

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011
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1.0	PHA Information PHA Name: <u>Housing Authority of the City of Rock Hill</u> PHA Code: SC022 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): <u>01/01/2012</u>												
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: 369 Number of HCV units: 500												
3.0	Submission Type <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only												
4.0	PHA Consortia <u>N/A</u> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)												
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">PH</th> <th style="width: 50%;">HCV</th> </tr> </thead> <tbody> <tr> <td>PHA 1:</td> <td></td> </tr> <tr> <td>PHA 2:</td> <td></td> </tr> <tr> <td>PHA 3:</td> <td></td> </tr> </tbody> </table>	PH	HCV	PHA 1:		PHA 2:		PHA 3:	
PH	HCV												
PHA 1:													
PHA 2:													
PHA 3:													
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.												
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: The Authority's mission is to promote, provide, operate, manage, and expand the availability of safe, decent, and sanitary affordable housing options in the Rock Hill area.												

5.2

Goals and Objectives. 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.

Maintain financial strength of the agency to ensure ability to continue operations at the desired high level of quality. Achieve a surplus in all major programs each budget year.

Undertake activities to create and increase the availability of affordable home ownership and rental housing through Authority efforts and collaboration with other organizations. Develop partnerships with other agencies, for profit, non-profit, and governmental to increase the availability of affordable housing options. Apply for additional Section 8 vouchers if they become available to the PHA.

Continue efforts to increase non-HUD revenue streams and decrease the Authority's reliance on federal grants. Increase the number of non-subsidized units owned and managed by the Authority.

Further increase the efficient use of limited resources to achieve desired high quality programs. Continue use of cost efficient in house staff for maintenance and modernization (force account) programs.

Maintain current occupancy rates of 98% or higher and Section 8 lease rate of 98% or higher (depending on funding).

Maintain project based accounting and budgeting and initiate the multi-year transition to asset management if required. If the anticipated exemption to asset management is not approved, full asset management compliance will be achieved during fiscal 2012 as required by HUD. The Central Cost Center (COCC), established late in 2007, will continue to be tested for funding capacity by using the estimated HUD allowed fee structure to determine if funding is actually adequate. During the transition periods, the fee structure will be supplemented by the allowed capital fund support of operations and central office costs for administrative efforts. The developments will also provide added funding to the central cost center for the 2012 period to balance the budget for the central cost center during the transition but only to the extent needed to avoid a deficit in the central cost center. As additional outside (non-HUD) revenue sources are developed, the funding for the central cost center from these sources will defray an increasing portion of the overhead costs. Continuing through 2012, the expense structure will be adjusted and managed to achieve full compliance by the established 2012 HUD deadlines, if required. Staffing patterns and responsibilities will be shifted to the appropriate project levels if not deemed a COCC responsibility. Position descriptions will be tested and modified as needed. COCC needs, particularly in the non-HUD property management areas, will be evaluated and decided. The Authority used 2010 and 2011 as the basis for resolving any issues with asset management and will attempt to achieve a full conversion by late 2012 if required so that the Authority will hopefully be fully compliant and fiscally successful if required in the 2012 year. However, the Authority will opt out of asset management if the Congress or HUD approves further temporary or permanent exemptions for authorities that applies to the Rock Hill Authority.

The Authority substantially met its past goals. The Authority continued to achieve high performer status in the Public Housing Assessment System (PHAS). HUD Real Estate Assessment Center inspections rated the physical property and maintenance of Authority units as a high performer during every inspection of the Authority's units. This demonstrated the quality of maintenance and modernization achieved by the staff and force account staff. Management and financial indicators also were at the high performer level. Occupancy rates and lease up rates in both public housing and Section 8 were excellent over the past several years. Financial strength increased significantly in all programs with a surplus achieved in the 2007, 2008, 2009, and 2010 fiscal years. A surplus is also anticipated for the 2011 year. Reserves were increased in all key programs. The efficient use of staff, strong training, use of force account labor, good safety programs, and an effective procurement program helped hold costs to a reasonable level without compromising quality.

The Authority acquired a triplex in 2008 on property large enough to accommodate between 3 and 6 additional units. The Authority also acquired a lot suitable for building a duplex or house. Both properties were acquired without subsidy of any sort. These actions will enable the Authority to increase affordable housing options while also contributing to the financial strength of the organization. In 2010, the Authority acquired a 5 unit complex with non-subsidized funds to add to its portfolio of properties that offer non-subsidized affordable housing. This activity adds to the Authority's financial strength by providing added revenue streams not subject to the political process.

The Authority reached a performance level where it has quality units, sound financial status, and an experienced and knowledgeable staff. The Authority's primary goal is to maintain this level of performance through the next five years in HUD funded operations while increasing the number of non-subsidized affordable housing options for the residents of Rock Hill. The ARRA funding used in 2009 and 2010 allowed the installation of energy star rated HVAC and water heating systems at several developments. This will enhance the quality of life and reduce energy costs.

PHA Plan Update

(a) **Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:**

There have been no significant changes from last year's annual and five-year plans.

(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.**

Main Office at 467 South Wilson, Rock Hill, SC 29730; Great Falls office at 800 Chester Ave, Great Falls, SC

PHA PLAN ELEMENTS

1. Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures

Public Housing Program Preferences

The Authority will use the below listed preferences for the public housing program.

1. Non-Assisted Rock Hill Elderly/Near-Elderly/Disabled//Veterans With Income
2. Non-Assisted Rock Hill Elderly/Near-Elderly/Disabled//Veterans Without Income
3. Non-Assisted Out-Of-Town Elderly/Near-Elderly/Disabled/ Veterans With Income
4. Non-Assisted Out-Of-Town Elderly/Near-Elderly/Disabled//Veterans Without Income
5. Non-Assisted Rock Hill Working Families & Individuals
6. Non-Assisted Rock Hill Not Working Families
7. Non-Assisted Out-Of-Town Working Families
8. Non-Assisted Out-Of-Town Not Working Families
9. Assisted Rock Hill Elderly/Near-Elderly/Disabled/ Veterans
10. Assisted Out- of- Town Elderly/Near-Elderly/Disabled//Veterans
11. Other Assisted Rock Hill Families by date and time
12. Other Assisted Out-of-Town Families by date and time

The Authority will use the below preferences for the Housing Choice Voucher Program.

1. Voucher holders whose assistance was terminated due to insufficient funding from HUD in order of termination with the first terminated family having the highest spot on the wait list (automatic re-instatement on the wait list regardless of whether the wait list is open or closed)
2. Non-Assisted Rock Hill elderly, near elderly, disabled, and veterans with working income (includes SS, SSI, disability income)
3. Non-Assisted Out of Town elderly, near elderly, disabled, and veterans (includes SS, SSI, disability income)
4. Non-Assisted Rock Hill working families (includes families who work in Rock Hill but reside outside Rock Hill)
5. Non-Assisted out of town working families
6. Assisted Rock Hill working families (includes families who work in Rock Hill but reside outside Rock Hill)
7. Assisted out of town working families
8. Rock Hill all others
9. Non-Rock Hill all others

For both programs, within preferences, date and time of application is used to determine wait list order. Preferences will be adjusted to meet income level targeting requirements when necessary. These preferences have been previously approved by HUD. Section 8 pre-applications are used to create a wait list used to schedule formal application sessions.

Eligibility: Eligibility for the programs is done at the time a formal application is placed. Once related third party verifications are received, a determination is made to approve or deny assistance for cause. The Authority conducts the following background checks on applicants:

Criminal and drug-related activity (obtained from law enforcement agencies and police departments); b. Rental history; c. Housekeeping; d. Suitability for tenancy (prior landlord and/or other relevant data). The application and eligibility processes are covered in detail in the Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan. The PHA plans to meet the necessary income targeting levels in both programs.

The PHA monitors the income levels at PHA public housing developments to ensure deconcentration needs are met. The Authority's average income level at all developments has consistently been significantly below the 30% of median income; therefore, deconcentration has not and is not anticipated to be a requirement in the future.

6.0

2. Financial Resources.

Funding predictions are estimates based on past history but remain estimates only as the Federal sources, in particular, are subject to Congressional appropriation and exact amounts are highly unpredictable in advance.

SOURCES	PLANNED \$	PLANNED USES
1. FEDERAL GRANTS		
a. Public Housing Operating Fund	\$1,222,230	Public Housing Operations/Maintenance
b. Public Housing Capital Fund	650,000	Public Housing Modernization
c. Annual Contributions for Section 8 tenant based assistance (HCV)	2,504,000	Section 8 Rental Assistance/Operations
d. Section 8 Project Based Assistance (for Eastside Homes)	153,000	Project Operations and Maintenance
2. PRIOR YEAR FEDERAL GRANTS (unobligated)	N/A	
3. PUBLIC HOUSING DWELLING RENTAL INCOME	350,000	Public Housing Operations/Maintenance
4. OTHER INCOME		
a. Interest Income	28,000	Public Housing Operations/Maintenance
b. Maintenance Charges	54,000	PH Operations/Maintenance/Staff Costs
5. NON-FEDERAL SOURCES		
a. Maintenance Reimbursements	4,000	Project Operations/Maintenance
b. Non-Subsidized Owned Units	380,000	Project Operations/Maintenance
TOTAL RESOURCES	\$5,345,230	

3. Rent Determination. Specifics regarding rent determination can be found in the Public Housing Admissions and Occupancy Plan and the Section 8 Administrative Plan and are briefly described below.

Public Housing

- a. Income based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income or minimum rent (less mandatory HUD deductions and exclusions)
- b. The PHA has set a \$50 minimum rent and will increase to a higher level if HUD increases the maximum level in the future. The PHA has hardship exemptions included in both the ACOP and S8 Administrative Plans
- c. The PHA does not use a ceiling rent at this time. The PHA does have flat rents which are established based on Section 8 rent reasonableness data and surveys of unassisted comparable housing.
- d. Residents are required to report income changes any time the family experiences an income increase.

Section 8

- a. The Authority will maintain a payment standard between 90% and 110% of the HUD established FMR. The payment standard is set between 90 and 100% for tenant based vouchers and is between 100 and 110% for the 84 project based vouchers. Payment standards are adjusted and reviewed annually in conjunction with HUD's FMR announcements. The Authority has not experienced any unreasonable difficulty for S8 clients finding a choice of properties available to voucher holders within the payment standards used.
- b. The minimum rent in the Section 8 program is \$50 with exemptions for hardship outlined in the Administrative Plan. The minimum will be increased if allowed by HUD.
- c. Should the opportunity arise, the Authority will apply for additional HCV vouchers to meet the local needs.
- d. The Section 8 Administrative Plan includes provisions and procedures to implement a Section 8 Homeownership Program. The Program will be implemented if the appropriate partnerships and funding can be developed.
- e. The Authority will conduct outreach to owners when necessary to increase unit availability. At this time, vouchers holders have reasonable choices and property is readily available.

4. Operation and Management. Management and operation policies for housing owned, assisted or operated by the agency are stated in detail in the following plans: Public Housing Admission and Occupancy Plan, Section 8 Administrative Plan (which have been submitted along with this Plan); Maintenance Plan, Rules for Apartment Living, Dwelling Lease, Addendum to Dwelling Lease: HQS and Infestation and Housekeeping and Inspection Standards. All policies are posted on the bulletin board at the main office of 467 South Wilson Street and can be made available for review upon request.

The PHA has consistently achieved high performer scores from HUD on REAC inspections of the Authority's units. The PHA has and will continue to maintain its inspection program for PHA units. Residents who fail inspections are counseled and also provided a DVD-based training program on how to maintain their units. Units are maintained, turned, renovated, and modernized (force account) by PHA staff. Capital Fund funded

modernization is fully performed by PHA staff. Units are taken offline for modernization only for the period of time needed to perform the work required. The PHA also performs its own grounds maintenance. The PHA plans to continue these procedures so that the high standards can be maintained. The PHA maintains and periodically updates its Maintenance Plan which covers in detail the policies and procedures for unit turnover, preventive maintenance, unit modernization, and safety. The Rules for Apartment Living, Housekeeping and Inspection Standards and HQS/Infestation Addendum covers resident responsibilities in the care of their units.

The PHA performs pest control services and also contracts with a pest control company for regular recurring quarterly pest control treatments and any additional call-back services. The PHA will continue to maintain a capability to provide pest control and also continue to contract for recurring professional pest control services.

The PHA also performs its own property management functions through asset managers. Leasing functions, rent computations, lease enforcement, regulatory enforcement, and interactions with the residents will be performed by the asset managers. Rent collections are performed by the accounting staff and coordinated with the asset managers.

5. Grievance Procedure. Public Housing Grievance Procedures allow tenants to request an informal hearing within ten days of being sent a termination letter, in all cases except nonpayment of rent and those related to drugs or violence, in which case tenants are informed that he/she may follow due process. Should the informal hearing officer uphold the decision to terminate public housing assistance, the tenant is informed of his/her right to request a formal hearing and if that decision is upheld, tenant is informed recourse may be sought through judicial proceedings. Section 8 Grievance Procedure allows for an informal hearing to be requested within ten days of being sent a termination letter in all circumstances. Copies of Grievance Procedures are issued to new tenants and participants at lease up.

