program unless the owner, at his expense, finds a suitable replacement unit acceptable to that household.

### **22.6.2.2 Change in household composition between preliminary determination of eligibility and HAP contract**

If the household's composition changes after having been preliminarily determined program eligible (see Section 22.6.1), and the unit is ready to come under an executed PBV HAP, AUBURN PHA will issue the family a tenant-based voucher if adequate voucher and budget authority is available. Once the tenant has vacated the unit, it may be placed under HAP. If this authority is not available, the unit cannot be brought onto the program at that time.

### **22.6.2.3 Unit substitution**

If the unit is located in a partially assisted building and not more than 25% of the units receive PBV assistance, the owner may substitute another unit of the same size for the ineligible occupied unit.

## **22.6.3 Selection from PHA waiting list (983.251(c))**

AUBURN PHA will maintain a site-specific waiting list for each respective PBV project.

### **22.6.3.1 Notification of all HCVP applicants**

All applicants on the AUBURN PHA tenant-based or regular PHA Project waiting lists who qualify for occupancy in a project selected for PBV assistance must be notified of the opportunity to also be listed on individual PBV project waiting lists and provided with a number to call if they choose to apply for this program at a later date. In the case of elderly or disabled occupancy-restricted buildings, however, such applicants must also meet applicable requirements (i.e. age or certified disability status, as applicable).

### **22.6.3.2 Referrals to PBV site-specific waiting lists**

It is the responsibility of PBV owners and project sponsors to refer applicants to the site specific waiting list for their respective project. AUBURN PHA will fund PBV projects based upon the owner's/project sponsor's representation (supported with documentation) of the need for PBV housing in the project's community.

If PBV units are not promptly filled because of lack of referrals from local social service or housing assistance agencies, the Auburn PHA must arrange to meet with the owner/project sponsor to emphasize their responsibility to make a suitable number of referrals or risk contract termination for failure to demonstrate a need for PBV assistance.

### **22.6.3.3 Site-specific waiting list information available upon request at the AUBURN PHA Offices**

Each project-specific PBV project waiting list must include the following information.

1. Name of the project;
2. Location of project;
3. Number of bedrooms in the project;
4. Accessible unit availability;
5. Any special preference and/or occupancy considerations such as elderly, disabled, supportive services.

### **22.6.4 Listing in-place eligible households on both the site-specific and master HCVP waiting list (983.251(b)(2))**

For existing properties with tenants in place who have received PBV allocations, all in-place households must be simultaneously listed on the Auburn PHA's portable HCVP waiting list *and* the site specific waiting list for the building in which they reside. These households must receive an absolute selection preference for the PBV on the site specific list. If the unit is not appropriately sized for the in-place household but another unit in the building is, the owner must offer this unit to the household before accepting any referrals from the general Auburn PHA's HCVP waiting list. It is the tenant's option to accept the owner's offer of the appropriately sized unit.

### **22.6.5 Timing of referrals for "Development" and "Existing" PBV projects**

Tenants for vacant PBV units will be selected by the owner from Auburn PHA referrals from the site-specific waiting list.

#### **22.6.5.1 For "Development" PBV projects**

Approximately 60 days before the anticipated HAP execution date, AUBURN PHA will add the name of the new project to its list of previously established site specific PBV project waiting lists maintained in its offices for public inspection and review. At that time, all in-place tenants must

be included on this list. The owner/project sponsor and the Auburn PHA can also begin referring other prospective applicants to the list. The owner/project sponsor can begin requesting applicant referrals to fill vacant units as soon as the list is established.

#### **22.6.5.2 For “Existing” projects**

Simultaneous with approving the HAP for an “existing” PBV project, AUBURN PHA will add the name of the new project to its list of site-specific waiting lists on its website and the owner/project sponsor can begin making applicant referrals to the list. At that time, the AUBURN PHA will send referrals to the owners for all vacant units.

In all instances, the AUBURN PHA will refer more applicants than there are units available in order to assure the units are filled as quickly as possible and to provide the owner with a reasonable pool of potentially acceptable applicants based on the owner’s AUBURN PHA-approved tenant selection criteria.

Referred applicants who lose contact with the AUBURN PHA or owner/project sponsor or fail to respond to requests for additional information for a period greater than two weeks will be deemed to have refused a potential offer of a unit. The AUBURN PHA cannot require the owner to hold a unit vacant while it attempts to locate the applicant.

#### **22.6.6 Owner’s written tenant selection plan**

Prior to AHAP or HAP execution, as applicable (for either development or existing projects) each owner/sponsor or their authorized management agent must submit a tenant selection plan for approval by AUBURN PHA and the AUBURN PHA. Failure to present an acceptable selection plan will result in AUBURN PHA’s withdrawal of the offer to provide PBV assistance to the project.

Each tenant selection plan should address, at a minimum, the following criteria:

1. The screening criteria and methods used to screen.
2. The owner/project sponsor’s certification that both assisted and unassisted tenants will be screened using the same screening criteria and methods.
3. If a credit check will be part of the screening, the minimum acceptable score.
4. A statement that the owner/project sponsor will return to the AUBURN PHA a copy of the applicant referral list that shows the date and time that each referred applicant contacted the owner/project sponsor and the final status of the contact.
5. A statement that all applicants that pass the owner/project sponsor’s screening will be referred back to the AUBURN PHA as potentially acceptable tenants for a future vacancy.

6. A statement that owner/project sponsor's denials will be in writing to the applicant listing the reason(s) for the denial with a copy to the AUBURN PHA.

For items 2-3 above, the owner/project sponsor may propose to provide the prospective assisted tenant with more latitude than unassisted tenants in recognition that the subsidy will improve the household's finances. Additionally, the owner can propose use of differing screening criteria where required by other federal program funds in use in the project. AUBURN PHA will determine if these criteria are approvable.

#### **22.6.7 Timing of owner's tenant selection and AUBURN PHA verification of tenant's Section 8 eligibility**

When the owner selects from the list of referrals provided by the AUBURN PHA in accordance with its approved written tenant selection plan, the owner does not have to screen the referrals in the order of placement on the AUBURN PHA waiting list. Rather, the owner should screen prospective applicants based on the order in which the applicant contacts the owner, comes to see the unit and completes the owner's selection requirements.

The AUBURN PHA will typically not verify Section 8 eligibility for applicants referenced by the owner to the PBV waiting list until **after** the owner has selected the tenant(s). The Auburn PHA, however, may waive this requirement on its own authority and conduct the eligibility screening for such owner-referred applicants if consistent with its other HCVP screening process. Because Section 8 verification of eligibility can require considerable staff time to complete for large projects, and the owner of such project may make more referrals than there are units available, AUBURN PHA may on its own authority determine that it is may not be an appropriate use of staff time for larger projects of over twenty units to complete the Section 8 eligibility screening until the applicant has been offered a unit by the owner.

#### **22.6.8 AUBURN PHA notification to applicants about the PBV unit selection process**

The AUBURN PHA must clearly outline the admissions process in the selection/referral letter that is sent to the applicant. This information should include information about any special features in the project and any selection preferences, where applicable. The owner should be encouraged to offer additional information about the project, including pictures, which the AUBURN PHA can include in its mailing to the applicants.

Examples of special preferences could include:

1. The project is one in which both initial and continued PBV eligibility will be contingent upon the family's willingness to participate in a program of supportive services;
2. A preference to disabled applicants who can demonstrate a need for specific services;

3. A preference to applicants living in institutions or at risk of institutionalization; or
4. The units are limited to those applicants who are eligible for assisted living.

Many projects will contain both preference and non-preference units.

#### **22.6.8.1 Pre-qualifying for certain preference units**

In some instances, it is appropriate to require that applicants pre-qualify for a preference in order to avoid issuing selection letters to applicants who would not otherwise be eligible and delaying the lease-up of the unit. AUBURN PHA will identify these units before the selection process begins. In these instances, upon receipt of an application for units in these projects - where the household size meets the preference units' bedroom size - the AUBURN PHA must send to these applicants a letter acknowledging receipt of their application and advising them that if they meet the preference standard, they will receive priority consideration for selection before all other applicants. Applicants who wish to be considered for these units must submit documentation to pre-qualify their eligibility for this priority consideration. The AUBURN PHA letter to the applicant must include:

1. a description of the preference criteria for priority consideration;
2. a description listing what documentation is required to verify eligibility for this consideration;
3. a list of entities appropriate to verify the applicant's eligibility for the priority consideration.

When making selections for these units, applicants who have been pre-qualified will be selected before all other applicants.

Because referrals are generally made to the owner without the AUBURN PHA first determining Section 8 eligibility, both the owner and the applicants must be notified in writing by the AUBURN PHA that among those owner-referred applicants that meet the owner's selection criteria, the first applicant that contacts the owner and is approved by the owner, who is subsequently determined eligible by the AUBURN PHA, will be offered the unit.