6. Designated Housing for Elderly and Disabled Families. The Housing Authority has no plans at this time to specifically designate housing for elderly and disabled families.

7. Community Service and Self-Sufficiency. The Housing Authority currently does not have sufficient staff, funding, or expertise to offer such employment and training services. HUD Community Work Service requirements are enforced in accordance with HUD requirements and regulations and the Authority's Admissions and Continued Occupancy Plan. Residents who fail to meet the standards are subject to termination. The Authority has created a partnership with the North Central Family Medical Center to offer medical services within two of the Authority's complexes and plans to continue this valuable service for residents. The Authority also is exploring additional affordable housing options that could be developed without HUD subsidy.

8. Safety and Crime prevention. Public housing properties are relatively crime-free with only an occasional occurrence of drugs or violent activity, which are dealt with in accordance with the Dwelling Lease and Lease Addendum for Drug-Free Housing. Diligent applicant screening is the first step in prevention; the PHA also works closely with Rock Hill Police Department and asset managers work closely with street crimes units for problem resolution. The PHA is very closely affiliated with the City and Police Department and receives the highest level of cooperation to enhance the security within public housing complexes. Space is provided for a police office in one of the Authority's public housing complexes to increase the police presence in the area. Crimes involving residents and guests are tracked and appropriate actions taken when policies are violated.

9. Pets. Tenants may have pets in accordance with the Pet Policy, a copy of which can be made available upon request. Pet deposits are required in most instances with the exception of service animals.

10. Civil Rights Certification. The Housing Authority of the City of Rock Hill does hereby certify that it will carry out this Agency Plan (both our Five Year Plan and our Annual Plan) in compliance with all applicable civil rights requirements and will affirmatively further fair housing. In particular, we will comply 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. This is in continuation of our long-standing anti-discrimination tradition.

11. Fiscal Year Audit. Audits are conducted annually by an independent auditor and copies of the completed audits are mailed to HUD each year. The FY 2010 completed audit was sent to HUD in May 2011. There were no audit findings.

12. Asset Management. The Housing Authority took the allowed exemption from Asset Management and awaits legislative decisions regarding the requirements for agencies with less than 400 units. The Authority uses project

	<p>based accounting and organized its complexes into asset management projects with an asset manager for each project. The Authority intends to opt out of asset management if the current exemption becomes permanent. If not, the Authority is prepared to convert to the asset management model. The Authority intends to combine its Amp 1 and 2 into one Amp if the asset management exemption becomes permanent.</p> <p>13. Violence Against Women Act (VAWA). The Housing Authority complied with informing tenants and participants of VAWA via mass mailing in October 2008, and continues by informing all applicants of VAWA during the formal application process. Resources and personnel trained to deal with such circumstances are available within the community and are not a part of direct services provided by the PHA. VAWA is covered in detail in the Authority's ACOP and S8 Administrative Plan.</p>
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7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i></p> <p>(a) Hope VI or Mixed Finance Modernization or Development. Not Applicable.</p> <p>(b) Demolition and Disposition. Not applicable</p> <p>(c) Conversion of Public Housing. Not applicable.</p> <p>(d) Homeownership. See Section 8 Administrative Plan – Addendum.</p> <p>(e) Project Based Vouchers. HUD approved 84 Project Based Vouchers to be used at The Courtyard at Highland Park; all vouchers are in use. The Authority is evaluating whether to increase the number of project based vouchers to 100 (the 20% allowed) during the next fiscal year. If the decision is made to proceed, the Authority would, in accordance with HUD procedures, seek to add 16 PBVs to its current 84. The additional vouchers would not be associated with the Courtyard property.</p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. 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. An Annual Statement for the 2012 and P and E reports for the 2010 and 2011 Capital Funds are attached on HUD Forms 50075.1. The 2009 Capital Fund and ARRA funds have been fully expended and closed. The Authority will continue to use force account labor to perform all modernization work as it has since 1996. Units are taken offline when modernization work is started on units vacated by turnover and returned to availability for occupancy when the work is completed. Work is generally completed within 60-90 days or less. HUD is notified for approval by email when unit status is updated in PIC in accordance with current HUD requirements.</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. 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. The Capital Fund 5 year Action Plan is attached. <i>The Authority plans to continue to use force account labor to perform all modernization work as it has since 1996.</i></p>
8.3	<p>Capital Fund Financing Program (CFFP).</p> <p><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. The Authority does not intend to use CFFP.</p>
9.0	<p>Housing Needs. 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> <p>See following Tables.</p>

Statement of Housing Needs [24 CFR Part 903.12 (b), 903.7(a)]

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

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

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input checked="" type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	75		34.47
Extremely low income <=30% AMI	65	86.7	
Very low income (>30% but <=50% AMI)	10	13.3	
Low income (>50% but <80% AMI)	0		
Families with children	47	62.7	
Elderly families	6	8.0	
Families with Disabilities	4	5.3	
Race/ethnicity 1	11	14.7	
Race/ethnicity 2	64	85.3	
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)			
1BR	24	32.0	
2 BR	46	61.3	
3 BR	3	4.0	
4 BR	2	2.7	
5 BR	0	0	
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

Statement of Housing Needs [24 CFR Part 903.12 (b), 903.7(a)]

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

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

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	248*		15.2%
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children			
Elderly families			
Families with Disabilities			
Race/ethnicity			
Race/ethnicity			
Race/ethnicity	-		
Race/ethnicity	-		
*Section 8 wait list begins with pre-applications, accurate data is not readily available until applicants are brought in for the formal Section 8 application, which is done closer to the time when a voucher could be issued. The above number reflects pre-applications on hand as of the end of last fiscal year. The wait list was opened for one day in 2010 and 175 pre-applications were received.			
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
If yes:			
HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)? SINCE 5/06/10			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
When the tenant-based wait list is closed, admissions are still permitted into Project Based units, which is a separate property-specific waiting list.			

9.1	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</p> <p>The Authority will strive to continue to maintain a 98 percent average occupancy rate in its public housing programs and to maintain a 98 percent lease rate in its Section 8 program assuming HUD funding is adequate to maintain these levels, particularly in the Section 8 HCV program. The Authority will also attempt to increase its inventory of non-HUD affordable housing to further provide affordable housing opportunities over the next five years. The Authority also intends to continue to quickly turn public housing units and issue vouchers as turnover occurs provided that HAP expense does not exceed funding levels. The Authority has consistently met HUD vacancy and Section 8 lease up standards and should maintain these standards if funding is reasonably adequate.</p>
10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5- Year Plan.</p> <p>The Authority continued to achieve excellence in its housing programs over the past years. RHHHA is a high performer in the Public Housing Assessment System and Section Eight Management Assessment Program. The physical structure of the owned housing stock has been exceptionally well maintained and is continually upgraded to provide quality units. HUD REAC UPCS inspections have continually yielded high scores. Vacancy days are down as occupancy levels are up due to shorter turn times and a solid waiting list. Section 8 lease rates have essentially been maintained in line with HAP funding levels. Despite tight funding from HUD in all programs, the Authority is operating well within its program budgets at present. Program reserves are solid and reasonable. Despite the major funding uncertainty in the coming years, the Authority is reasonably positioned to weather any funding shortfalls while fully meeting its goals of providing quality affordable housing in a highly regulated environment.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</p> <p>a. Substantial Deviation. Substantial deviation will be considered the addition of a program or activity not in the plan that would have a significant and long-term impact on the applicable program. Minor additions with small financial, or policy impact involving routine operations will not be considered significant. The addition of HUD mandated regulatory changes or additions or changes to forms used will not be considered a significant amendment.</p> <p>b. Significant Amendment or Modification to the Annual Plan. Significant amendment/modification will be considered the addition of a program or activity not in the plan that would have a significant and long-term impact on the applicable program. Minor additions with small financial, or policy impact involving routine operations will not be considered significant. The addition of HUD mandated regulatory changes or additions or changes to forms used will not be considered a significant amendment.</p> <p>c. PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. The PHA is a high performer and no MOAs are required.</p>
11.0	<p>Required Submission for HUD Field Office Review. 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. Note: 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. There were no 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>

11F. RESIDENT ADVISORY BOARD

MINUTES FROM AUGUST 11, 2011 RESIDENT'S COUNCIL MEETING

In Attendance: Richard L. Unz, Executive Director
Shelvie Ramsey, Housing Director
Lisa Taylor, AMP 1 Asset Manager
Norma Thompson, AMP 2 Asset Manager

Resident's Council: Sylvia McCorkle, Gordon Court
Janie McCoy, Keiger Street
Frank Sebree, Confederate Avenue
Unique Turner, Great Falls
Ethel White, Fargo Street
Janice Thompson, Fargo Street
Denise Youngblood, Fargo Street
Rosalind Cook, Drake Court

Members introduced themselves and told where they live and a little about themselves. Several of the members stated "I love my apartment!" The two senior members of the Resident's Council (Sylvia McCorkle and Janie McCoy) were recognized and given a rose bud & vase.

The Executive Director advised government funding for housing authorities and other federally funded programs were facing major cuts and budget issues and explained differences between the operating budget and capital fund, and assured council members that all properties would still be maintained and kept nicely but major projects, such as installing air conditioning in units, would be scaled back. The annual plan was reviewed and council members were advised that efforts will continue on renovating units using ceramic tile, crown molding, updating baths and kitchens, but also on a smaller scale. Plans will also continue to replace refrigerators every seven to eight years and to replace ranges when needed.

The Executive Director praised the skills of the maintenance crew and office staff in once again achieving high performer status on HUD's assessment, and advised that later this year, the apartments will be readied for a REAC inspection. The Public Housing Administrative Plan was reviewed and the Executive Director advised of the two major changes in the plan and two major issues concerning inspections. The late fees will increase for the first time in decades, from \$10 for rent still unpaid after the 5th and 15th day of the month, to \$25.00 for rent or any other amounts due the Housing Authority that is still not paid by the 5th and 15th. Another major change for residents is that for tenants who have housekeeping and cleanliness issues and fail to cooperate with the Housing Authority, those tenants may have to pay for infestation treatments after the Housing Authority's initial efforts to treat for roaches or bed bugs. The Executive Director discussed occurrences that can bring about infestation, ways residents can avoid infestation and the series and cost of treatments.

With no questions concerning either the Annual Plan or ACOP, the Executive Director advised that even with budget cuts, business would continue as usual with the Housing Authority responding

quickly to issues and though expenses would be monitored closely, normal unit and grounds care would continue.

Great Falls resident Unique Turner asked if Great Falls units would also be renovated and talked about the grounds. The Executive Director advised that as units come available through vacancies, renovation would continue in Great Falls. He further advised that there had been staff shortages on the grounds crew over the summer months and he realized that many of the complexes went a little longer than usual between lawn care maintenance, the grounds crew were once again fully staffed and all complexes should see grounds care maintenance more routinely than had been the case over several weeks of summer. Ms. Turner also advised that Great Falls had a lot of people hanging out at the complex and that often, there were more cars there than there were residents, and there was often no where to park. The Executive Director advised that unfortunately, the Housing Authority did not receive the same cooperation from Great Falls Police Department as Rock Hill Police offered, and that tagging cars without parking permits and towing the vehicles and reports from other residents about unauthorized occupants or excessive traffic and out of units and counseling tenants in violation were the only measures of control. Maintenance will be advised to tag and tow vehicles in Great Falls and the asset manager will be advised to discuss lease violations with tenants. Ms. Turner also asked about the mailbox issue in Great Falls and the Executive Director advised that the post office said they could no longer maintain the cluster boxes but also advised that he had received nothing official from the post office advising that maintenance of the mail boxes had been returned to the Housing Authority, and as the Housing Authority is not in possession of keys to the boxes, maintenance could not be performed until the post office turned them over officially. Ms. Turner also advised that one tenant had designated his own parking spot and often gave other tenant a hard time for parking near his unit. The Executive Director advised that he had been provided of pictures of that situation and that he would have the asset manager address the issue directly with that tenant, and further advised that though the Housing Authority does not have designated parking,

Janie McCoy also said there were issues with the mail boxes over on Keiger Street and that children often go through the mail that residence lay on top of the boxes that did not belong to them. The Executive Director again advised that such issues were matters that the post office needed to resolve as tampering with mail is a federal offense.

Sylvia McCorkle asked what could be done about people who come and stay every night and stated there was one car there every night with no sticker. Ms. McCorkle was asked to provide the information so that the vehicle could be tagged and then towed. Ms. McCorkle advised that people should keep vehicles locked as she had seen children playing around in people's cars. The Executive Director advised that the Housing Authority's insurance does not cover personal belongings of tenants, and that all tenants should check into getting renter's insurance, and further, now that hurricane season is here once again, that all families should have an emergency preparedness plan, taking into consideration where to evacuate, should the need arise, and items that would be needed if advised to evacuate, such as medications, flash lights, water, etc.

With no further discussion or questions, the Executive Director thanked all the resident council members for their attendance and willingness to represent their communities.

BEGIN CAPTIAL FUND BUDGETS SECTION

Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

Part I: Summary		Grant Type and Number Capital Fund Program Grant No: <u>SC16P022501-10</u> Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2010 FFY of Grant Approval: 2010
Type of Grant	<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending:	<input type="checkbox"/> Reserve for Disasters/Emergencies	<input type="checkbox"/> Revised Annual Statement (revision no:)
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost ¹
		Original	Obligated
1	Total non-CFP Funds		Expended
2	1406 Operations (may not exceed 20% of line 21) ³	65000.00	0
3	1408 Management Improvements	12000.00	1218
4	1410 Administration (may not exceed 10% of line 21)	66000.00	14290.07
5	1411 Audit	1500.00	1500.00
6	1415 Liquidated Damages		
7	1430 Fees and Costs	8000.00	950.00
8	1440 Site Acquisition		
9	1450 Site Improvement	15000.00	1240.42
10	1460 Dwelling Structures	423083.00	274766.59
11	1465.1 Dwelling Equipment—Nonexpendable	26000.00	2169.80
12	1470 Non-dwelling Structures	10000.00	3865.12
13	1475 Non-dwelling Equipment	34000.00	0
14	1485 Demolition		
15	1492 Moving to Work Demonstration		
16	1495.1 Relocation Costs		
17	1499 Development Activities ⁴		

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ 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

Part I: Summary		FFY of Grant: 2010	
PHA Name: Housing Authority of the City of Rock Hill SC022	Grant Type and Number Capital Fund Program Grant No: <u>SC16P022501-10</u> Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2010	
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Performance and Evaluation Report for Period Ending		<input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report	
Type of Grant	Summary by Development Account	Total Estimated Cost	Total Actual Cost¹
		Original	Revised ²
18a	1501 Collateralization or Debt Service paid by the PHA		Obligated
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		Expended
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	660583.00	300000.00
21	Amount of line 20 Related to LBP Activities		241149.96
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		Signature of Public Housing Director	
<i>[Signature]</i>		<i>[Signature]</i>	
Date		Date	
9-6-11			

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ 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

Part II: Supporting Pages		Federal FFY of Grant: 2010						
PHA Name: Housing Authority of the City of Rock Hill SC022		Grant Type and Number Capital Fund Program Grant No: <u>SCI6P022501-10</u> 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 ¹	Funds Obligated ²	Funds Expended ²	
PHA Wide								
	Operations	1406		65000		0	0	
	Computer software, IT upgrades, training, transition staff, Org changes, Resident programs	1408		12000		1218.00	1218.00	
	Administration	1410		66000		14290.07	14290.07	
	Audit	1411		1500		1500.00	1500.00	
	Fee, costs, consulting, utility studies	1430		8000		950.00	950.00	
	Admin office site work, parking, fences	1450		1000		0	0	
	Admin office repairs, upgrades	1470		10000		3865.12	3865.12	
	Mowers, vehicles, copiers, computers, lawn equipment, back hoe/attachments, dump truck	1475		34000		0	0	
Amp 1								
	Grounds improvements, shrubs, trees, tree maintenance, seeding, fencing, water/sewer lines, curb stops, parking lot upgrades and maintenance	1450		6000		427.73	427.73	
	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs, siding,trim,HVAC,water heaters,locks,stairs	1460	18	160000		80000.00	74055.83	
	Repair, replace appliances	1465		10000		1084.90	1084.90	
Amp 2								
	Grounds improvements, shrubs, trees, tree maintenance, seeding, fencing, water/sewer lines, curb stops, parking lot upgrades and maintenance	1450		8000		812.69	812.69	
	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs, siding,trim,HVAC,water heaters,locks,stairs	1460	30	263083		194766.59	141860.72	
	Repair, replace appliances	1465		16000		1084.90	1084.90	
	Total			660583.00		300000.00	241149.96	

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

² To be completed for the Performance and Evaluation Report.

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 3/31/2014

Part I: Summary		Grant Type and Number Capital Fund Program Grant No: <u>SCI6P022501-11</u> Replacement Housing Factor Grant No: Date of CFP:		FFY of Grant: 2011 FFY of Grant Approval: 2011	
PHA Name: Housing Authority of the City of Rock Hill SC022					
Type of Grant	<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending:	<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (revision no:)	
Line	Summary by Development Account	Total Estimated Cost		Obligated	Total Actual Cost ¹
		Original	Revised ²		Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	44,000.00		0	0
3	1408 Management Improvements	2,000.00		0	0
4	1410 Administration (may not exceed 10% of line 21)	50,000.00		0	0
5	1411 Audit	1,000.00		0	0
6	1415 Liquidated Damages				
7	1430 Fees and Costs	1,000.00		0	0
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	2,653.00		0	0
11	1465.1 Dwelling Equipment—Nonexpendable	450,000.00		0	0
12	1470 Non-dwelling Structures	5,000.00		0	0
13	1475 Non-dwelling Equipment	1,000.00		0	0
14	1485 Demolition	10,000.00		0	0
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ 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

Part I: Summary		FFY of Grant: 2011	
PHA Name: Housing Authority of the City of Rock Hill SC022	Grant Type and Number Capital Fund Program Grant No: <u>SC16P022501-11</u> Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2011	
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Performance and Evaluation Report for Period Ending		<input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost¹
		Original	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)		0
20	Amount of Annual Grant: (sum of lines 2 - 19)	566,653.00	
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		Signature of Public Housing Director	Date
<i>[Signature]</i>		<i>[Signature]</i>	9-6-11

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

Part I: Summary		Grant Type and Number Capital Fund Program Grant No: <u>SCI6P022501-12</u> Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2012 FFY of Grant Approval: 2012	
PHA Name: Housing Authority of the City of Rock Hill SC022					
Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report			
Summary by Development Account		Total Estimated Cost		Total Actual Cost¹	
Line		Original	Revised²	Obligated	Expended
1	Total non-CFF Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	64,000.00			
3	1408 Management Improvements	10,000.00			
4	1410 Administration (may not exceed 10% of line 21)	64,000.00			
5	1411 Audit	1,000.00			
6	1415 Liquidated Damages				
7	1430 Fees and Costs	4,000.00			
8	1440 Site Acquisition				
9	1450 Site Improvement	15,000.00			
10	1460 Dwelling Structures	440,000.00			
11	1465.1 Dwelling Equipment—Nonexpendable	15,000.00			
12	1470 Non-dwelling Structures	2,000.00			
13	1475 Non-dwelling Equipment	35,000.00			
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

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

Part I: Summary		FFY of Grant: 2012	
PHA Name: Housing Authority of the City of Rock Hill SC022		Grant Type and Number Capital Fund Program Grant No: <u>SC16P022501-12</u> Replacement Housing Factor Grant No: Date of CFFP:	
Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending <input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost ¹
		Original	Obligated
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)	650,000.00	
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		Signature of Public Housing Director	
		Date	

[Handwritten Signature] 9-6-11

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

Part II: Supporting Pages

PHA Name: Housing Authority of the City of Rock Hill SC022		Grant Type and Number Capital Fund Program Grant No: <u>SC16P022PS01-12</u> CFPP (Yes/No)		Federal FFY of Grant: 2012						
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		Replacement Housing Factor Grant No:				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
	Operations			1406		64000				
	Computer software, IT upgrades, training, transition staff, Org changes, Resident programs			1408		10000				
	Administration			1410		64000				
	Audit			1411		1000				
	Fee, costs, consulting, utility studies			1430		4000				
	Admin office site work, parking, fences			1450		1000				
	Admin office repairs, upgrades			1470		2000				
	Mowers, vehicles, copiers, computers/scammers, lawn equipment, back hoe/attachments, dump truck			1475		35000				
Amp 1										
	Grounds improvements, shrubs, trees, tree maintenance, seeding, fencing, water/sewer lines, curb stops, parking lot upgrades and maintenance			1450		7000				
	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding trim,HVAC,water heaters,locks,stairs			1460	18	175000				
	Repair, replace appliances			1465		7000				
Amp 2										
	Grounds improvements, shrubs, trees, tree maintenance, seeding, fencing, water/sewer lines, curb stops, parking lot upgrades and maintenance			1450		7000				
	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding trim,HVAC,water heaters,locks,stairs			1460	30	265000				
	Repair, replace appliances			1465		8000				
	Total					650,000				

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

² To be completed for the Performance and Evaluation Report.

Capital Fund Program—Five-Year Action Plan

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

PART I: SUMMARY

PHA Name/Number Housing Authority of the City of Rock Hill, SC (SC022)		Locality (City/County & State) Rock Hill, SC (York)			<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:	
A.	Development Number and Name	Work Statement for Year 1 FFY 2012	Work Statement for Year 2 FFY 2013	Work Statement for Year 3 FFY 2014	Work Statement for Year 4 FFY 2015	Work Statement for Year 5 FFY 2016
B	Physical Improvements Subtotal	440000	440000	440000	440000	440000
C.	Management Improvements	10000	10000	10000	10000	10000
D.	PHA-Wide Non-dwelling Structures and Equipment	43000	43000	43000	43000	43000
E	ADMINISTRATION	64000	64000	64000	64000	64000
F.	Other	29000	29000	29000	29000	29000
G.	Operations	64000	64000	64000	64000	64000
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds					
L.	Total Non-CFP Funds					
M.	Grand Total	650000.00	650000	650000	650000	650000

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

Part II: Supporting Pages – Physical Needs Work Statement(s)

Work Statement for Year 1 FFY	Work Statement for Year 2013 FFY 2013	Quantity	Estimated Cost	Work Statement for Year 2014 FFY 2014	Quantity	Estimated Cost
Development Number/Name General Description of Major Work Categories	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 ANNUAL STATEMENT	PHA wide					
	Operations		64000	Operations		64000
	Computer software,/Mgt Imp, Org restructuring, trainings, transition staff, resident programs		10000	Computer software,/Mgt Imp, Org restructuring, trainings, transition staff, resident programs		10000
	Administration		64000	Administration		64000
	Audit costs		1000	Audit costs		1000
	Fees, costs, consulting		4000	Fees, costs, consulting		4000
	Admin Office site work, grounds, fences		1000	Admin Office site work, grounds, fences		
	Admin Office repairs, upgrades		2000	Admin Office repairs, upgrades		2000
	Copiers, computers, mowers, lawn equip, maint equip, vehicles, back hoe/hoe attachments, dump truck		35000	Copiers, computers, mowers, lawn equip, maint equip, vehicles, back hoe/hoe attachments, dump truck		35000
	AMP 1			AMP 1		
	Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance		7000	Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance		7000
	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding,trim,HVAC,water heaters,locks,stairs	18	175000	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding,trim,HVAC,water heaters,locks,stairs	18	175000
	Repair, replace appliances	25	7000	Repair, replace appliances	25	7000
	AMP 2			AMP 2		
	Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance		7000	Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance		7000
	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding,trim,HVAC,water heaters,locks,stairs	30	265000	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding,trim,HVAC,water heaters,locks,stairs	30	265000
	Repair, replace appliances	25	8000	Repair, replace appliances	25	8000
	Subtotal of Estimated Cost		\$ 650000	Subtotal of Estimated Cost		\$ 650000

Capital Fund Program—Five-Year Action Plan

Part II: Supporting Pages – Physical Needs Work Statement(s)

Work Statement for Year 1 FFY	Work Statement for Year 2015 FFY 2015	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Development Number/Name General Description of Major Work Categories	Estimated Cost
SEE ANNUAL STATEMENT			64000	Operations		Operations	64000
			10000	Computer software,/Mgt Imp, Org restructuring, trainings, transition staff, resident programs		Computer software,/Mgt Imp, Org restructuring, trainings, transition staff, resident programs	10000
			64000	Administration		Administration	64000
			1000	Audit costs		Audit costs	1000
			4000	Fees, costs, consulting		Fees, costs, consulting	4000
				Admin Office site work, grounds, fences		Admin Office site work, grounds, fences	
			2000	Admin Office repairs, upgrades		Admin Office repairs, upgrades	2000
			35000	Copiers, computers, mowers, lawn equip, maint equip, vehicles, back hoe/hoe attachments, dump truck		Copiers, computers, mowers, lawn equip, maint equip, vehicles, back hoe/hoe attachments, dump truck	35000
				AMP 1		AMP 1	
			7000	Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance		Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance	7000
		18	175000	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding,trim,HVAC,water heaters,locks,stairs	18	Renovate units, interior,exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows,roofs, siding,trim,HVAC,water heaters,locks,stairs	175000
		2525	7000	Repair, replace appliances	25	Repair, replace appliances	7000
				AMP 2		AMP 2	
			7000	Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance		Landscaping, trees, shrubs, seeding, parking upgrades, water/sewer lines, site maintenance	7000
		30	265000	Renovate units by force account interior, exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows, roofs,siding,trim,HVAC,water heaters,locks,stairs	30	Renovate units, interior,exterior,kitchens,living areas,baths,bedrooms, walls, floors, windows,roofs, siding,trim,HVAC,water heaters,locks,stairs	265000
		25	8000	Repair, replace appliances	25	Repair, replace appliances	8000
			\$650000	Subtotal of Estimated Cost		Subtotal of Estimated Cost	\$650000

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Housing Authority of the City of Rock Hill

Public Housing Admissions and Continued Occupancy Plan

Approved by the Board of Commissioners
in a regular meeting held August 22, 2011

Comments may be directed in writing to:
Executive Director Richard L. Unz
Housing Authority of the City of Rock Hill
467 South Wilson Street
P. O. Box 11579
Rock Hill SC 29731
runz@rhha.org

Housing Authority Of The City Of Rock Hill

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DEFINITIONS 50

I. BACKGROUND AND ADMINISTRATION OF PROGRAMS

The Housing Authority of the City of Rock Hill (PHA) was created to assist low-income families in obtaining decent, safe and sanitary housing at an affordable cost.