#### **22.6.10 Applicant right to appeal an owner denial**

If an owner denies a unit to a referred applicant, the owner must send a written notice to the applicant clearly stating the reason(s) for denial. The owner must provide a copy of this denial letter to the AUBURN PHA and must advise the applicant of any appeal rights to the owner. The applicant may request that the AUBURN PHA review the owner's denial to verify that compliance with the owner's approved written tenant selection plan.



### **22.6.11 AUBURN PHA briefing of applicants selected to occupy a PBV unit**

All applicants selected to occupy the PBV units must be briefed on program benefits and responsibilities. The oral briefing must include a description of how the PBV program works and family and owner responsibilities. Each briefed family must receive a packet that contains: 1) Information on how the AUBURN PHA determines the total tenant payment for the family; 2) family obligations under the program; 3) applicable fair housing information; and, 4) information about continued program eligibility if household composition changes and unit size is no longer suitable.

If the family head or spouse is a person with a disability, the AUBURN PHA must take appropriate steps to insure effective communication in accordance with 24 CFR 8.6 in conducting the oral briefing and in providing the written information packet, including appropriate, alternative formats.

### **22.6.12 Filling accessible units**

The owner/project sponsor must make every effort to refer eligible households that would benefit from the unit's accessibility features to the AUBURN PHA's site-specific waiting list before AUBURN PHA will permit the AUBURN PHA to lease such a unit to a non-handicapped applicant. Owners must list accessible units with the appropriate Disability and Handicapped assistance social service agencies of the state of ME. Both the owner and the AUBURN PHA should also notify all privately run local and regional disability organizations of accessible PBV unit availability.

### **22.6.13 Removal of applicant from site-specific list**

Rejection by an applicant of the largest bedroom size in the project for which they are eligible will result in removal of the applicant's name from that project's waiting list. For instance, an applicant that refuses a one-bedroom unit in a project will not be referred to a smaller unit (OBR, ESRO, SRO) in that same project. The AUBURN PHA must notify the applicant of this removal in the initial selection letter, or a subsequent letter, before the removal occurs.

#### **22.6.14 Student status**

An SRO PBV unit may be occupied by a student who is also receiving assistance under Title IV of the Social Security Act, enrolled in a job training program receiving assistance under the Job Training Partnership Act, or under other similar federal, state, or local laws.

An SRO PBV unit may not be occupied by a full-time student except as described above.

A full-time student is defined by the IRS as taking 12 credit hours a semester or attending school full-time 5 months per year at an educational institution with regular facilities other than a correspondence or night school.

Student status is required to be monitored on a tax year basis; thus, an applicant would not be eligible if the person had been a full-time student for five months of the calendar year even if they had graduated prior to being referred to a PBV unit. The AUBURN PHA should adjust tenant certification procedures to consider student status according to this interpretation.

In addition, apart from the previous selection criteria discussed, higher education students who are part of participant households are also subject to income scrutiny per 24 CFR 982.552.

#### **22.6.15 Applicant responsibility for updating information**

Applicants will be placed on each PBV waiting list by the date and time the application is received. Applicants for any site-specific PBV project that are not already on the HCVP waiting list will be automatically listed on the HCVP waiting list. If the applicant's household composition is not appropriate for the project's unit size disposition, the AUBURN PHA will not place the applicant on that project's waiting list. It is the applicant's responsibility to follow up with the AUBURN PHA to verify that they were placed on each respective list for which they applied.

It is the applicant's responsibility to make any requests for changes on the waiting lists they have applied to, if such changes would be necessitated by a change in the applicant's family size and/or composition or mailing address. Failure by the applicant to maintain up-to-date information with the AUBURN PHA may adversely affect their position on some or all site-specific lists.

### **22.6.16 AUBURN PHA denial of eligibility for PBV applicant**

The AUBURN PHA is responsible for defending its decisions pertaining to the applicant's eligibility for PBV assistance. The AUBURN PHA HCVP appeal procedures will be utilized and shall be the same as currently in effect for the HCVP as set forth in the Auburn PHA Administrative Plan.

### **22.6.17 Preferences**

#### **22.6.17.1 Regional residency preference**

A regional residency preference will be applied as a ranking preference to all PBV applicants. Applicants may apply to units outside of their region, but they will not be selected until all applicants with a residency preference have been exhausted.

#### **22.6.17.2 Limited local residency preference**

To further the creation of permanently affordable rental housing, AUBURN PHA may agree to establish a limited local residency preference for up to 50% of the PBV units developed pursuant to certain PBV development projects *only* in those communities where the local housing authority does not have its own Section 8 vouchers available for such PBV projects (or the community does not have a LHA) *and* the project would not otherwise be approved by the city or town without a local residency preference. The owner will be required to submit evidence from the city or town that these conditions have been met prior to AUBURN PHA consideration of a local residency preference.

#### **22.6.17.3 Elimination of singles preference for SRO units**

Due to the difficulties inherent in maintaining occupancy in SRO units, AUBURN PHA retains the administrative discretion to permit the admission of single-person households that are not elderly or disabled for these units provided all other eligibility criteria are met; however, the elimination of the single's preference does not apply to full-time students.

#### **22.6.17.4 Preference for certain disability projects**

AUBURN PHA may agree to provide a preference for projects serving persons with disabilities who live in institutions or are at risk of institutionalization.

### **22.6.17.5 Preference for disabled households needing services (983.251(d))**

AUBURN PHA may support projects that require preference be given to disabled households that need services offered at a particular project in accordance with the following HUD conditions and criteria:

1. Preference cannot be granted to persons with a specific disability.
2. The project sponsor must document that the applicant has a disability that significantly interferes with their ability to obtain and maintain themselves in housing; and,
3. Who, without appropriate services, will not be able to obtain or maintain themselves in housing; and,
4. For whom such services cannot be provided in a non-segregated setting (i.e. a tenant-based voucher for an independently selected unit would not meet the needs of the applicant).
5. Disabled residents shall not be required to accept the particular services offered at the project.
6. In advertising the project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from the services provided.

### **22.6.17.6 Who determines tenant eligibility?**

The owner/project sponsor must identify in their application which professional organization and/or independent individual(s) will make the assessment that a disabled applicant meets the HUD criteria listed in Section 22.6.17.5 (2-4). Such professionals could include licensed medical, psychological or allied mental health and/or human services professionals. Whomever the owner/project sponsor selects to make the assessment must sign a certification form that either attests to or rejects each applicant's need for services in accordance with Section 22.6.17.5 (2-4).

Applicant eligibility will be made by the owner/project sponsor. The AUBURN PHA will periodically monitor the project sponsor's applicant selection determinations for compliance with their AUBURN PHA-approved selection plan.

### **22.6.17.7 Applicant referrals:**

All disabled applicant referrals to these units will be made from the project's site specific waiting list (983.251(c)(3)) maintained by the AUBURN PHA. All applicants referred to the project must receive information prepared by the owner/project sponsor that describes the project's services and explains the preference criteria for tenant selection. The owner/project sponsor must send all applicant referrals written notification of their selection determination, with a copy to the AUBURN PHA.

**22.6.17.8 Applicant right to appeal denial of PBV unit based on failure to demonstrate need for services offered**

Any applicant denied preference consideration for a project providing services must be offered the right to appeal the decision made by the owner/project sponsor. The owner/project sponsor must include in their PBV application to AUBURN PHA the specific criteria they will use to assess an applicant's need for services and a sample letter that they will use to notify both the applicant and the AUBURN PHA that they have been determined ineligible.

**22.6.17.9 Preference for families eligible to receive supportive services where 25% or less than a building's units will have PBV**

AUBURN PHA may allow a preference for families that can demonstrate they need the same types of supportive services allowed for "excepted units" (see Sections 22.2.8 and 22.5.1) in a project. However, these families cannot be required to sign a PBV Contract of Family Participation as a condition of occupancy and cannot be terminated from the PBV program for failure to participate in and/or complete a service program.

**22.6.17.10 Other preferences**

AUBURN PHA may establish other tenant selection preferences for its PBV projects, provided these preferences support AUBURN PHA's mission, as stated in its most current HUD-approved PHA Plan and Consolidated Plan.

**22.6.18 Overcrowded, under-occupied, and accessible units (983.259)**

**22.6.18.1 Under-housed**

Should a change in family size or composition cause a family to become under-housed to the point of causing the unit to be non-compliant with HQS space requirements and there is either an available appropriately sized PBV unit or a tenant-based voucher available for the family, it must relocate with assistance or be terminated from the program. If there is no voucher available to issue to the family or an available comparable PBV unit to which the family may relocate, the family will remain in place without penalty to the owner until the family can relocate with assistance.

**22.6.18.2 Adding a family member**

If a request from the family to add another member that is not by birth, adoption, or court order would cause the family to breach HQS space requirements, such request must be denied by the owner and the AUBURN PHA. If such family has been in good standing for at least one year at the time of the request to add a member, then the request may be approved if the AUBURN PHA has a tenant-based voucher to issue to the family or there is an available PBV unit of appropriate size for the new family composition in the building.

### **22.6.18.3 Over-housed**

If a family becomes over-housed due to a change of family size or composition after the first year of tenancy, the family must relocate at their expense to a smaller PBV unit or accept a voucher to relocate. If there is no appropriately sized comparable PBV unit or voucher available for the family, it may remain in place with no reduction in the contract rent until such time as there is either a voucher or appropriately sized unit available. If the family has failed to move with assistance within two months to a suitably sized PBV unit, or moved within the voucher term limit (and any approved extensions) the family must be terminated from the program. If the project is partially assisted, the owner may request to substitute another comparable unit for the one that is ineligibly occupied.

### **22.6.18.4 Reasonable time to relocate if over/under-housed**

If a suitably sized comparable PBV unit is located in the same or nearby building the tenant will have two months to relocate at the tenant's expense.

If no suitably sized comparable PBV unit is available, the tenant will be issued a voucher and have the maximum time permitted on the voucher to relocate, including any extensions granted for reasonable accommodation or mitigating circumstances.

### **22.6.18.5 Inappropriately housed in an accessible unit**

The AUBURN PHA must utilize a lease addendum that requires an inappropriately housed family to move from an accessible unit when a family that needs the accessibility features is identified for the unit.

In order to minimize loss of income to a project, an accessible unit may be leased to a family that does not require the unit's special features under the following circumstances: 1) it has been vacant for at least 45 days, and, 2) both the AUBURN PHA and the owner/project sponsor have exhausted their respective outreach sources to identify a family that would benefit from the unit's accessible features. Because such a family is inappropriately housed, they must be required to sign a lease addendum prior to initial occupancy agreeing to move from the unit. If there is a suitable PBV unit available within the project, the inappropriately housed family must be offered the opportunity to move to that unit. If there is no PBV unit available, the AUBURN PHA will issue an available tenant-based voucher to the family.

#### **22.6.18.5.1 Reasonable time to relocate from an accessible unit if accessible features are not required by tenant**

1. If there is a suitable PBV unit within the same or nearby building, the family must relocate within 45 days. The AUBURN PHA will be authorized to pay for this move from its administrative fee.

2. See 22.6.18.4 for relocation requirement when a tenant-based voucher is issued. The AUBURN PHA will be authorized to pay for this move from its administrative fee.

If the family fails to relocate with assistance either to an appropriate PBV unit or within the voucher term limit (and any approved extensions), the family must be terminated from the program. If there is no unit or voucher available, the family will remain in the accessible unit without penalty until such time as one or the other becomes available to the family.

#### **22.6.19 Requirement for “remaining member(s)” of an “excepted unit” (983.261(d))**

As discussed in Section 22.2.8 of this plan, the three household types that can qualify a unit as an “excepted” unit include: 1) elderly, 2) disabled, and 3) households where one or more members participate in a program of supportive services under the terms of a PBV Contract of Family Participation.

In each instance, any remaining family member(s) of “excepted” units that no longer qualifies for “excepted unit” status must vacate the unit within a reasonable period of time in order that the PBV unit can be used for the intended “qualifying” household type. The AUBURN PHA will issue a tenant-based voucher to the remaining family member(s) (exclusive of any live-in aide), provided they continue to be otherwise program eligible. They must vacate the unit at their expense within AUBURN PHA’s established voucher term and any approved extensions. Exceptions may be permitted for reasonable accommodation or mitigating circumstances.

Failure to move with tenant-based voucher assistance will result in program termination. If the household remains in place after the voucher expires, it will be responsible for the full contract rent.

#### **Termination of PBV contract if remaining family member(s) fail to vacate the “excepted” unit by the expiration of the mobile voucher term**

If the remaining family fails to vacate the PBV unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit of the same bedroom size in the project, or the owner terminates the lease and evicts the family.

#### **22.6.20 Family right to move (opt out) with tenant-based assistance (983.260)**

At the end of one full year of assisted tenancy in a PBV unit, a participant in good standing may request a tenant-based HCVP voucher and move to a unit of their choice with continued assistance. The participant must give the owner advance written notice of intent to vacate with a copy to the AUBURN PHA in accordance with the lease. If the AUBURN PHA does not have available voucher and budget authority the tenant may request placement on the AUBURN PHA’s PBV “opt out” waiting list. The participant may not be placed on this list until they have been in the unit for a full year as a tenant in good standing. When a voucher becomes available, names will be selected from this list in chronological order after any inappropriately housed or

wrong-size unit families have been provided with the first the opportunity to move with assistance. Opt- out families must be given the next available HCVP vouchers before any other HCVP waiting list applicants.

#### **22.6.20.1 Term of opt-out voucher**

PBV participants that request an opt-out tenant-based voucher to relocate will be issued an available voucher for a 60 day term. If the family has not located a program eligible unit in their PBV building to which it can relocate with assistance at expiration of the voucher term, it must wait until its next annual lease anniversary before again becoming eligible to request a tenant-based voucher, unless the tenant and owner/project sponsor agree to mutually terminate the lease prior to the next anniversary date and the AUBURN PHA has available voucher and budget authority. Because of the time involved in filling PBV units and the need for an owner to have some control over vacancy loss, the opt-out voucher will not be extended beyond 60 days except for reasonable accommodation or mitigating circumstances acceptable to the AUBURN PHA.

#### **22.6.21 Synchronizing the annual PBV tenant eligibility recertification with LIHTC and/or HOME eligibility recertification requirements**

If possible and where applicable, AUBURN PHA will synchronize the PBV tenant rent recertification with the LIHTC and/or HOME program to avoid both the confusion associated with and the difficulties inherent in requiring a tenant to undergo more than one eligibility recertification per year.

### **22.7 Rent to Owner**

With the exception of rents for units with other subsidy discussed in Section 22.7.2, at the initial HAP contract the maximum gross rent will be set at the lesser of: 1) 110% of the applicable FMR or the HUD-approved exception rent; 2) the reasonable rent, or, 3) the owner requested rent.

#### **22.7.1 Rent in Low Income Housing Tax Credit (LIHTC) units (983.301(c) )**

In accordance with PBV program revisions published in the Federal Register on November 19, 2007, the LIHTC maximum rent shall not serve as a cap on rents in PBV projects utilizing LIHTC's. Accordingly, the rent for these units cannot exceed the lowest of:

1. An amount determined by the AUBURN PHA, not to exceed 110% of the applicable fair market rent (or any previously approved exception payment standard) for the unit bedroom size, minus any utility allowance;
2. The reasonable rent; or
3. The requested rent by the owner.



### **22.7.1.1 LIHTC and rent reasonableness consideration**

LIHTC units are to be considered “assisted” units for purposes of rent comparability and may not be used for rent reasonableness determinations.

### **22.7.2 Rents for units with other subsidy (983.304)**

The rent for the following units cannot exceed the subsidized rent (basic rent) as determined in accordance with requirements for the applicable federal programs:

- (i) An insured or non-insured Section 236 project;
- (ii) A formerly insured or non-insured Section 236 project that continued to receive Interest Reduction Payment following a decoupling action;
- (iii) A Section 221(d)(3) below market interest rate (BMIR) project;
- (iv) A Section 515 project of the Rural Housing Service;
- (v) Any other type of federally subsidized project specified by HUD.

### **22.7.3 Rents in HOME units**

High HOME household rents are limited by the high HOME rent formula established by HUD. Rents for Low HOME-eligible households can be established up to the maximum PBV. The rent must still be determined rent reasonable for similar unassisted units in the same or nearby building.

At initial occupancy, all PBV/HOME units must be occupied by Low HOME households having incomes at or below 50% of AMI; the project is permitted to collect whatever rent the PBV program will permit. If the initial PBV/HOME household income increases to between 51% and 80% of AMI, the unit can no longer be considered a Low HOME unit and the project is ineligible to collect rent above the HOME program limits. Projects often can correct HOME/PBV confusion by using another eligible unit as the required HOME unit. AUBURN PHA HOME staff is available for guidance and clarification.

### **22.7.4 Rent reasonableness**

The AUBURN PHA must perform a rent reasonableness test on all contracted units, and have such determination verified as reasonable by a chosen outside 3<sup>rd</sup> party responsible entity (such as a neighboring PHA) as preparation for executing the initial PBV HAP and under the following circumstances:

1. When the owner requests a rent adjustment;
2. When the owner requests to substitute an assisted unit;
3. If there is a change in the allocation of responsibility for utilities;
4. If there is a 5% or greater reduction in the HUD published FMR; and/or
5. At time of any contract extension.

The contract rent may be adjusted up or down as indicated by the results of the rent reasonableness test. This requirement means that there may be occasions when a PBV rent must be reduced because of verified decreases in rent levels for comparable unassisted units in the PBV community.