The Public Housing Program is administered according to the following applicable Federal Regulations, applicable HUD Handbooks, any pertinent state and local laws, and specific policies of the Housing Authority:

Quality Housing & Work Responsibility Act of 1998
Housing Act of 1937
24 Code of Federal Regulations Part 960
24 Code of Federal Regulations Part 8
24 Code of Federal Regulations Part 5

II. PLAN PURPOSE, USE, GUIDANCE AND WAIVERS

The purpose of this policy is:

1. To meet HUD requirements that Authorities have written local policies
2. To provide guidance where necessary in the implementation of HUD and Authority regulations and requirements
3. To provide for the implementation of local policies for the orderly and efficient operation of the programs
4. Provide consistency in the application of regulations
5. Provide reasonable information for program participants and potential participants

It is not the intent of this plan to replace and/or recite all Federal Regulations verbatim. Rather, the purpose is to summarize and support the regulations and program Handbooks. Federal regulations apply and will be followed regardless of whether the regulations are addressed in this plan. As federal rules change frequently and are issued throughout the year and the lead time to update this plan is generally at least three months, there may be numerous instances where these newer rules are not addressed in this plan. The new rules and policies will be implemented and adhered to and, if necessary, will be addressed in this plan at the next regular plan update.

The Executive Director is authorized to direct the implementation of any rules, regulations, or policies on an immediate basis when deemed necessary to implement a new federal or state requirement or to deal with a situation not currently addressed in this plan.

The Executive Director is authorized to waive or override any non-Federal or non-State procedure or policy that is locally imposed in this policy when the Executive Director determines that it is in the best interests of the Authority based on extenuating circumstances.

EASTSIDE HOMES. This plan applies to Eastside Homes where applicable. The portions that apply to Eastside Homes only may be changed by following the regulations applicable to Eastside Home and the multi-family program. The public housing and Section 8 HCV provisions will not apply to Eastside unless so specified. The Public Housing and HCV posting requirements will not apply to Eastside Homes. The Executive Director may implement policies and procedures or waive local policies and procedures for Eastside Homes as deemed appropriate in accordance with the applicable multi-family regulations.

The 4350.3 *Occupancy Requirements of Subsidized Multifamily Housing Programs* may also be used for clarification and reference purposes in addition to HUD's *Housing Choice Voucher Program Guidebook* in the administration of housing programs.

III. TARGETING & OUTREACH TO FAMILIES

During the PHA's fiscal year, not less than 40 percent of the families admitted to the PHA's public housing program from the PHA waiting list shall be extremely low-income families (incomes below 30% of the area median income). If admissions of extremely low-income families to the PHA's voucher program during the fiscal year exceeds the Section 8 program's targeting requirements (minimum of 75%), such excess may be credited, subject to HUD's limitations, against the public housing targeting requirement. The PHA will maintain necessary data and records for compliance monitoring.

Special outreach efforts may be necessary when the number of families on the waiting list is insufficient to maintain the leasing schedule or to attract groups that are not adequately represented in the assisted families such as the elderly or for targeting and deconcentration requirements.

The following sources may be used, as deemed appropriate and necessary, by the PHA for outreach to families:

- Announcements, news articles, paid advertisements that serve the PHA's jurisdictional areas;
- Public Service announcements on local television and radio stations;
- Contact and coordination with local human service agencies that serve the PHA's jurisdictional areas;
- Special presentations, as necessary, developed for local churches or other civic organizations; and
- Coordination with the City and/or Community Development Departments.

IV. DECONCENTRATION OF POVERTY AND INCOME MIXING

The PHA will affirmatively further fair housing in its family (general occupancy) developments by endeavoring to maintain a relative mix/cross-section of income levels. However, it is recognized that higher income (60 – 80% of median income) eligible families are less likely to need or use public housing resources and resources will normally not be used to try and attract members of this income group. The PHA will monitor on a continual basis the income mix of each of its "family" projects/communities. The PHA will utilize a dividing line of the average income.

Should it become necessary, the PHA may offer incentives to eligible families to locate in certain communities where a cross-section of income is not represented. The PHA will only utilize the waiting list "skipping" provisions of the regulations should it become critically necessary. Any waiting list skipping will be specifically documented in the tenant's file and on a waiting list control log.

V. PRIVACY OF APPLICANT/FAMILY INFORMATION

In accordance with Federal laws and regulations, PHAs must determine family income and obtain other necessary information to determine an applicant's eligibility, unit size, and income for purposes of calculating the family's rent. The Housing and Community Development Act of 1987 requires applicants and program participants to submit the social security numbers of all household members.

The PHA conducts a computer match to verify the information provided. This information may be released to appropriate Federal, State, and local agencies, when relevant, and to civil, criminal or regulatory investigators and prosecutors. The information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. All requested information must be provided, including evidenced verification of all social security numbers for each family member.

Failure to provide any of the requested information shall result in a delay or rejection of an applicant's eligibility approval and may result in termination for tenants receiving housing assistance.

The Authority will not disclose information in the possession of the Authority on applicants or participants to parties or organizations not involved and authorized by regulation or law as part of the Authority's housing processes. Disclosure will not be made even if authorized and requested by the applicant or participant.

VI. DEFINITIONS

Definitions are listed at the end of this document. Additional definitions may also be found in the Public Housing Occupancy Guidebook, HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, the Housing Choice Voucher Program Guidebook and the Code of Federal Regulations, Title 24: Housing and Urban Development.

VII. FAIR HOUSING AND EQUAL OPPORTUNITY HOUSING POLICY

A. Fair Housing

In accordance with the following regulations, the PHA will not on account of race, color, creed, sex, disability status, familial status, or national or ethnic origin deny to any family the opportunity to apply or receive housing assistance. Selections will be made in accordance with the applicable requirements included herein.

All eligible families, regardless of marital status, sexual orientation, or gender identity, have the opportunity to participate in HUD programs. The Authority is prohibited from inquiring about the sexual orientation or gender identity of an applicant for, or occupant of, HUD assisted housing. This policy also applies to Eastside Homes.

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations 24 CFR Part 1 and Title VIII of the Civil Rights Act of 1968, as amended;
2. The Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations at 24 CFR parts 100, 108, 109 and 110.
3. Executive Order 11063 on Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, 59 FR 2939 (1994) (implementing regulations at 24 CFR part 107).

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4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR Part 8;
5. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR Part 146;
and
6. Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213) to the extent applicable.

Selections will be made in accordance with the selection criteria consistent with HUD's affirmative fair housing objectives and are included herein.

The PHA will post on the applicant/tenant information bulletin board the telephone number for the HUD Office of Fair Housing and Equal Opportunity (FHEO) toll-free hotline - (800-669-9777) or TDD/TTY NUMBER, 1-800-927-9275.

B. Equal Opportunity Housing Plan

In addition to the Fair Housing and Equal Opportunity Housing efforts specifically indicated throughout this policy the PHA will affirmatively further fair housing goals and comply with equal opportunity requirements by the following actions:

1. By adoption of this policy, compliance by the Housing Authority with all fair housing and equal opportunity regulations and requirements, is certified.
2. Provide available information and assist any applicant and/or participant if he/she believes discrimination has occurred to include provision of a Housing Discrimination Complaint form (HUD-903).
3. Recruitment and equal opportunity employment practices will be utilized to attract and recruit qualified minority applicants for any vacancies.

C. Reasonable Accommodation

The PHA will include procedures in the application, reexamination, interview, and eviction process to ensure that applicants and/or participants are aware of their opportunity to request reasonable accommodations. Should any applicant or participant indicate the need for reasonable accommodations, the PHA will make available to them a Request for Reasonable Accommodation form. It is the policy of the PHA to make every effort possible to provide reasonable accommodations for persons with disabilities when such requests are reasonable, economically, financially and administratively feasible.

The HA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person. Reasonable accommodations for application or updates will be provided to disabled (mobility impaired or hearing impaired) applicants.

The HA will utilize reasonable accommodations practices for any applications received by disabled individuals especially those involving sight or hearing impaired applicants. Any and all decisions granting or denying requests for reasonable accommodations will be in writing. Requests for grievance hearings concerning issues or decisions regarding reasonable accommodations should be addressed in writing to the Executive Director within 10 days of the decision; the Executive Director will respond to the request for grievance hearing within 10 days.

VIII. APPLICATIONS AND ELIGIBILITY

A. Applications

Applications must be made in person at the Rock Hill PHA's office on the dates posted or announced, unless the waiting list is closed. Applications may be made in person at the Great Falls office on the dates posted or announced, unless the waiting list is closed. Accommodations for elderly or disabled, mobility or hearing impaired individuals will be made, e.g., use of Power of Attorney authorizations or by special appointment. An interpreter may be made available upon request for non-English speaking applicants; a special appointment agreeable to all parties will be then be scheduled. Applications will not be mailed to potential applicants. All applicants must apply in person due to HUD requirements that programs and forms be explained.

Applicants must meet the minimum HUD dictated program eligibility requirements on the date the application is made. Applications from applicants not meeting HUD eligibility requirements will be shredded, the applicant will be informed that they were not eligible according to minimum HUD criteria (eg: age, income, etc,) and the applicant must reapply at a future date when minimum criteria are met. Failure to meet minimum regulatory requirements (age, income, etc.) is not subject to hearing or grievance procedures as regulatory eligibility requirements are not eligible for waiver.

The Existing Tenant Search in HUD's EIV system will be used to verify whether or not applicants are already receiving assistance provided by another HUD-funded program. Applicants already receiving assistance who are approved for assistance under Rock Hill's program will be placed on the wait list; move-out and lease up will be coordinated between the properties to ensure that duplicate assistance is not provided.

Applications will be accepted from applicants age 18 and over; names of eligible approved applicants will be placed on the waiting list by local preference, date and time of application. Only if allowed by HUD regulations, a non-refundable application fee, not to exceed \$20.00 per application, may be charged to all applicants prior to accepting an application for processing. The fee would allow applicants to apply for any program with an open wait list at the time the application is taken. The application fee would be collected with the pre-application for the Section 8 HCV Rental Assistance Program and with the formal application for the public housing program. Applicants will be given general information concerning the housing assistance program at the initial application time. At the time that the PHA is selecting applicants from the waiting list to receive assistance, applications will be updated, information verified to determine continued eligibility, and selections will be made based on the preference criteria outlined later in this Plan.

Applicants are responsible for keeping application information current at all times; any correspondence that is mailed to the address on file and returned as undeliverable will cause the application to be placed inactive and removed from the wait list due to negligence on the part of the applicant to keep information updated. Applicants who fail to provide requested information, updates or documentation within the required timeframe will also be placed inactive and removed from the wait list. Position on the waiting list will change upon proper notification or verification (when required.)

Any unreported change (discovered during a verification update or at time of an offer) where an applicant failed to provide the required update that causes a change in position on any wait list will be made effective immediately; Housing Authority staff will advise the applicant if the unreported information has changed his/her position on the waiting list and the offer of assistance will go to the next applicant on the list whose information is current.

Residency for Eastside Homes will be selected from the Public Housing Waiting List. Any time this policy differs from the *HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs* regarding administration of Eastside Homes, the 4350.3 shall take precedence over this administrative policy. The 4350.3 may also be used for clarification and reference purposes in conjunction with HUD's *Public Housing Occupancy Guidebook* in the administration of housing

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programs.

At the time that PHA is selecting applicants from the waiting list to receive assistance, applications will be updated and information verified to determine continued eligibility, and selections will be made based on the selection criteria outlined later in this Plan. Applicants who fail to keep application information updated and a preference change occurs will be changed to the proper position on the waiting list and assistance will be offered to the next applicant on the list whose information is up to date.

The PHA will use reasonable accommodations practices for any applications received by persons with disabilities especially those involving sight or hearing impaired applicants or to overcome language barriers. A Telecommunication Device for the Deaf (TDD: 803-324-2720) will be made available for hearing impaired applicants or the applicant may communicate with the Applications Coordinator by e-mail: applications@rhha.org.

Each applicant (family) will be screened and evaluated based on landlord references and rental history, credit record, police records, history of any drug-related, alcohol or substance abuse, owing a balance to a HUD-assisted agency, suitability/ability to live in a public housing environment and ability to abide by the dwelling lease, PHA policies and HUD requirements.