#### **22.7.5 Rent increases (983.302(b)(2))**

Each year at the HAP contract anniversary date, the owner may be granted a rent adjustment up to the limits discussed in Section 22.7.4 based on the published FMR or any HUD exception rent. Any owner request for a rent increase automatically requires the AUBURN PHA to perform a rent reasonableness review to be verified by the previously determined responsible 3<sup>rd</sup> party public entity (such as a neighboring PHA)

The owner must request the increase in writing at least 60 days prior to the HAP contract anniversary date. If the request is made less than 60 days prior to the HAP anniversary date, it may delay the effective date of the AUBURN PHA-approved rent adjustment. Adjustments may not be applied retroactively. Requests from owners received after the HAP anniversary date, if approved by the AUBURN PHA, will be effective on the first of the month following the date the request is received by the AUBURN PHA. A late rent adjustment request will not adversely affect the dates of future adjustments.

#### **22.7.6 Rent decreases (983.302(c))**

Rent decreases go into effect either at the anniversary date of the HAP (if the owner requested a rent re-determination and rent needs to be lowered) or on the first of the month following a re-determination for reasons stated in Section 22.7.4.

#### **22.7.7 Request to use a building-specific or local housing authority utility allowance**

At the request of the owner, AUBURN PHA may at its own discretion agree to allow use of either a building specific utility allowance or the local housing authority utility allowance used in the HCVP program.



## **22.8 Payment to Owner**

### **22.8.1 Vacancy payments during the term of the PBV HAP contract (983.352(2))**

AUBURN PHA will permit a maximum vacancy payment up to 60 days excluding a payment for units that are vacant at the time of the initial HAP. The following requirements must be satisfied in order for a vacancy payment to be made:

#### **A. Prompt notification of vacancy to AUBURN PHA**

The owner must promptly notify the AUBURN PHA of any pending vacancy immediately upon receiving notice from a tenant of intent to vacate the unit. In the event of a vacancy that occurs without notice to the owner, the owner must notify the AUBURN PHA immediately upon learning of the vacancy not later than the first missed rent payment by the tenant family. The owner may keep the HAP payable for the month when the family moves out (“move out month”) provided the vacancy is not the owner’s fault.

#### **B. Continued compliance with HQS and all other program requirements**

The owner has taken all steps necessary to prevent vacancy loss from occurring including keeping the unit compliant with HQS.

#### **C. Requirements for owner’s written request for vacancy payment**

Requests for vacancy payments must be in writing to the AUBURN PHA and must be made during the first month of a new lease-up or in the 30 days subsequent to the 60-day vacancy period, whichever comes first. Payment may only be made when the vacancy period has elapsed. The owner’s written request must include the following information:

1. A statement that the family has vacated and the date the family moved out, to the best of the owner’s knowledge;
2. The owner certification that the vacancy was not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
3. A certification that the owner took all reasonable action to minimize the likelihood and length of the vacancy;
4. Any other additional information that the AUBURN PHA determines appropriate to verify that the owner is entitled to the payment.

#### **D. Vacancy payment amount**

The payment for each month of the maximum two-month period will be determined by the AUBURN PHA. This amount cannot exceed the monthly rent to the owner under the assisted lease minus any portion of the rental payment received by the owner, including amounts available from the tenant's security deposit.

**E. Prompt request for applicant referrals to fill vacant unit**

If referrals are not promptly requested by the owner or applicants screened promptly upon responding to a referral, the owner will not be eligible to receive a vacancy payment.

**F. Frequency of vacancies and relationship to HAP extensions**

The AUBURN PHA will consider the frequency and nature of vacancy requests when deciding whether or not to renew an expiring PBV HAP contract.

## **22.9 ATTACHMENT A- 24 CFR 982 Regulations That DO NOT Apply to PBV**

Project-based-voucher regulations at 24 CFR 983.2(b) and (c) state that all tenant based voucher regulations at 24 CFR 982 apply to the PBV program with the certain exceptions.

The following is a list of the parts of the tenant-based rule that do not apply to the PBV program *WITH NOTED EXCEPTIONS (i.e. these particular sections DO apply and are displayed in italics)*.

### **1. GENERAL provisions of 24 CFR 982 that DO NOT**

#### **apply:**

- Voucher issuance
- Portability
- Special housing types like shared housing, cooperative housing, manufactured home space rental and the homeownership option.

### **2. SPECIFIC provisions of 24 CFR 982 that DO NOT**

#### **apply:**

#### **2.1 SUBPART E: ADMISSION TO TENANT BASED PROGRAM**

These two sections do not apply:

- 982.202(b)(2): prohibition on basing selection where family will live
- 982.204(d) prohibition on basing selection on family or unit size

## **2.2 SUBPART G: LEASING A UNIT**

Nothing in Subpart G applies except for:

*(i) 982.310 Owner termination of tenancy applies; but, to the extent it differs from 24 CFR 983.257, the latter governs (i.e. good cause definition is more restricted on PBV; termination from an “excepted” unit for failure to complete a supportive services requirement is permitted on PBV)*

*(ii) 982.312 Absence from unit applies, but to the extent it differs from 24 CFR 983.256(g), the latter governs (i.e. HAP contract is not terminated if family is absent for longer than maximum period permitted on PBV).*

*(iii) 982.316 Live-in aid applies.*

## **2.3 SUBPART H: WHERE FAMILY CAN LIVE AND MOVE**

Nothing in Subpart H applies.

## **2.4 SUBPART I: DWELLING UNIT: HQS, SUBSIDY STANDARDS, INSPECTION AND MAINTENANCE**

These sections do not apply:

982.401(j) Lead based paint performance. (Lead based paint requirements @ 983.101( c )(2) apply instead. These requirements are stricter. Except for SRO, ESRO or units in a building that has been designated exclusively for occupancy by the elderly and/or persons with a disability, all units receiving PBV assistance must be in compliance with the ME lead law during the term of the contract, regardless of the age of the occupants. Compliance is satisfied by submission of a current valid Letter of Compliance issued by a Maine licensed lead paint inspector or a building permit that verifies construction after December 31, 1977. Letters of Compliance issued prior to July 1, 1988 do not satisfy current federal lead regulations and are not acceptable for participation in the PBV program.)

- 982.402 (a)(3) Family unit size
- 982.402( c )Effect of family unit size, maximum subsidy
- 982.402(d) Size of unit occupied by family.
- 982.403 Terminating HAP contract when unit is too small
- 982.405(a) HQS Inspections
- 982.406 Enforcement of HQS.

## **2.5 SUBPART J: HAP CONTRACT AND OWNER RESPONSIBILITY**

This one section does not apply:

- 982.455 Automatic termination of HAP contract.

## **2.6 SUBPART K: RENT AND HOUSING ASSISTANCE PAYMENT**

Nothing in Subpart K applies except for:

- (i) 982.503 Payment standard schedule; however, provisions authorizing a higher payment standard for reasonable accommodation does not apply.*
- (ii) 982.516 Family Income and Composition, regular and interim examinations*
- (iii) 982.517 Utility Allowance Schedule.*

## **2.7 SUBPART M: SPECIAL HOUSING TYPES**

- 982.603 SRO Lease and HAP contract
- 982.607 Congregate Housing Lease and HAP contract
- 982.611 Group Home Lease and HAP contract
- 982.613 (c)(2) Payment standard for person in Group Home



982.615 through 618 Shared Housing

982.619 Cooperative Housing

982.622 through 624 Manufactured home space rental

982.625 through 641 Homeownership option

## Low Income Housing Tax Credits (LIHTC)

### LIHTC Description

The Low Income Housing Tax Credit program is a federal program overseen by the U.S. Department of the Treasury through the Internal Revenue Service (IRS). The program is administered in all 50 states by state allocating agencies. The tax credit program was first implemented in 1987 and has supported the construction or rehabilitation of over 1.5 million rental units since that time. Each allocating agency receives a certain amount of credit annually to award to eligible projects. The allocating agency in Maine is the MSHA. The sponsor of a rental project submitted for a tax credit allocation has the ability to sell the credits to an investor and use the sale to generate equity for the project.

The tax credit program supports the construction or rehabilitation of multifamily rental housing for individuals or households whose incomes are less than 60% of area median income. Rents in tax credit projects are established to be affordable to such households. MSHA monitors the projects regularly to verify physical stability and ensure that the proper income levels are being served.

### LIHTC Funding Competitions

Each state is required to publish selection criteria for projects annually in a public document called the **Qualified Allocation Plan**. In accordance with this requirement, MSHA publishes its selection criteria and holds **funding competitions** each year to award the credit. Other rental sources such as HOME funds are sometimes made available during the same competitions.

### LIHTC Evaluation and Selection Criteria

During its funding competitions, MSHA selects tax credit projects based on criteria such as: appropriateness of site; design and proposed scope of work; overall cost and amount of subsidy; target income levels; capacity of development team; marketability and feasibility of a project.