B. Eligibility and Continued Eligibility Requirements

1. Applicants must be a citizen or national of the U.S. or an eligible, qualified noncitizen (see Definitions, Section V of this plan or guideline listed in the Public Housing Occupancy Guidebook) in accordance with HUD Regulations. Prior to admission, all citizens and nationals will be required to sign a declaration of Section 214 Status under penalties of perjury; families may be determined ineligible if not all family members are eligible or qualified noncitizens. Submission of evidence of citizenship or eligible immigration status: (b) (1) For U. S. citizens or U. S. Nationals, the evidence consists of a signed declaration of U. S. citizenship or U. S. nationality. The responsible entity must obtain verification of the declaration by requiring presentation of a U. S. passport, U. S. birth certificate, Employment Authorization card, Temporary Resident card, or other appropriate documentation, as provided by Section 214. (2) For noncitizens, adequate evidence consists of: (i) A signed declaration of eligible immigration status; and (ii) One of the Section 214 documents listed in §5.508(b)(1) and referred to in §5.510, or other documentation deemed acceptable by the PHA.

Social Security number verifications are mandatory for all program participants. Every applicant, tenant and program participant must submit the complete and accurate social security number for each and every member of the household. When an applicant/tenant/participant requests to add a new household member, the applicant/tenant/participant must submit the social security number at the time the request is made or at the time of processing the interim reexamination or recertification of family composition that includes the new member(s). A valid original (or duplicate issued by SSA) social security card from the Social Security Administration will be acceptable proof; a print out from Social Security Administration listing the pertinent information can be used until the actual social security card for the family member is received (not to exceed sixty days unless an extension is granted of up to 120 days.)

Copies of birth certificates or other documentation as required by the PHA for all family members must be made available. Birth certificates must be provided for all members; birth certificates or appropriate legal documentation listing parents names may be required to prove dependency. A picture ID is required for all persons ages 18 and over. The PHA may, in limited cases, and solely at its discretion, accept valid evidence of an attempt to obtain a birth certificate from the appropriate vital statistics bureau along with other documentation that could logically be used to determine the place of birth of the applicant/tenant/participant.

Program participants must be income eligible based on gross income (see Federally published income limits and also Attachment 1 for income inclusions and exclusions) that is below HUD's published extremely low, very-low or

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low income limits. Low-income families can be admitted to communities that reached Date of Full Availability (DOFA) before October 1, 1981, and to assist the PHA with vacancy problems, commitment to attaining a broad range of incomes, or avoiding displacement in a complex acquired by the PHA.

2. PHAs with fewer than 250 total public housing units may, if there are no eligible families on the waiting list and after advertising (30 day notice), offer units to families above applicable income limits.

3. The PHA will determine the income eligibility by comparing the family's annual gross income to the HUD-established very low or low-income limit for the area. The applicable income limit for selection purposes is the highest income limit for the family unit size for the areas in the housing authority's jurisdictions.

4. Head-of-Household applicants must be 18 years of age or older to be eligible for assistance. Due to time constraints of staff, the Housing Authority reserves the right to refuse taking applications until all household members age 18 and over can be present at the same time.

5. Past participants in the Section 8 program and/or former Public Housing tenants of any PHA who failed to satisfy liability to a PHA for unpaid rent, damages or other amounts due under the lease, or any past participant in any Federal program who owes a balance in connection with HUD assistance or who committed fraud may be denied the opportunity to apply for housing assistance until all unpaid amounts are paid in full. Debts owed to public housing agencies and terminations will be reported to HUD through electronic reporting (Earned Income Verification System) in accordance related guidelines and regulations.

The PHA reserves the right to deny housing assistance to any applicant because of any negative actions during a previous tenancy.

6. As a part of eligibility and/or continued assistance, the PHA will enforce HUD's "One Strike, You're Out" procedures. Annual approval of this policy constitutes the Authority's commitment to adhering to and enforcing HUD's One Strike Policy. Criminal background checks (to include all adult family members and live-in-aides) will be done by either obtaining copies of records or requiring the family to furnish such copies of criminal records. For all tenants selected for Eastside Homes, the file must include verification that sex-offender registration has been checked for every state where the applicant has resided; also as required by Eastside Homes contract administrators, a S.C. SLED background check will be requested on any potential resident of Eastside Homes.

The PHA may deny admission to any applicant whose screening results indicate that they or any member of the family may have a detrimental effect on the community or who conducts or has conducted any activity (including any criminal activity, violent activity, alcohol or drug/substance use, possession or distribution or related criminal activity, the manufacturing of Methamphetamine (speed), or sex offense activity) that may affect the health, safety, or right to peaceful enjoyment of the premises of other tenants or compromise program integrity that could lead to a diminished demand for assisted housing by families who will adhere to lease responsibilities. Consideration shall be given to the nature, extent, and elapsed time of the applicant's conduct and to the probability of favorable future conduct. Such detrimental effects may include but are not limited to the following:

- a. The PHA will determine an application ineligible if any member of the family is a person who was arrested or charged or evicted because of drug-related criminal activity. Consideration will be given by the PHA in determining denials or terminations of assistance for such use or possession by a family member, if the family member can demonstrate that he or she: (1) has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such impairment; and (2) is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use, possession or distribution of drugs to submit evidence or participation in, or successful completion of, a treatment program as a condition to

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being allowed to reside in the unit, and may require supporting evidence that the individual has remained drug-free for a substantial period of time (to be determined by the PHA). The PHA reserves the right to deny eligibility if there is reasonable doubt of the rehabilitation in order to protect the health, safety or right to peaceful enjoyment of the premises by other tenants or PHA staff. Any applicant that has a family member who has a lifetime registration under a State Sex Offender Registration program or has been charged, arrested or convicted for manufacturing or producing methamphetamine (speed), arrested, charged or convicted of rape, arson or murder may be denied eligibility for life.

- b. Police records, destruction of property, drug-related/substance use or abuse, possession or distribution, alcohol use or abuse, or any type sexual misconduct or any applicant who has been charged with any Level 1 or Level 2 crimes (felonies, misdemeanors, etc.) may be denied the privilege of applying for housing for five years from the date of arrest, conviction or release from a correctional institution (prison) and may be denied eligibility for life depending on the circumstances and seriousness of the crime.
- c. A record of past poor living habits or poor housekeeping habits, including damage to property, landlord reports of disturbances or other complaints concerning the family, habitual late payment of rent or failure to pay other charges due under the lease, including owing a balance to a current or former landlord.
- d. Any activity that could adversely affect the safety and welfare of other public housing tenants or any activity that may compromise program integrity or lead to a diminished demand for housing assistance.
- e. Credit history including unpaid utility bills, bankruptcy, property liens or damage claims.
- f. Arrest or conviction of any applicant for rape, drug-related charges, arson or murder will be a permanent denial of assistance.
- g. Applicant or any member of applicant's family has previously damaged or abused rental property or former residence has been damaged or destroyed by fire caused by any member of the family.
- h. Anyone currently abusing alcohol or other substance to the point where management determines that there is a reasonable cause to believe that the abuse will interfere with the health, safety or welfare of other tenants or compromise program integrity or lead to a diminished demand for housing assistance.
- i. Any applicant providing false, incomplete or inaccurate information at the time of application will immediately be determined ineligible for assistance; fraud or misrepresentation of information is grounds for denial or termination of housing assistance at any time the misrepresentation is discovered.

7. Family Composition

- a. A family may be a single person or a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in-aides is a family (see Definition of live-in-aide). Family is also defined as one or more persons related by blood, marriage or operation of the law, one of whom shall be an adult (age 18 or older) who will live regularly together in the unit (including foster children), or persons who can verify a stable relationship, e.g., common law marriages as recognized by the State of South Carolina, or a committed relationship that has existed for a reasonable period of time (one year or more). The burden of proof to establish the length of the relationship rests with the applicant. The Authority will allow unmarried couples and same sex couples to apply if the applicants can prove the relationship has been continuous for in excess of one year. Couples with children, natural or by adoption, with documented relationships in excess of one year may be eligible for assistance. Any other relationship or duration of relationship would need to be approved by the Executive Director.

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b. A family includes a family with a child or children.

c. A single person may be:

- i. An elderly person.
- ii. A displaced person.
- iii. A disabled person.
- iv. A single, pregnant female (physician certification may be required).
- v. Any other single person.

d. Dependents must meet the HUD definition of dependent, have evidence of the family's residence as their legal residence, and/or in cases where the head-of-household is in the process of obtaining custody and/or adopting an individual under the age of 18, guardianship documentation or evidence of reasonable likelihood of success must be provided. Copies of tax returns that indicate the "claiming" of a dependent may be required. A child who is temporarily (less than 90 days) away from the home because of placement in foster care is considered a member of the family. In cases of joint custody arrangements, the child/children can be considered a member of the family if the applicant or family has continuous custody for more than six (6) months of the year; in cases where both parents claim a dependent child, the annual deduction will be given to the parent who has the child during the normal school term or for children too young to be enrolled in school, to the parent who claims the child on tax returns.

e. A family may be remaining family members provided that the person(s) are not minors, that the children have not been removed from the home because of abuse or neglect, that the resuming Head of Household was not the perpetrator of spousal abuse, and that the resuming Head-of-household meets the PHA selection criteria and would be a responsible participant of the program. This includes a single female whose pregnancy is terminated after admission. Any remaining family members that are minors must have an adult (over the age of 18 years) that qualifies under the selection criteria listed herein and the adult must provide legal guardianship documentation in order to be designated as a Head-of-household. This determination shall be made at the discretion of management and will be made based on the history of responsible participation in the program. A temporary Head-of-household designation can in no way be construed as a permanent Head-of-household.

8. Eligibility screening may include, when deemed necessary, an applicant's capability of abiding by the terms of the lease as determined by the PHA (taking into consideration any resources available in support of the applicant family). If the applicant (family) is currently living in a setting that does not require compliance with lease terms comparable to the lease used by the PHA (living with family, living in a shelter, etc.), staff may send the *Verification of Ability to Comply with Lease Terms* form to the housing provider. Staff may also complete the Checklist: Ability to Comply With Lease Terms. Applicant must demonstrate or have demonstrated the ability to comply with lease terms in a former tenancy or other living accommodations.

9. Eastside Homes: Student Rule

With the 2006 HUD Appropriations Act, Congress enacted a new eligibility provision for Section 8 assistance for students enrolled in an institution of higher education (i.e., college-level student). An applicant/participant is NOT eligible for housing assistance under Section 8 of the Housing Authority Act any longer if he/she:

- 1) Is enrolled as a student at an institution of higher education.
- 2) Is under 24 years of age.
- 3) Is not a veteran.

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- 4) Is unmarried.
- 5) Does not have a dependent child, and
- 6) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible to receive assistance under Section 8 of the United States Housing Act of 1937.

If any of those factors is not “true” (e.g., the applicant is not a college-level student, or is more than 23 years old, or is a veteran, or is married or has a dependent child) this rule does NOT apply.

The new rule also changes the income exemption for student financial assistance for household members. Except for a person over the age of 23 with a dependent child, “any financial assistance” that an individual receives, other than amounts received for tuition or student loan proceeds...shall be considered income to that individual for purposes of determining the household eligibility to receive Section 8 subsidy. HUD determined in the rule that student loan proceeds, although “financial assistance”, are NOT included as income for determining eligibility. The new rule applies to all housing assistance provided under Section 8 of the Housing Act...the PHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education.

10. Multiple Leases/Residences

An applicant or resident may not be a leaseholder on another unit at the time of lease up for an assisted unit nor may a resident be the leaseholder of another unit while receiving subsidized assistance. Applicants may provide a copy of a notice to the current landlord of intent to vacate; current tenants may be terminated for entering into a lease with another landlord without proper notification to all parties. This applies for all other units, assisted or non-assisted. The public housing lease requires the public housing unit to be the tenant’s principal place of residence. If a tenant is the leaseholder on another unit, the tenant is not be eligible to receive government subsidy for one unit while being legally responsible for another unit.

C. Violence Against Women Act (VAWA) (Applicable to Public Housing and Eastside Homes)

The following Violence Against Women Act (VAWA) provisions are effective immediately as dictated by Federal law; therefore, there was no comment period. VAWA is hereby incorporated into the Authority’s policies. The following is merely a brief summary of the VAWA and is not intended to be a verbatim inclusion; however, all parts of the VAWA are applicable whether or not specifically addressed herein.

No applicant for public housing who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program because of a domestic violence incidence if they are otherwise qualified.

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The Authority may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

The Authority may honor court orders regarding the rights of access or control of the property, including EPO’s, DVO’s, and other orders issued to protect the victim and used to address the distribution or possession of property among household members where the family “breaks up.”

There is no limitation on the ability of the Authority to evict for other good cause unrelated to the incident or incidents of

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domestic violence, dating violence or stalking, other than the victim may not be subject to a “more demanding standard” than non-victims.

There is no prohibition on the Authority evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) tenancy is not terminated.”

Any protections provided by law which give greater protection to the victim are not superceded by these provisions.

The Authority may require certification by the victim of victim status on such forms as the Authority and/or HUD shall prescribe or approve.

VAWA provisions protecting victims of domestic violence, dating violence, or stalking may not be construed to limit the authority of a PHA, owner, or management agent to terminate assistance to individuals who engage in criminal acts or physical violence against family members or others and attempt to claim victim status to invoke VAWA protections to avoid termination of assistance. Victims must provide irrefutable evidence and the Authority will consider the preponderance of evidence in its decisions and in cases where the alleged victim’s statements are not supported by reasonable documentation (such as police reports, court actions, other credible statements). VAWA will not apply if the claimed victim status is not reasonable and supportable. In situations where the claimed victim status is not supportable, the Authority may proceed with action including termination of assistance.