## **LIHTC Selection Team**

Projects seeking LIHTC alone or in combination with other MSHA rental resources are reviewed and underwritten by the LIHTC staff with the support approved contractors.

## **HOME Investment Partnerships Program (HOME)**

### **HOME Description**

HOME is a federally-funded program that assists in the production and preservation of affordable housing for low and moderate-income families and individuals. The program funds a broad range of activities including new construction and acquisition and rehabilitation of existing properties.

The MSHA makes HOME funding available through administration of a NOFA through which for-profit and non-profit developers are eligible to apply for funding. All rental projects are awarded funds on a competitive basis.

### **HOME Evaluation and Selection Criteria**

A number of selection criteria are taken into consideration when determining which projects will receive funding. An applicant must demonstrate that the project has: a strong overall concept, competent development team, suitable site and design, and is financially feasible. The scope of rehabilitation or construction is a factor, as well as the total development cost for properties included in the proposal. There must be a demonstrated need for the project in the target neighborhood and evidence of local support. Furthermore, a project's readiness to proceed and the developer's form of site control are evaluated during a project's review.

**22.11 ATTACHMENT C-Subsidy Layering Review Checklist for Projects Using Section 8 PBV**

\_\_\_Project Name and Location:

\_\_\_Narrative Description of Project, including:

\_\_\_Total number of units

\_\_\_Type of unit, bedroom distribution

\_\_\_Portion and type of units receiving assistance, compliance with partial assistance requirements

\_\_\_Sources of Funds:

\_\_\_Each Source Listed Separately with Details

\_\_\_Principal

\_\_\_Interest Rate

\_\_\_Amortization Term

\_\_\_Uses of Funds:

\_\_\_Detailed Breakdown of Project Costs, including hard and soft cost items

\_\_\_Commitment Letters from All Sources of Financing Disclosing Significant Terms

\_\_\_Tax Credit Allocation Commitment from State Housing Finance Agency

\_\_\_ Amount of Credits Reserved, or  
\_\_\_ IRS Form 8609

\_\_\_ Historic Tax Credits (as applicable)

\_\_\_ Amount of Credit

\_\_\_ Equity Investment Commitment Letter

\_\_\_ Amount of Investment

\_\_\_ Equity Contribution Schedule showing amount and timing

\_\_\_ Bridge Loan Details (as applicable)

\_\_\_ Appraisal Report establishing the “as is” value of the property before construction or rehabilitation, and without consideration of any financial implications of tax credits or project-based assistance.

\_\_\_ Operating Proforma showing projected project income, expenses and cash flow for at least fifteen years out

\_\_\_ PHA Approval of PBA Voucher Assistance for Project

\_\_\_ Standard Disclosure and Perjury Statement, Identity of Interest Statement

\_\_\_Form HUD-2880

\_\_\_Initial Contract Rents

\_\_\_PHA letter confirming gross contract rents with applicable tenant utility allowances

## **22.12 Attachment D-Davis-Bacon Requirements**

[www.access.gpo.gov/davisbacon](http://www.access.gpo.gov/davisbacon)

Monitoring D-B consists of downloading the current wage and fringe benefit rates from the above-referenced web address for all trades people and apprentices who will be employed by the GC, and all subcontractors, and establishing a D-B enforcement file. If these requirements are applicable each week the GC is responsible for submitting to the MSHA a certified wage report, preferably on Form WH-347. All the wage reports and any other documents pertinent to the D-B compliance must be kept in the D-B enforcement file.

In the event that a complaint of non-compliance with D-B is lodged with the HUD Labor Relations Office (LRO), it will request a complete copy of the enforcement file as part of its investigation, so it is important that this file always be kept current. Should the MSHA interviews with employees indicate a possible problem with reported versus actual wages paid, they must

first bring this to the attention of the GC in writing. If the apparent discrepancy is not resolved to the satisfaction of MSHA, they must report it in writing to the LRO, with a copy to AUBURN PHA. A copy of the discrepancy letter mailed to the GC, along with a copy of any response, must accompany the report.

The LRO does not require that the GC use form WH-347, provided that all the same information is included on the GC's own form. If the GC elects not to use WH-347, which has the certification language on the back, then the GC must either use the Payroll Certification form WH-348, or attach to the payroll report a copy of the back of WH-347 or use the exact word for word language that it contains to certify the payroll separately. (Forms are available at [www.hudclips.org/subscriber/html/forms.htm](http://www.hudclips.org/subscriber/html/forms.htm))

The payroll report(s) must list all employees, both those directly employed by the GC and all those working for subcontractors. If form WH-347 is not used by the GC, the format used must contain all the information listed on that form. These reports should be numbered sequentially starting with number One (1) for the

first week of construction and continuing each week until the project is completed and accepted for HAP execution by the AUBURN PHA. This sequential numbering relieves the GC of the responsibility to submit a "no work" payroll for any period of temporary work stoppage.

At the start of construction MSHA must visit the site and insure that the poster-Notice to Employees - (form WH-1321) and the-Project Wage Rate Sheet- are prominently displayed in a place where all employees are likely to see them and where they are protected from the elements. MSHA should interview a representative number of employees of each contractor on-site at this initial visit using form HUD-11 to confirm wage rates, fringe benefits and overtime over 40 hours.

Periodically during the course of the construction, MSHA should visit the site to monitor that the work is being done in a manner that will insure compliance with HQS and to interview some employees to insure that they are receiving the amounts shown on the certified weekly payroll(s). Again,

MSHA may request AUBURN PHA assistance with these tasks.

At completion of the work, and certification by the owner that it was completed in accordance with HQS and all the AHAP requirements and that the owner complied with labor and equal opportunity requirements, the AUBURN PHA may accept the units for HAP contract. In addition to these required documentations, the AUBURN PHA must get a copy of the certificate of occupancy and if applicable the lead compliance documentation. Upon final HQS inspection by the AUBURN PHA to insure that all the PBV units are in compliance with HQS and additional AUBURN PHA standards, the HAP contract may be executed. In a rehab project where there are in-place tenants or returning from temporary relocation tenants, these must be certified as program eligible prior to HAP execution.



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

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 4/30/2011

<b>Part I: Summary</b>						
PHA Name/Number: Auburn Housing Authority <b>ME007</b>		Locality (City/County & State): Auburn, Androscoggin County, Maine			<input type="checkbox"/> Original 5-Year Plan <input checked="" type="checkbox"/> Revision No: 1	
A.	Development Number and Name	Work Statement for Year 1 FFY <b>2011</b>	Work Statement for Year 2 FFY <b>2012</b>	Work Statement for Year 3 FFY <b>2013</b>	Work Statement for Year 4 FFY <b>2014</b>	Work Statement for Year 5 FFY <b>2015</b>
	<b>ME007000001</b>					
B.	Physical Improvements Subtotal	Annual Statement	196,473.00	196,473.00	196,473.00	196,473.00
C.	Management Improvements		7,000.00	7,000.00	7,000.00	7,000.00
D.	PHA-Wide Non-dwelling Structures and Equipment		2,000.00	2,000.00	2,000.00	2,000.00
E.	Administration		25,808.00	25,808.00	25,808.00	25,808.00
F.	Other					
G.	Operations/Audit		26,808.00	26,808.00	26,808.00	26,808.00
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds		258,089.00	258,089.00	258,089.00	258,089.00
L.	Total Non-CFP Funds					
M.	Grand Total		258,089.00	258,089.00	258,089.00	258,089.00

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

**Part I: Summary (Continuation)**

PHA Name/Number			Locality (City/county & State)		<input type="checkbox"/> Original 5-Year Plan	<input checked="" type="checkbox"/> Revision No: 1
A.	Development Number and Name	Work Statement for Year 1 FFY <b>2011</b>	Work Statement for Year 2 FFY <b>2012</b>	Work Statement for Year 3 FFY <b>2013</b>	Work Statement for Year 4 FFY <b>2014</b>	Work Statement for Year 5 FFY <b>2015</b>
		Annual Statement				