D. Live In Aides

Live In Aide: A live in aide is a person who resides with one or more elderly or disabled persons who is essential to the care and well being of those persons, is not obligated for the support of those persons, and who would not be living in the unit except to provide the necessary supportive services. Written certification from a physician is required to support that the live in aide is essential to provide the needed supportive services.

The applicant or assisted family must provide a certification that the individual selected as the live in aide is qualified to provide the needed care, was not a member of the household during the previous 12 month period, and that the family and aide will maintain separate finances.

A live in aide is not considered as a member of the family. A live in aide is not eligible to receive continued assistance in the event that the individuals requiring the services are no longer in the unit or the individuals no longer require the services of an aide. A live in aide must be “an arm’s length’ transaction; therefore, a household member immediately prior to applying for assistance is not eligible to be considered as a live in aide. A relative may serve as a live in aide if the relative was not a prior member of the household.

A live in aide’s income does not count in determining the household’s income. A live in aide is allowed a separate bedroom.

Live in aides will be subject to full criminal background/sex offender and prior assistance screening. A criminal history, drug activity, or record of criminal violence will cause a denial as a live in aide. A person who owes amounts to a PHA or to a landlord involved in subsidized rental assistance will not be allowed as a live in aide.

Approval of a live in aide is solely at the discretion of the housing authority.

IX. WAITING LIST ADMINISTRATION, VERIFICATION REQUIREMENTS, AND INELIGIBILITY/DENIALS

A. Waiting List Administration for Public Housing and Eastside Homes

1. The PHA must select participants in accordance with this policy, adhere to the Fair Housing and Equal Opportunity regulations, and meet HUD targeting and deconcentration or any other federal requirements. The waiting list will contain the following for each applicant: Applicant name; City and/or County designation; family unit size (number of bedrooms for which family qualifies under PHA occupancy standards); date and time of application; preference/score; racial or ethnic designation of the head of household; citizenship and other pertinent information on head-of-household and family members will be maintained in the application file. For Eastside Homes, the Authority has established an owner-adopted age preference to lower the age of eligibility from age 62 and over to age 55 and over, which was approved by the Multifamily Housing Program Center in July 2010.

2. The waiting lists will be purged and updated periodically and names will be removed from the waiting list for failure to respond to requests for information, application updates, failure to notify the PHA of a change of address, or if correspondence is returned from the Post Office as undeliverable. If the applicant did not notify the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the updated request. If the letter is returned by the Post Office with a forwarding address noted, the PHA may resend the letter. Applicants will be given no less than five (5) working days to return the notice of continued interest to the Housing Authority.

The PHA will use reasonable accommodation practices for any applications received by disabled individuals. The PHA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person.

3. The PHA will maintain its waiting lists according to bedroom sizes and the order of admission from the waiting list will be based on family size or the unit size for which the family qualified under the PHA occupancy policy. Selections will be made as indicated in Section X of this plan. Should the PHA receive funding for a specified category of families, the PHA must select applicant families in the specified category.

4. A separate waiting list will be maintained for Public Housing and the Section 8 program. If the waiting list for the Section 8 or Public Housing program is open, applicants must be offered the opportunity to have his/her name placed on either list. The PHA will not remove the applicants' name from other waiting lists unless the applicant has made a request to remove his/her name (in writing), or in the event of failure to respond as indicated above.

5. The waiting list may be closed to new applications when it is determined that there is an adequate pool of applicants and is so large that the applicants are not likely to be housed in a reasonable length of time (more than one year).

6. Reopening of the waiting list will be by public notice in a local newspaper of general circulation and minority media indicating that families may apply for housing assistance. The notice will comply with the HUD-approved Equal Opportunity Plan and with HUD Fair Housing requirements. The notice will state any limitations on who may apply for available slots in the program. The PHA may advertise for specific types of applicants such as those qualifying for a preference and may include in the advertisement that applications from others (not in these categories) will not be accepted.

7. Credit reports will be run on applicants. Data from the credit reports are used to determine previous addresses and to show debts to previous landlords. Credit scores are not used in the eligibility process.

B. Verification Requirements

1. Income and deductions will be verified in accordance with HUD Guidelines (see below *Verification Standards and Procedures*) by third-party verification or the PHA must document in the file why third party verification was not available. Verification forms will be sent by mail or fax to the appropriate third party with a request that the form be returned by mail or fax. In the event that verification is not possible due to unwillingness by source to respond or that the information is not returned within a two-week period, staff will be required to note the file accordingly and attempt to obtain third-party oral verification. Staff will annotate the file for telephone verifications. Notarized statements will be used as a last resort.

2. The PHA will make every attempt not to utilize verifications that are greater than 120 days old.

3. Verifications will be updated periodically when the potential to offer housing assistance is likely. If the probability of an offer of assistance is low, verifications updates will be postponed until the applicant rises to the top of the wait list in order to have the most current data possible. Applicant updates will not be performed when the potential for an offer is not likely, to lessen the burden on employers and other third party sources. Overburdened employers are less likely to respond in a timely manner if constantly asked for repeat data.

4. Birth certificates, proof of citizenship and Social Security number verifications are mandatory for all program participants. (see VIII. Applications and Eligibility, B. Eligibility and Continued Eligibility Requirements.)

C. Verification Standards and Procedures

Income verification plays an intricate role in determining family eligibility and the amount of rental subsidy received by the family. All information in the tenant family's file must be verified and properly documented. The family must provide required information, documentation and sign required release forms. All adult family members age 18 and over (or his/her legal representative) must sign the required forms which may be used between regular reexaminations to verify unreported income. Release forms will be valid 15 months from the date of signature. Applicants, residents and participants must certify that all income and other information is accurate and complete. The PHA will conduct a thorough interview for the purpose of obtaining complete and accurate household income information to properly determine the family's correct amount of subsidy and rent. A family budget or statement of financial responsibility may be required of families reporting zero or extremely low income; PHA will attempt to determine the source of income when the family's regular expenditures conflict with their claim of zero income, utilizing all means available, including running credit reports, using EIV/TASS, SWICA's, The Work Number, performing home visits and proper interviewing techniques to disclose any unreported source of income.

The PHA will document all sources of income to the household as well as any deductions claimed by the family. PHAs should begin with the highest level of income verification techniques as outlined in PIH 2010-19 as well as any subsequent regulations mandated by HUD and EIV, including but not limited to HUD Notice H 2010-10 (for Eastside Homes.) Staff will, at lease up and annual recertification, have form HUD-9886 or HUD-9887 signed by all household members age 18 and over so that an updated form is always present in the tenant file.

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The verification hierarchy is:

LEVEL	VERIFICATION TECHNIQUE	RANKING
6	Upfront Income Verification (UIV) Using HUD's Enterprise Income Verification (EIV) system (not available for applicants)	Highest (print out from EIV system)
5	Upfront Income Verification (UIV) (The Work Number or other state government data bases or other automated verification systems)	Highest (optional, if Level 6 is used and not disputed)
4	Written Third Party Verification (original or authentic document generated by a third party source dated within the 60-day period preceding the reexamination or PHA request date, such as: pay stubs (minimum of two), payroll summary report, employer letter, SSA benefit letter, bank statements, child support payment stubs, welfare benefits letter or printout.	High (Mandatory to supplement EIV reported income sources and when EIV has no data; mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute).
3	Written Third Party Verification Form (PHA sends/receives form directly by mail, fax or e-mail.)	Medium-Low. (Mandatory if written third party documents (see above) are not available or are rejected by the PHA or when the applicant or tenant is unable to provide acceptable or authentic documentation)
2	Oral Third Party Verification Direct contact by PHA with third-party source via telephone or in-person visit, documenting date, time of call/visit, listing name of person contacted and telephone number along with confirmed information.	Low. Mandatory if UIV or written third party verification is not available.
1	Tenant Declaration Tenant submits an affidavit or notarized statement of reported income or expenses; PHA must document why third party verification is not available.	Low. Use as a last resort when unable to obtain any type of third party verification.

The verification hierarchy applies to income determinations for applicants and participants; however, EIV is not available for verifying income of applicants. Exceptions to third party verification requirements can be found at 24 CFR §960.259 (c)(1) and §982.516(a)(2) which states, "the PHA must obtain and document in the family file third party verification on the following factors, or must document in the file why third party verification was not available."

When third party written verification forms have been requested and not received within a reasonable period of time, PHA staff will send a "second request". When third party written verification forms are not possible to obtain or not timely, third-party oral verification may be used as an alternative. A telephone interview by the PHA staff should include date and time of contact, name and source of information, PHA staff name and signature, summary of information and rationale for using oral verification. The family may be requested to provide documentation such as pay stubs (preferably consecutively for six weeks) bank statements for all family members (preferably for six months), award letters or benefit checks, child support payment cancelled checks and/or award letters, IRS tax forms (including Form 1099, Form 1040, Form 4506 and Form 8821) or W-2 forms. When a discrepancy exists between what has been reported and the verification, the PHA should contact the source of the third-party verification to resolve the issue.

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Family certification or declaration may be used only when other methods are impossible. The RHHA may use notarized statements or signed affidavit from the family attesting to the information; the RHHA will clearly document why other verification methods were not used.

Zero income families may be contacted on a quarterly basis concerning the status of their household income. Families that have no source of income for a 30-day period will be advised to seek assistance from supportive agencies (DSS, Job Service, etc.). Families that have no source of income for a 30-day period will be required to submit statements of survival until employment or other means of financial support is obtained. The PHA may require specific documentation that would indicate that the family is unable to obtain TANF or income assistance from other programs, unable to work, or unable to participate in local job training services. RHHA may request a credit report on these families for rent determination purposes to see if there are any amounts paid to the household on a regular basis.

E. Self-Employed Applicants/Tenants/Participants

Self-employed individuals present an unusual set of circumstances; third-party verification is often difficult to obtain and even basic income information is sometimes lacking. These are basic requirements relative to self-employed applicants, tenants and participants.

Self-Employed Income: For household members with self-owned businesses, the following must be included as income:

Salaries paid to adult household members. Note that this may show up on a business tax as “wages/salaries.” Cash or assets withdrawn by any household members. (Do not count amounts withdrawn as reimbursement for cash or assets previously invested in the business.)

Net income from the business. This is gross income minus business expenses (e.g., rent, salaries paid to non-household members, cost of materials or supplies, utilities, insurance, taxes, and depreciation computed on a straight line basis.) Do not deduct expenses for business expansion or capital improvements. The principal payments on loans for these purposes also may not be deducted. Interest payments on loans for expansion or capital improvements may be deducted, but interest payments on other business loans may not be deducted.

Verification of Self-employment Income:

Existing Tenants: For tenants who are recertifying and who started their business after initial occupancy, follow the HUD requirements for verifying self-employment income:

Obtain a Self-Employment Affidavit from the tenant stating what they anticipate their self-employment income will be for the 12 months following certification. The statement should be backed up with one of the following, listed in order of preference:

- Federal or state tax return, including supporting schedules (Schedule C for most businesses; Schedule E for rental property, partnerships and S Corporations; Schedule F for Farm Properties). Note: be sure the tax return is legitimate. Rather than accepting a self-prepared tax return, have the tenant obtain a copy of the IRS transcript of the return. They may call 1-800-829-1040 and a free transcript will be mailed to them within 10 days.)
- A copy of the businesses audited or unaudited financial statement.
- Copy of bank loan application that lists income from the business during the past 12 months.
- Notarized letters from clients stating how much is paid to the tenant/participant/applicant or third-party verification from the source(s) of income. The financial statements must include detailed revenues, expenses, and profit from the business activity for a period of at least three months. The statements should be sufficiently detailed to show the source of the revenues and where and how much the expenses were for the period.

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New Applicants who are Self-Employed: In working with self-employed applicants, there is no reduction in management's responsibility to document income eligibility. If adequate documentation cannot be obtained, the application for occupancy should be denied. Any applicant who is self-employed should be able to provide at least two business tax returns from the same business so that management will have a reasonable basis for an income projection, or at a minimum, one Federal Tax Return with supporting schedules. The Executive Director or designee must approve any special circumstances.

D. Ineligibility and Denial of Assistance

The application will be reviewed and any ineligible applicants will be promptly notified in writing. The notice will provide the reason for the decision and an opportunity to request an informal review of the decision as specified in this plan and in accordance with 24 CFR Chapter IX.

Past participants in the Section 8 program and/or former Public Housing tenants of any PHA who failed to satisfy liability to a PHA or HUD-assisted agency for unpaid rent or other amounts due under the lease, or any past participant who owes a balance in any Federal program or that has committed any fraud, may be denied housing assistance until all unpaid amounts are paid in full. The PHA reserves the right to deny housing assistance to any applicant because of any negative actions during a previous tenancy with any Housing Authority or any other landlord. As a part of the applications process, a "former tenant search" will be performed utilizing HUD's EIV system; any adverse action found can prevent the application from being approved unless documentation is received from the reporting entity verifying that the matter has been satisfactorily resolved.