<b>Part II: Supporting Pages – Physical Needs Work Statement(s)</b>						
Work Statement for Year 1 FFY <b>2011</b>	Work Statement for Year: <b>2</b> FFY <b>2012</b>			Work Statement for Year: <b>3</b> FFY <b>2013</b>		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	<b>ME007000001 - 1460</b>			<b>ME007000001 - 1460</b>		
Annual	Replace Natural Gas Water Heater - T.H.	1	20,000.00	Replace Fire Alarm System - T.H.	1	75,463.00
Statement	Refurbish Elevator Cabs - T.H.	2	16,010.00	Re-Caulk Doors, Windows, and Control Joints - T.H.		45,000.00
	Replace Generator - T.H.	1	40,000.00	Convert 5BR Units to 4BR on Vacancy - F.D	1	4,000.00
	Convert 5BR Units to 4BR on Vacancy - F.D.	1	4,000.00	Refurbish Kitchens as Needed - F.D.	4	28,010.00
	Upgrade Heating - M.E.		15,000.00			
	Refurb Kitchens - M.E.	11	42,463.00			
	Repl Toilets & Pump Station - M.E.	11	6,500.00			
	Repl Toilets-Units - L.S.	10	5,000.00			
	Replace Comm Area Toilets - L.S.		1,000.00			
	<b>ME007000001 - 1450</b>			<b>ME007000001 - 1450</b>		
	Upgrade Exterior Lighting - F.D.		30,000.00	Seal Pavement and Fill Cracks - All		30,000.00
	<b>ME007000001 - 1465.1</b>			<b>ME007000001 - 1465.1</b>		
	Repl Stoves - M.E.	11	5,500.00	Repl Appl as Needed-All		2,000.00
	Repl Refrigerators - L.S.	10	6,000.00			
	<b>ME007000001 - 1430</b>			<b>ME007000001 - 1430</b>		
	A& E Cost-Cap Projects		5,000.00	A& E Cost-Cap Projects		12,000.00

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

**U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011**

	Subtotal of Estimated Cost	\$196,473.00	Subtotal of Estimated Cost	\$196,473.00
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<b>Part II: Supporting Pages – Physical Needs Work Statement(s)</b>						
Work Statement for Year 1 FFY <b>2010</b>	Work Statement for Year: <b>4</b> FFY <b>2014</b>			Work Statement for Year: <b>5</b> FFY <b>2015</b>		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	<b>ME007000001 - 1460</b>			<b>ME007000001 - 1460</b>		
Annual	Refurbish Kitchens as Needed - F.D.	10	70,000.00	Convert Boilers to Gas - L.S.	2	20,000.00
Statement	Refurbish Kitchens as Needed - B.V.	8	56,000.00	Replace Roofs - B.V.		101,000.00
	Refurbish Burners and Boilers - T.H.		21,000.00			
	<b>ME007000001 - 1430</b>			<b>ME007000001 - 1430</b>		
	A& E Cost-Cap Projects		9,473.00	A& E Cost-Cap Projects		15,473.00
	<b>ME007000001 - 1450</b>			<b>ME007000001 - 1450</b>		
	Replace Dumpster Screens - All		10,000.00	Re-Pave Walks & Repl Benches - T.H.		15,000.00
				Remove Trees - T.H.		5,000.00
	<b>ME007000001 - 1465.1</b>			<b>ME007000001 - 1465.1</b>		
	Replace Stoves - F.D.	50	30,000.00	Repl Refrigerators -F.D.	50	30,000.00
				Repl Stoves - B.V.	20	10,000.00
	Subtotal of Estimated Cost		\$196,473.00	Subtotal of Estimated Cost		\$196,473.00

<b>Part III: Supporting Pages – Management Needs Work Statement(s)</b>				
Work Statement for Year 1 FFY <b>2010</b>	Work Statement for Year: <b>2</b> FFY: <b>2012</b>		Work Statement for Year: <b>3</b> FFY: <b>2013</b>	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See Annual Statement	<b>ME007000001</b>		<b>ME007000001</b>	
	1406 - Operations	25,808.00	1406 - Operations	25,808.00
	1408 - Mgmt Improve - Security	2,000.00	1408 - Mgmt Improve - Security	2,000.00
	1408 - Software/Training	5,000.00	1408 - Software/Training	5,000.00
	1410 - Administration	25,808.00	1410 - Administration	25,808.00
	1411 - Audit	1,000.00	1411 - Audit	1,000.00
	1475 - Replace Equip as Needed	2,000.00	1475 - Replace Computer Hardware	2,000.00
	1502 - Contingency		1502 - Contingency	
	Subtotal of Estimated Cost	\$61,616.00	Subtotal of Estimated Cost	\$61,616.00

<b>Part III: Supporting Pages – Management Needs Work Statement(s)</b>				
Work Statement for Year 1 FFY <b>2010</b>	Work Statement for Year: <b>4</b> FFY: <b>2014</b>		Work Statement for Year: <b>5</b> FFY: <b>2015</b>	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See Annual Statement	<b>ME007000001</b>		<b>ME007000001</b>	
	1406 - Operations	25,808.00	1406 - Operations	25,808.00
	1408 - Mgmt Improve - Security	2,000.00	1408 - Mgmt Improve - Security	2,000.00
	1408 - Software/Training	5,000.00	1408 - Software/Training	5,000.00
	1410 - Administration	25,808.00	1410 - Administration	25,808.00
	1411 - Audit	1,000.00	1411 - Audit	1,000.00
	1475 - Replace Equip as Needed	2,000.00	1475 - Replace Equip as Needed	2,000.00
	1502 - Contingency		1502 - Contingency	
	Subtotal of Estimated Cost	\$61,616.00	Subtotal of Estimated Cost	\$61,616.00

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

<b>Part I: Summary</b>		<b>Grant Type and Number</b>	
PHA Name: Auburn Housing Authority		Capital Fund Program Grant No: ME36P00750107 Replacement Housing Factor Grant No: Date of CFFP:	
FFY of Grant: 2007		FFY of Grant Approval: 2007	

Line	Type of Grant	Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending:	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no: )		Total Actual Cost <sup>1</sup> Expended
				Total Estimated Cost	Final Performance and Evaluation Report <input checked="" type="checkbox"/>	
	Summary by Development Account	Original		Revised <sup>2</sup>	Obligated	
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	35,671.00		35,671.00	35,671.00	35,671.00
3	1408 Management Improvements	0.00		0.00	0.00	0.00
4	1410 Administration (may not exceed 10% of line 21)	24,763.00		24,763.00	24,763.00	24,763.00
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs	10,675.50		10,675.50	10,675.50	10,675.50
8	1440 Site Acquisition					
9	1450 Site Improvement	0.00		0.00	0.00	0.00
10	1460 Dwelling Structures	144,401.92		144,401.92	144,401.92	144,401.92
11	1465.1 Dwelling Equipment—Nonexpendable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment	32,125.58		32,125.58	32,125.58	32,125.58
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities <sup>4</sup>					

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF Funds shall be included here.



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

<b>Part I: Summary</b>		FFY of Grant: 2007	
PHA Name: Auburn Housing Authority	Grant Type and Number Capital Fund Program Grant No: ME36P00750107 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2007	

Type of Grant  
 Original Annual Statement  
 Performance and Evaluation Report for Period Ending: \_\_\_\_\_  
 Reserve for Disasters/Emergencies  
 Revised Annual Statement (revision no: \_\_\_\_\_)  
 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost	Obligated	Total Actual Cost <sup>1</sup>
		Original	Revised <sup>2</sup>	Expended
18a	1501 Collateralization or Debt Service paid by the PHA			
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment			
19	1502 Contingency (may not exceed 8% of line 20)			
20	Amount of Annual Grant:: (sum of lines 2 - 19)	247,637.00	247,637.00	247,637.00
21	Amount of line 20 Related to LBP Activities			
22	Amount of line 20 Related to Section 504 Activities			
23	Amount of line 20 Related to Security - Soft Costs			
24	Amount of line 20 Related to Security - Hard Costs			
25	Amount of line 20 Related to Energy Conservation Measures			
Signature of Executive Director <b>Richard S. Whiting</b> Date 08/11/2010		Signature of Public Housing Director		Date

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.









Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

<b>Part I: Summary</b>		<b>FFY of Grant: 2008</b>	
PHA Name: Auburn Housing Authority	Grant Type and Number Capital Fund Program Grant No: ME36P00750108 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2008	

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending: Summary by Development Account	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no: 3 ) <input checked="" type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost <sup>1</sup> Expended
			Original	Revised <sup>2</sup>	
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>		12,122.00	12,122.00	12,122.00
3	1408 Management Improvements		1,000.00	1,000.00	1,000.00
4	1410 Administration (may not exceed 10% of line 21)		24,244.00	24,244.00	24,244.00
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs		25,000.00	18,133.00	18,133.00
8	1440 Site Acquisition				
9	1450 Site Improvement		0.00	0.00	0.00
10	1460 Dwelling Structures		106,985.00	113,852.00	113,852.00
11	1465.1 Dwelling Equipment—Nonependable				
12	1470 Non-dwelling Structures		72,000.00	72,000.00	72,000.00
13	1475 Non-dwelling Equipment		1,095.00	1,095.00	1,095.00
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities <sup>4</sup>				

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

<b>Part I: Summary</b>		FFY of Grant: 2008	
PHA Name: Auburn Housing Authority	Grant Type and Number Capital Fund Program Grant No: ME36P00750108 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2008	

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>1</sup>	
		Original	Revised <sup>2</sup>	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	242,446.00	242,446.00	242,446.00	242,446.00
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs	1,000.00	1,000.00	1,000.00	1,000.00
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director <b>Richard S. Whiting</b> Date 08/11/2010		Signature of Public Housing Director			Date

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.





Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

<b>Part II: Supporting Pages</b>		<b>Grant Type and Number</b>		<b>Federal FFY of Grant:</b>		
PHA Name:		Capital Fund Program Grant No: CFPP (Yes/ No): Replacement Housing Factor Grant No:				
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Total Actual Cost	Status of Work
				Original	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>
				Revised <sup>1</sup>		

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name: Auburn Housing Authority

Federal FFY of Grant: 2008

Reasons for Revised Target Dates <sup>1</sup>

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
PHA-Wide	06/13/2010	06/03/2010	06/13/2012	08/11/2010	
ME007000001	06/13/2010	06/03/2010	06/13/2012	08/11/2010	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

**Part III: Implementation Schedule for Capital Fund Financing Program**

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)	Federal FFY of Grant:	Reasons for Revised Target Dates <sup>1</sup>
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 4/30/2011

<b>Part I: Summary</b>					
PHA Name: Auburn Housing Authority	Grant Type and Number Capital Fund Program Grant No: ME36P00750109 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2009 FFY of Grant Approval: 2009	

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 09/30/2010	Summary by Development Account	Original	Revised Annual Statement (revision no: 3 )		Obligated	Total Actual Cost <sup>1</sup>
				Total Estimated Cost	Revised <sup>2</sup>		
1	<input type="checkbox"/> Reserve for Disasters/Emergencies	Total non-CFP Funds					
2	<input type="checkbox"/> Final Performance and Evaluation Report	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	26,053.00	26,053.00	26,053.00	14,811.00	
3		1408 Management Improvements	5,000.00	1,680.00	1,680.00	1,680.00	
4		1410 Administration (may not exceed 10% of line 21)	26,053.00	26,053.00	26,053.00	13,026.00	
5		1411 Audit					
6		1415 Liquidated Damages					
7		1430 Fees and Costs	6,727.00	6,727.00	6,727.00	6,727.00	
8		1440 Site Acquisition					
9		1450 Site Improvement					
10		1460 Dwelling Structures	194,698.00	200,018.00	200,018.00	194,698.00	
11		1465.1 Dwelling Equipment—Nonependable					
12		1470 Non-dwelling Structures					
13		1475 Non-dwelling Equipment	2,000.00	0.00	0.00	0.00	
14		1485 Demolition					
15		1492 Moving to Work Demonstration					
16		1495.1 Relocation Costs					
17		1499 Development Activities <sup>4</sup>					

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
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<b>Part I: Summary</b>		FFY of Grant: 2009	
PHA Name: Auburn Housing Authority		FFY of Grant Approval: 2009	
Grant Type and Number Capital Fund Program Grant No: ME36P00750109 Replacement Housing Factor Grant No: Date of CFFP:			

Type of Grant		<input type="checkbox"/> Original Annual Statement <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 09/30/2010		<input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 3 )		<input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Obligated	Total Actual Cost <sup>1</sup>	Expended	Original	Revised <sup>2</sup>
18a	1501 Collateralization or Debt Service paid by the PHA						
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment						
19	1502 Contingency (may not exceed 8% of line 20)	0.00	0.00	0.00	0.00		
20	Amount of Annual Grant:: (sum of lines 2 - 19)	260,531.00	260,531.00	260,531.00	230,942.00		
21	Amount of line 20 Related to LBP Activities						
22	Amount of line 20 Related to Section 504 Activities						
23	Amount of line 20 Related to Security - Soft Costs						
24	Amount of line 20 Related to Security - Hard Costs						
25	Amount of line 20 Related to Energy Conservation Measures						
Signature of Executive Director <b>Richard S. Whiting</b> Date <b>11/24/2010</b>		Signature of Public Housing Director		Date			

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

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 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
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<b>Part II: Supporting Pages</b>		<b>Grant Type and Number</b>		<b>Federal FFY of Grant: 2009</b>				
PHA Name: Auburn Housing Authority		Capital Fund Program Grant No: ME36P00750109						
		CFPP (Yes/ No):						
		Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Total Actual Cost	Status of Work		
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
PHA-Wide	Operations	1406		26,053.00	26,053.00	26,053.00	14,811.00	
PHA-Wide	Management Improvements	1408		5,000.00	1,680.00	1,680.00	1,680.00	
PHA-Wide	Administration - CFP Sals/Benefits	1410		26,053.00	26,053.00	26,053.00	13,026.00	
PHA-Wide	Fees & Costs - A & E Services	1430		6,727.00	6,727.00	6,727.00	6,727.00	
ME00700001	Replace Tubs/Toilets/Vanities and Sewer Lines (Stage 2)	1460	50 Units	190,698.00	200,018.00	200,018.00	194,698.00	
ME00700001	Convert 5-BR Units to 4-BR Units as Vacancies Occur	1460		4,000.00	000	0.00	0.00	
PHA-Wide	Non-Dwelling Equipment - As Needed	1475		2,000.00	0.00	0.00	0.00	
PHA-Wide	Contingency	1502		0.00	0.00	0.00	0.00	
	Totals			260,531.00	260,531.00	260,531.00	230,942.00	

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

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**Part II: Supporting Pages**  
 PHA Name:

**Grant Type and Number**  
 Capital Fund Program Grant No:  
 CFFP (Yes/No):  
 Replacement Housing Factor Grant No:

Federal FFY of Grant:

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

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**Part III: Implementation Schedule for Capital Fund Financing Program**

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
PHA-Wide	09/14/2011		09/14/2013		
ME00700001	09/14/2011		09/14/2013		

<sup>†</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

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**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name:

Federal FFY of Grant:

Reasons for Revised Target Dates

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
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<b>Part I: Summary</b>		<b>Grant Type and Number</b>	
PHA Name: Auburn Housing Authority		Capital Fund Program Grant No: ME36S00750109 Replacement Housing Factor Grant No: Date of CFFP:	
FFY of Grant: 2009		FFY of Grant Approval: 2009	

Line	Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending:	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no: ) <input checked="" type="checkbox"/> Final Performance and Evaluation Report	Total Estimated Cost		Total Actual Cost <sup>1</sup>
				Original	Revised <sup>2</sup>	
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>					
3	1408 Management Improvements					
4	1410 Administration (may not exceed 10% of line 21)					
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—Nonependable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment					
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities <sup>4</sup>					

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

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<b>Part I: Summary</b>		FFY of Grant: 2009	
PHA Name: Auburn Housing Authority	Grant Type and Number Capital Fund Program Grant No. ME36S00750109 Replacement Housing Factor Grant No. Date of CFPP:	FFY of Grant Approval: 2009	

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>1</sup>	
		Original	Revised <sup>2</sup>	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 - 19)	306,888.00	306,888.00	306,888.00	306,888.00
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director <b>Richard S. Whiting</b> Date 08/11/2010		Signature of Public Housing Director		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFPP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

Part II: Supporting Pages		Grant Type and Number		Federal FFY of Grant: 2009				
PHA Name: Auburn Housing Authority		Capital Fund Program Grant No: ME36S00750109						
		CFPP (Yes/No):						
		Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Total Actual Cost	Status of Work		
PHA-Wide	Operating Costs	1406		Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
PHA-Wide	Management Improvements	1408		0.00	0.00	0.00	0.00	
PHA-Wide	Administrative Costs - Salaries/Benefits	1410		0.00	0.00	0.00	0.00	
PHA-Wide	A & E Services	1430		7,588.00	7,588.00	7,588.00	7,588.00	
ME007000001	Paving of Parking Lots and Roads	1450		20,586.00	20,586.00	20,586.00	20,586.00	
ME007000001	Converting 5-BR Units to 4-BR Units	1460	1	235,807.19	235,807.19	235,807.19	235,807.19	
ME007000001	Repl Tubs/Toilets/Vanities/Vents & Sewer Lines - Fam. Dev.	1460	50	0.00	0.00	0.00	0.00	
ME007000001	Dwelling Equipment	1465.1		42,906.81	42,906.81	42,906.81	42,906.81	
ME007000001	Non-Dwelling Structures	1470		0.00	0.00	0.00	0.00	
ME007000001	Non-Dwelling Equipment	1475		0.00	0.00	0.00	0.00	
	Totals			306,888.00	306,888.00	306,888.00	306,888.00	

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
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Part II: Supporting Pages		Grant Type and Number		Federal FFY of Grant:				
PHA Name:		Capital Fund Program Grant No: CFFP (Yes/No):						
		Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Total Actual Cost		Status of Work	
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

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**Part III: Implementation Schedule for Capital Fund Financing Program**  
 PHA Name: Auburn Housing Authority

Federal FFY of Grant: 2009

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
ME007000001	03/17/2010	03/03/2010	03/17/2012	08/11/2010	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

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 Capital Fund Financing Program

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**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name:		Federal FFY of Grant:				Reasons for Revised Target Dates <sup>1</sup>
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)			
	Original Obligation End Date	Actual Obligation End Date	Original End Date	Actual End Date		

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
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<b>Part I: Summary</b>		<b>Grant Type and Number</b>	
PHA Name: Auburn Housing Authority		Capital Fund Program Grant No: ME36P00750110	
		Replacement Housing Factor Grant No:	
		Date of CFFP:	
		FFY of Grant: 2010	
		FFY of Grant Approval: 2010	

Line	Type of Grant	Original	Revised Annual Statement (revision no: 1 )		Obligated	Total Actual Cost <sup>1</sup>
			Total Estimated Cost	Revised <sup>2</sup>		
1	Total non-CFFP Funds					
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	25,808.00	25,808.00	25,808.00	0.00	0.00
3	1408 Management Improvements	27,000.00	2,000.00	0.00	0.00	0.00
4	1410 Administration (may not exceed 10% of line 21)	25,808.00	25,808.00	25,808.00	0.00	0.00
5	1411 Audit	1,000.00	1,000.00	0.00	0.00	0.00
6	1415 Liquidated Damages					
7	1430 Fees and Costs	7,500.00	7,500.00	837.00	837.00	
8	1440 Site Acquisition					
9	1450 Site Improvement	3,000.00	0.00	0.00	0.00	0.00
10	1460 Dwelling Structures	165,973.00	168,973.00	1,999.00	0.00	0.00
11	1465.1 Dwelling Equipment—Nonependable					
12	1470 Non-dwelling Structures					
13	1475 Non-dwelling Equipment	2,000.00	27,000.00	0.00	0.00	0.00
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities <sup>4</sup>					

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

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<b>Part I: Summary</b>		FFY of Grant: 2010	
PHA Name: Auburn Housing Authority	Grant Type and Number Capital Fund Program Grant No: ME36P00750110 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2010	

Line	Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending:	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>1</sup>	
			Original	Revised <sup>2</sup>	Obligated	Expended
18a	<input type="checkbox"/> Reserve for Disasters/Emergencies	1501 Collateralization or Debt Service paid by the PHA				
18ba	<input type="checkbox"/> Final Performance and Evaluation Report	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19		1502 Contingency (may not exceed 8% of line 20)				
20		Amount of Annual Grant:: (sum of lines 2 - 19)	258,089.00	258,089.00	54,452.00	2,836.00
21		Amount of line 20 Related to LBP Activities				
22		Amount of line 20 Related to Section 504 Activities				
23		Amount of line 20 Related to Security - Soft Costs	2,000.00	2,000.00	0.00	0.00
24		Amount of line 20 Related to Security - Hard Costs				
25		Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director <b>Richard S. Whiting</b> Date 11/24/2010			Signature of Public Housing Director		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

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 Capital Fund Financing Program

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**Part II: Supporting Pages**

PHA Name: Auburn Housing Authority

Grant Type and Number  
 Capital Fund Program Grant No: ME36FP00750110  
 CFPP (Yes/ No):  
 Replacement Housing Factor Grant No:

Federal FFY of Grant: 2010

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
PHA-Wide	Operations	1406		25,808.00	25,808.00	25,808.00	0.00	
PHA-Wide	Management Improvements - Security	1408		2,000.00	2,000.00	0.00	0.00	
PHA-Wide	Capital Needs Assessment	1408		25,000.00	0.00	0.00	0.00	
PHA-Wide	Admin Costs - CFP Sals/Benefits	1410		25,808.00	25,808.00	25,808.00	0.00	
PHA - Wide	Audit Cost	1411		1,000.00	1,000.00	0.00	0.00	
PHA - Wide	Fees & Costs - A&E Services	1430		7,500.00	7,500.00	837.00	837.00	
ME00700001	Landscape Impr as Needed - All	1450		3,000.00	0.00	0.00	0.00	
ME00700001	Boiler Replacements - Phase 1 - F.D.	1460		161,973.00	160,973.00	0.00	0.00	
ME00700001	Convert 5BR Units to 4BR on Vacancy - F.D.	1460	4	4,000.00	8,000.00	1,999.00	1,999.00	
PHA - Wide	Replace Computer Hardware	1475		2,000.00	27,000.00	0.00	0.00	
PHA - Wide	Contingency	1502		0.00				
	Totals			258,089.00	258,089.00	54,452.00	2,836.00	

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

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Part II: Supporting Pages		Grant Type and Number			Federal FY of Grant:			
PHA Name:		Capital Fund Program Grant No: CFPP (Yes/No): Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
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**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name: Auburn Housing Authority

Federal FFY of Grant: 2010

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates <sup>1</sup>
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
PHA-Wide	07/14/2012		07/14/2014		
ME00700001	07/14/2012		07/14/2014		

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

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**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name: \_\_\_\_\_ Federal FFY of Grant: \_\_\_\_\_

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

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 Capital Fund Financing Program

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 Office of Public and Indian Housing  
 OMB No. 2577-0226  
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<b>Part I: Summary</b>		<b>Grant Type and Number</b>	
PHA Name: Auburn Housing Authority	Capital Fund Program Grant No: ME36P00750111	Replacement Housing Factor Grant No:	FFY of Grant: 2011
	Date of CFFP:		FFY of Grant Approval: 2011

Line	Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending: Summary by Development Account	Reserve for Disasters/Emergencies <input type="checkbox"/>	Original	Revised Annual Statement (revision no: ) <input type="checkbox"/> Final Performance and Evaluation Report		Total Actual Cost <sup>1</sup> Expended
				Total Estimated Cost	Revised <sup>2</sup>	
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>		25,808.00			
3	1408 Management Improvements		27,000.00			
4	1410 Administration (may not exceed 10% of line 21)		25,808.00			
5	1411 Audit		1,000.00			
6	1415 Liquidated Damages					
7	1430 Fees and Costs		5,000.00			
8	1440 Site Acquisition					
9	1450 Site Improvement		1,900.00			
10	1460 Dwelling Structures		155,073.00			
11	1465.1 Dwelling Equipment—Nonexpendable		5,500.00			
12	1470 Non-dwelling Structures		10,000.00			
13	1475 Non-dwelling Equipment		1,000.00			
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities <sup>4</sup>					

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

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 Expires 4/30/2011

<b>Part I: Summary</b>		FFY of Grant: 2011	
PHA Name: Auburn Housing Authority	Grant Type and Number Capital Fund Program Grant No: ME36P00750111 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2011	

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost <sup>1</sup>	
		Original	Revised <sup>2</sup>	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$258,089.00			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs	2,000.00			
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director <b>Richard S. Whiting</b> Date 11/24/2010		Signature of Public Housing Director		Date	

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.

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Part II: Supporting Pages		Grant Type and Number		Federal FFY of Grant: 2011				
PHA Name: Auburn Housing Authority		Capital Fund Program Grant No: ME36P00750111						
		CFPP (Yes/ No):						
		Replacement Housing Factor Grant No:						
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Total Actual Cost	Status of Work		
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>	
PHA-Wide	Operations	1406		25,808.00				
PHA-Wide	Management Improvements - Security	1408		2,000.00				
PHA-Wide	Capital Needs Assessment	1408		25,000.00				
PHA-Wide	Admin Costs - CFP Sals/Benefits	1410		25,808.00				
PHA - Wide	Audit Cost	1411		1,000.00				
PHA - Wide	Fees & Costs - A&E Services	1430		5,000.00				
ME00700001	Crack/Fill & Seal Park Lot/Walks - M.E.	1450		1,900.00				
ME00700001	Boiler Replacements - Phase 2 - F.D.	1460		82,573.00				
ME00700001	Convert 5BR Units to 4BR on Vacancy - F.D.	1460	1	3,000.00				
ME00700001	Paint Trim or Cover All - F.D.	1460		30,000.00				
ME00700001	Cover Soffit & Facia - L.S.	1460		20,000.00				
ME00700001	Replace Entrance Doors - L.S.	1460		10,000.00				
ME00700001	Replace Closet Doors - L.S.	1460		9,500.00				
ME00700001	Repl Refrigerators-Energy Star - M.E.	1465.1	11	5,500.00				
ME00700001	Replace Comm Bldg Windows - F.D.	1470		10,000.00				
PHA-Wide	Replace Non-Dwell Equip as Needed	1475		1,000.00				
	Totals			\$258,089.00				

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.



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Part II: Supporting Pages						Federal FFY of Grant:		Status of Work	
PHA Name:		Grant Type and Number Capital Fund Program Grant No: CFPP (Yes/No): Replacement Housing Factor Grant No:							
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost			
				Original	Revised <sup>1</sup>	Funds Obligated <sup>2</sup>	Funds Expended <sup>2</sup>		

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

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**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name: Auburn Housing Authority

Federal FFY of Grant: 2011

Reasons for Revised Target Dates

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
PHA-Wide	2013		2015		
ME00700001	2013		2015		

Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

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**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name: \_\_\_\_\_

Federal FFY of Grant: \_\_\_\_\_

Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.