An "Existing Tenant Search" will also be checked through HUD's EIV system to verify that an applicant or family member is not currently receiving assistance with another HUD-assisted agency. HUD regulations state that "at no time may a family receive duplicate assistance"; the family would need to surrender housing assistance with the other HUD-assisted entity or provide a "notice to vacate" to the other HUD-assisted entity and provide a copy to Rock Hill Housing Authority so that the agencies may coordinate efforts to ensure that duplicate assistance does not occur.

Persons with disabilities will be informed of the reasons for rejections and/or terminations of assistance and will be informed in "plain" language of an opportunity to request a hearing and/or to claim mitigating circumstances. The PHA retains the right to require additional information reasonably needed to verify any mitigating circumstances, and refer such information to persons qualified to evaluate evidence and verify any mitigating circumstances. Such inquiries will be limited to the information necessary to verify a reasonable accommodation. Physician's statements may be required including appropriate tests to determine applicant's ability to care for the unit without risking the health and safety of other tenants, including the ability to maintain sanitary living conditions and abide by the Dwelling Lease and other policies, rules and regulations.

The PHA will enforce HUD's "One Strike, You're Out" procedures and will deny admission to any applicant whose screening results indicate that they or any member of their family may have a detrimental effect on other tenants or on the public housing community, who may compromise the integrity of the program or if indications are present that the applicant/family would not be lease-abiding. Consideration shall be given to the nature, extent, and elapsed time of the applicant's conduct and to the probability of favorable future conduct. Such detrimental effects may include but are not limited to the following:

1. The PHA will determine an applicant ineligible or deny admission when screening results indicate that:
 - a. They or any member of the family is a person who was arrested, charged or evicted as a result of a drug/substance abuse, use, possession or distribution or related criminal activity.
 - b. Any family member who has a lifetime registration under a State Sex Offender Registration program or has been convicted of manufacturing or dealing drugs or producing methamphetamine (speed) or arson will

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be denied eligibility for life.

c. They or any member of the family may have a detrimental effect on the community or conducts or has conducted any activity that may affect the health, safety, or right to peaceful enjoyment of the premises by other tenants;

d. Consideration shall be given to the nature, extent, and elapsed time of the applicant's conduct, probability of favorable future conduct, if the family member can demonstrate that he or she: (1) has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such impairment; and (2) has recovered from such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit, and may require supporting evidence that the individual has remained drug-free for a substantial period of time (to be determined by the PHA, but not less than three years.) The PHA reserves the right to deny eligibility if there is reasonable doubt of the rehabilitation in order to protect the health, safety and/or right to peaceful enjoyment of the premises by other tenants or PHA staff.

2. Police records, destruction of property, drug-related/substance use or abuse, possession or distribution, alcohol use or abuse, or any type sexual misconduct or any applicant who has been charged with any Level 1 or Level 2 crimes (felonies, misdemeanors, etc.) may be denied the privilege of applying for housing for five years from the date of arrest, conviction or release from a correctional institution and may be denied eligibility for life. A person will be denied eligibility if there is a pattern of abuse of alcohol that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants or if integrity of the program may be compromised.

Criminal background check documents will not be maintained in the tenant files. In accordance with the 24 CFR 5.903g, criminal background documentation will be destroyed after the intended purpose (determining eligibility for assistance) is accomplished. When removing criminal background check documents from files, the verification process sheet will be annotated to indicate the status found during the background check, such as "no record found"; "no disqualifying record found"; "disqualified---drugs"; "disqualified---violence"; "disqualified---pattern of behavior"; and "name not on S/O (sex offender) registry".

For Eastside Homes only, the background check documents will be retained in a separate file at the direction of the Contract Administrator for the HAP contract for review by the Contract Administrator during compliance reviews.

3. A record of poor living habits, poor housekeeping habits or any other practice or habit that may reasonably be expected to have a detrimental effect on other tenants, the project environment or that may compromise the integrity of the program. The PHA may deny assistance to any applicant who has previously been terminated for lease/contract violations or violations of family obligations during a previous period of assistance with a PHA or HUD-assisted agency or other landlord.

4. An applicant may be denied admission to the program if, during the background check, information is received that would indicate that the applicant's past behavior is not conducive to living in a public housing environment or who may not meet the lease and related lease addendum requirements of the program.

5. Any other activity that could adversely affect the safety and welfare of other public housing tenants or cause a diminished demand for public housing. The PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in or threatened abusive or violent behavior toward any PHA staff, property managers (or their agents and representatives) other residents or visitors to a property. Harassment of PHA staff, officials, tenants or visitors will not be tolerated and may result in termination of assistance. Termination may be initiated for a single instance of harassment of a serious level or for less severe forms that continue after a warning to discontinue the behavior has been given.

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6. Credit history including unpaid utility bills or amounts owed to other landlords.

7. Any misrepresentation of applicant's information or refusal by applicant to provide information (such as failure to provide absent parent verification, required mailing addresses, etc.) will be considered grounds for denial of program participation or termination of assistance. Any applicant providing false, incomplete or inaccurate information at the time of application will immediately be determined ineligible for assistance; fraud or misrepresentation of information is grounds for denial or termination of housing assistance at any time the misrepresentation is discovered.

Applicants found ineligible or who are disqualified from the program may reapply for assistance after one year from the date of disqualification or ineligibility provided that the wait list is open for applications at that time (unless aforementioned disqualification periods apply).

Year End Wait List Management

At the end of the Authority's fiscal year (December 31st or as soon as practical based on year-end processing) names of inactive families will be removed from the wait list and approved applicants will be brought forward in the same order to begin the new year's wait list. For more efficient wait list management, applicants who were placed inactive will not be carried forward to the new year's active wait list.

X. TENANT SELECTIONS, ASSIGNMENTS, EXCEPTIONS FOR PUBLIC HOUSING & EASTIDE HOMES

Selections will be made in a non-discriminatory manner to assure a broad range of incomes and meet HUD's deconcentration requirements within each community, meet HUD's targeting requirements, maintain the financial stability of the community, promote the health, safety and welfare of other tenants, and avoid concentration of the most economically deprived families.

The PHA will not reject an applicant because of any disability or for any reason that could be overcome by reasonable accommodation of the applicant's disability. The PHA retains the right to reject applicants if, with the provisions of reasonable accommodation, essential program requirements cannot be met. Reasonable accommodation may not cause undue financial and/or administrative burdens or require an alteration in the fundamental nature of the PHA's housing units. In the event that some form of service (not available to other tenants) is necessary for compliance with the lease, the applicant/family with the disability will be required to provide documentation that the service will be provided by others at no cost to the PHA.

The PHA will use a two-offer plan in offering a suitable unit to an applicant family. Units at the location containing the most vacancies will be offered when the PHA has more than one vacant unit of the same size and type. The unit that has been vacant the longest will normally be offered first; however, the PHA may offer another unit of the same size and type with less vacancy days in accordance with Maintenance scheduling needs and estimated completion dates of the unit. If the first offer is refused, the applicant's name will be dropped to the bottom of the waiting list; when the second offer is refused, the applicant's name will be removed from the waiting list. The Executive Director may make exceptions to the two-offer policy in extenuating circumstances that would result in a hardship to the applicant and/or family.

The first and primary contact will be by phone if a phone contact is available for an applicant. The Asset Manager will call the number provided in the application and contact or leave a message for the applicant. Once contacted the applicant will have one business day (24 hours) to respond to the Asset Manager. If the applicant does not respond within the one business day, the contact will be considered as a declination and will count as one offer and the unit will be offered to the next available

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applicant. If a phone contact is not available, then the Asset Manager will mail a letter to the applicant, the applicant will have no less than forty-eight (48) hours to respond to the Asset Manager concerning the offer/update. The 48 hours will begin 24 hours after mailing for a local address and 48 hours for an out of area address and only mailing days will be counted. Applications will be placed inactive if the applicant fails to respond within the specified time; the applicant may reapply for assistance one year from the date the application is placed inactive provided that applications are being taken at that time.

Applicants who have rejected two offers will not be eligible to reapply for assistance for a minimum of one year, provided that applications are being accepted at that time. The Executive Director may override this restriction based on extenuating circumstances such as inability to accept due to hospitalization or other unusual extenuating circumstances.

Once an offer has been made, a family will be given no more than twenty-four (24) hours in which to accept or reject the offer. The family will pay a non-refundable security deposit of \$25.00, which is required to hold the unit for the family and determine acceptance of the unit. The remainder of the security deposit and first month's rent is due and payable at lease-up. The PHA may grant additional time to pay a security deposit in unusual circumstances. Applicants who have a disability preference and have indicated "ground floor only" on the initial application or who have rejected second-story units due to documented health reasons can be skipped on the waiting list if the unit available is not a ground floor unit.

The PHA may adopt and use a local preference based on income ranges in order to comply with required new admissions income targeting requirements. The Executive Director may direct that admissions be adjusted to meet required targeting requirements for any period necessary to meet the mandated targets.

A. Selections

Offers for housing assistance will be taken from the waiting list as follows based on the priority order and having the oldest date and time of application (* see below):

(1) Applicants that have a local preference as designated by the PHA in either of the following categories:

Preference	Description	Score
1	Non-Assisted Rock Hill Elderly/Near-Elderly/Disabled/Veterans With Income	12
2	Non-Assisted Rock Hill Elderly/Near-Elderly/Disabled/Veterans Without Income	11
3	Non-Assisted Out-Of-Town Elderly/Near-Elderly/Disabled/Veterans With Income	10
4	Non-Assisted Out-Of-Town Elderly/Near-Elderly/Disabled/Veterans Without Income	9
5	Non-Assisted Rock Hill Working Families (includes families who work in Rock Hill but reside outside Rock Hill)	8
6	Non-Assisted Rock Hill Not Working Families	7
7	Non-Assisted Out-Of-Town Working Families	6
8	Non-Assisted Out-Of-Town Not Working Families	5
9	Assisted Rock Hill Elderly/Near-Elderly/Disabled/Veterans	4
10	Assisted Out-Of-Town Elderly/Near-Elderly/Disabled/Veterans	3
11	Other Assisted Rock Hill families by date and time	2
12	Other Assisted Out-Of-Town families by date and time	1

(2) All others by the oldest date and time of application. Individuals or families receiving temporary or emergency housing or shelter that is of a duration of less than one year will not be considered as "assisted".

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Applicants who own a habitable dwelling within 30 miles of the City of Rock Hill, South Carolina (or the Town of Great Falls, South Carolina, for Great Falls applicants) and the dwelling is not up for sale and there are no extenuating circumstances that prevent the applicant from living in the home (victims of domestic violence, disputes over ownership) may not be approved for assistance or if approved, may be classified the same as an assisted applicant.

B. Exceptions to the Order of Selection

The PHA reserves the right to offer special incentives and/or skip applicants in a non-discriminatory manner in order to meet HUD's mandated targeting and deconcentration requirements for selection purposes or in the event that the Housing Authority is unable to maintain financial stability.

Applicants will be notified should the applicant be found to be ineligible for assistance, variance in the determination of bedroom size as indicated on the original application, or misrepresentation on the application. Applicants will be notified in writing of such determinations and given the opportunity to request an informal hearing within not less than ten days (14 days for Eastside Homes) of the determination being mailed. Applicant's request for a hearing must be in writing and delivered to Management at its central office. Any appointment scheduled for an Applicant that is not kept or not rescheduled 24 hours prior to the time of the arranged appointment will waive his/her right to a hearing, unless documentation is provided to prove that a verifiable emergency existed that prevented the applicant from keeping the appointment.

XI. APPLICATION UPDATES, OCCUPANCY STANDARDS, INCOME INCLUSIONS/DEDUCTIONS, INCOME CALCULATIONS, AND LEASE-UP

The primary method used by the Authority to contact public housing and Section 8 applicants and participants is the U.S. mail. The Authority will consider a mailed document as an official notification of any requirements contained in the mailing. The Authority will not normally contact participants by phone in order to obtain information, schedule appointments, or to notify applicants or participants of program requirements. Documentation requirements dictate the need for paper copies for official contacts and to provide an audit/event trail. Documents may, at the Authority's option, be hand delivered when the Authority considers it necessary and appropriate.

Phone contacts may be used in cases of emergencies, for safety needs, or when an immediate contact is determined necessary by the Authority, such as extending an offer to lease a unit. Phone contact may also be used when necessary for a reasonable accommodation for an elderly or disabled participant. Phone contact may also be used when determined necessary by the Authority due to a language barrier. Applicant and participant failures to respond to requests for information or for appointments will not constitute an emergency that would require phone contact.

A. Application Updates

Applicants may be given a written notice as his/her name nears the top of the waiting list (or at other appropriate times as determined by the Authority when updates are done to keep the wait list current) to submit updated information and indicate continued interest in public housing. If the updated information request is not returned within the specified time, the applicant's name will be dropped from the waiting list, the application will be placed inactive, and other selections will be made.

B. Occupancy standard/unit size

Unit size will be determined at the time of enrollment based on the following criteria:

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1. The smallest unit size consistent with program requirements and Housing Quality Standards to avoid under or over occupied units unless the PHA has significant vacancies in one or more communities.
2. The bedroom size assigned will not require more than two persons to occupy the same bedroom.
3. The PHA shall make every attempt to assign persons of different sex and generations (age differences of 20 years or more) separate bedrooms (other than husband and wife).
4. The PHA shall make every attempt not to require children to share a bedroom with a single parent. The largest unit size that a family may be offered would provide no more than one bedroom per family member, taking into account family size and composition.
5. Selection preference will be granted to elderly, near-elderly or disabled applicants for vacancies in housing complexes used by elderly or disabled families.
6. The Authority will consider vacancy rates when offering units which may allow families to occupy units with extra bedrooms in order to minimize vacancy rates. If the wait list does not have families large enough for the available vacant units, these units will be offered to smaller families from the wait list.
7. Bedroom size assignments may be made in accordance with HUD guidelines as follows:

No. Of Bedrooms	Minimum Person(s)	Maximum Person(s)*
0	1	2
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

Exceptions to these standards will be permitted for situations involving a live-in-aid, physician orders for separate bedrooms because of health problems, or permitted circumstances of family members temporarily away from the housing unit. The PHA reserves the right to approve or disapprove such accommodations that may lead to unsafe or overcrowded conditions. The Executive Director may approve exceptions based on vacancy rates and HUD occupancy level requirements. The PHA also reserves the right to assign only participants who qualify as elderly/disabled or near-elderly for vacancies in housing complexes used primarily by elderly or disabled families.

Should the applicant refuse the first offer of assistance, the application will be so noted and his/her name will be placed at the bottom of the waiting list. The PHA reserves the right to waive any provision of this policy to meet emergency or hardship conditions, and such exceptions shall not be related to race, color, creed, sex, disability status, sexual orientation, gender identity, familial status or national origin.

A live-in-aide as defined in "Definitions" must be approved using the same criteria used for applicants, must abide by the same obligations and requirements as tenants pertaining to the lease, plans and policies, and must sign a separate document that contains the terms and conditions of occupancy in the unit.

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C. Income Inclusions, Exclusions and Deductions

Income inclusions, exclusions and deductions (as required and permitted by Federal Regulations) for rent calculation purposes are set forth in Attachment 1 of this plan.

To be eligible for EID, the qualifying event must occur after admission, or in other words, while the individual is residing in public housing or assisted housing. Pre-qualifying income is the income reported/certified just prior to the participant reporting the EID qualifying event. Unreported months (resulting from a loss of job not properly reported to the Housing Authority) will count towards the exclusion period.

NOTE: *Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement will not have their rent reduced based on the welfare benefit reduction (excludes persons that benefit is reduced due to a lifetime limit or where a family has complied with program requirements but cannot obtain employment). The PHA will obtain verification of such benefit reduction from the welfare agency. See 24 CFR 5.615 for specific HUD instructions on necessary calculations of imputed welfare income and specified welfare benefit reductions.*

Total tenant payment

Total tenant payment (gross family contribution) for rent will be in accordance with Federal Regulations, as follows:

Flat rent as set by the PHA (NOTE: No utility reimbursement is given for families choosing flat rents). The PHA has elected not to establish Ceiling Rents.

OR

Income based rents for a total tenant payment (based on income) to be the highest of the following, rounded to the nearest dollar:

- (1) Thirty percent (30%) of the monthly adjusted income; or
- (2) Ten percent (10%) of monthly income; or
- (3) Minimum rent, if applicable and set by the PHA.
See also provisions for Minimum Rent Exceptions * indicated below.

* MINIMUM RENT EXCEPTION

Statutory provisions, Section 507:3(a)(3)(B) of the QHWRA, provide the following exceptions to the minimum rent requirements:

1. A family may request an exception (which must include reasonable documentation) to the minimum rent based upon temporary financial hardship due to the following circumstances:

- A. The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;
- B. The family would be evicted as a result of the imposition of the minimum rent requirement;

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- C. The income of the family has decreased because of changed circumstance, including loss of employment;
- D. A death in the family has occurred; and
- E. Other circumstances determined by the HA or HUD.

2. The HA shall immediately suspend or discontinue the family's requirement for payment of a minimum rent upon the family's request for hardship exemption and the suspension shall continue until a determination is made on whether the hardship exists and/or if the hardship is *temporary or long-term*.

3. If the HA determines that the hardship is *temporary*, the minimum rent remains imposed (including back payment for minimum rent from the time of suspension).

4. Should a family request and qualify for such exception after October 21, 1998 and the financial hardship occurred prior to adoption of this policy, the HA will reimburse the tenant by providing a refund or otherwise offset future rent payments.

5. Should the HA determine that there is no hardship, a minimum rent is imposed retroactively to the time of the suspension. The HA must offer a reasonable repayment agreement for any back-payment due by the family. The family cannot be evicted for nonpayment during the 90-day period commencing on the date of the family's request for exemption of minimum rent in excess of the tenant rent otherwise payable.

**Note: The Housing Authority's minimum rent effective November 1, 2005 for the Public Housing Program is \$50.00 per month. The minimum rent may be increased up to the maximum or minimum rent allowed by the Department of Housing and Urban Development with the approval of the Executive Director and the provision of required notice to tenants.*

D. Income Calculations

For families that have chosen income based rents, income will be based on the anticipated total income to the household from all sources (unless indicated on the Income Exclusions Attachment to this Policy) including net income derived from assets (actual and/or imputed) received by the participant family for the 12-month period following the effective date of initial determination or re-examination/re-certification or any subsequent ruling by HUD concerning Income Inclusions or Exclusions.

In the event that it is not feasible to anticipate income for a 12-month period, the PHA may use the annualized income anticipated for a shorter period of time, or in the event an anticipated amount cannot be determined (such as for temporary or seasonal employees) the income can be determined by using the previous 12-month period. See also section on self-employed applicants/tenants/participants.

The Authority will use HUD's EIV (Enterprise Income Verification) system to verify and determine income for participants. In accordance with EIV guidelines, the EIV system will be accessed for a tenant 90 days (Eastside Homes) to 120 days after move-in to verify that reported income agrees with EIV reported sources; discrepancies will be addressed in accordance with EIV guidelines provided for such purposes. In addition, routine monthly and quarterly reports will be viewed (or printed, for Eastside Homes, and maintained in a master file) to verify that discrepancies concerning income, multiple subsidy and deceased tenants are reviewed/resolved in accordance with provided regulations. The family of a deceased tenant is allotted 14 days to remove belongings from the unit; the PHA will comply with Tenant/Landlord law with respect to regaining possession of the unit through the normal judicial process if keys are not surrendered. For Eastside Homes, any overpayment of subsidy that was paid on behalf of the deceased tenant must be repaid to HUD.

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The use of the EIV system will be governed by the Authority's EIV use and security policy. EIV data is highly confidential and must be safeguarded per HUD's and the Authority's EIV policies. At this time, HUD has determined that financial auditors are not approved to view EIV data; therefore, EIV data sheets will be removed from any files provided to financial auditors. If HUD negotiates allowing financial auditors to view the EIV files, this restriction will become null and void. EIV reports must be removed from files before viewing by any outside parties (legal aid, etc.)

Child support income will be based on actual receipts if any. Sporadic child support will be based on an annualized average.

Childcare expenses must be documented by standard third party verification. Copies of cancelled checks or third-party receipts may be considered if third party verification cannot be obtained. A notarized statement will not be considered sufficient.

E. Lease-Up

Leasing appointments will be scheduled and applicants will be notified of the date and time. Should the applicant notify the PHA of their inability to be present at the enrollment session, the PHA will provide a rescheduled time; however, failure to notify the Housing Authority prior to the enrollment session (lease-up appointment) on the part of the applicant will result in removal from the waiting list and forfeiture of any monetary deposit and the application being removed from the wait list; applicants may reapply for assistance one year from the date of being placed inactive or being removed, provided that the wait list is open for applications. As indicated in Section IX, Waiting List Administration, applicant names will be removed from the waiting list for failure to notify the PHA of a change of address.

All information including income, income from assets, eligible deductions, family composition, preference status (if applicable), and other screening information will be verified and reviewed prior to scheduling the briefing and enrollment (lease-up) appointment.

All applicants will execute and be given a Federal Privacy Act Notice. The information provided will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure by the applicant to provide any requested information may result in a delay or rejection of eligibility approval.

Selection Of Flat Rent

	0 B/R	1 B/R	2 B/R	3 B/R	4 B/R	5 B/R
WORKMAN STREET	\$400	\$400	\$450	\$500	\$600	
BOYD HILL		\$400	\$450	\$500	\$600	\$700
EASTWOOD/GORDON		\$400	\$450	\$500	\$600	
PENDLETON/ CONFEDERATE	\$400	\$400	\$450			
SOUTH WILSON			\$450	\$500	\$600	
ROCK/HAMPTON		\$400	\$450			
KEIGER STREET		\$425	\$475	\$550		
Market Rent: Eastside Homes (S8NC)	\$387	\$415				
GREAT FALLS, SC-PH		\$260	\$290	\$350	\$390	
GREAT FALLS, SC-Section 8		\$250	\$280	\$340	\$370	

XII. INSPECTIONS, HOUSING QUALITY STANDARDS, MAINTENANCE CHARGES

All housing units must have a move-in, move-out and at least an annual inspection. Units must pass the Housing Quality Standards/UPCS as set forth in the Federal Regulations.

A. Inspection Schedule

Annual inspections will be conducted for tenants with acceptable housekeeping and no property damage/abuse problems. 90-day inspections are conducted 90 days after move-in to ensure that new residents are familiar with Authority standards and to determine if any assistance is needed. More frequent inspections may be conducted in the event of unacceptable housekeeping, infestation or property damage/abuse problems.

The asset management/maintenance teams will maintain an inspection schedule and will generate letters for inspections for all annual inspections and special inspections.

Notice of inspection letters will specify either a specific date or a range of dates during which the inspection may be completed. Normally a 48-hour notice will be provided to tenants unless an emergency exists in which case the authority may enter a unit at any time. A representative from maintenance and/or management will conduct inspections. The inspector and the tenant, if available, will be required to sign the completed inspection form and a copy of the inspection will be provided to the tenant. The inspectors must indicate on the form when a tenant was not available for signature.

B. Move-in and Move-out Inspections

Move-in and move-out inspections will be conducted in the presence of the tenant (when possible). Tenants and Authority inspectors will be required to sign the move-in or move-out inspection form when present.

C. Inspection Failures

Failed inspections due to poor housekeeping or tenant abuse will require the following notices:

First inspection and notice - failed inspection items, and date of reinspection. Notice of housekeeping consultation date. Failure to correct deficiencies may result in lease termination.

Second reinspection and notice -failed inspection items. Thirty (30) day notice to vacate may be issued for failure to correct HQS deficiencies.

Tenants failing two consecutive inspections or two inspections within a six-month period may be issued a thirty (30) day notice for violation of HQS.

D. Tenant Abuse, Damages and Maintenance Charges

In the event of tenant abuse to a unit, repairs will be made by maintenance and charges assessed to the tenant according to

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the tenant charge schedule. When abuse is evident, a tenant may be required to attend a scheduled conference in order to prevent lease termination. Repeated abuse will result in lease termination regardless of payment. Tenants who are not compliant with the *Addendum to Dwelling Lease: HQS and Infestation* may be charged for services necessary to eradicate infestation when it is determined that tenant did not exercise due diligence in preventing or assisting with eradication efforts.

An installment agreement for payment of the charges may be allowed with the approval of the Executive Director or designee. Charges from a move-out inspection will be deducted from the tenant's security deposit as indicated in Section XIII. Should the Security Deposit not cover the move-out charges, the tenant will be expected to promptly pay the remaining balance. Balances to accounts that remain unpaid may be subject to a set-off of any future state tax refund through the Debt Set-Off program and will be reported to HUD through the use of the EIV Debts Owed to PHA's electronic reporting system.

Tenants who transfer from one unit to another will be expected to promptly pay any move-out charges on the unit vacated. Should the charges exceed what the tenant can reasonably be expected to pay, a Repayment Agreement may be entered into. Tenants who do not pay the move-out charges within a timely manner or do not enter into a Repayment Agreement will be issued notice of termination of assistance.

E. Special Inspections

Management may schedule special inspections if there are circumstances that warrant an inspection, *i.e.*, excessively dirty unit during a routine work-order or pest control services, etc. Adequate notice of the inspection will be provided and the procedures set forth in this Section will be followed.

Follow-Up Inspections

Management will schedule a follow-up inspection ninety days after the tenant moves into the unit.

F. HQS failure/roach infestation/Bed Bugs/Pest Control.

All tenants will be required to sign and adhere to *Lease Addendum: Housekeeping and Infestation*. Tenants may be charged for the costs of pest control when the tenant's actions created the infestation condition. Bed bugs in particular are generally caused by the tenant bringing the pests into the unit; consequently, the tenant may be charged for the inspection and eradication costs. When continual poor housekeeping (failure of two or more inspections) contributes to a continued and prolonged roach infestation, the tenant may be charged for the cost of the additional pest control treatments. Housing assistance may be terminated for tenants who continue to fail housekeeping standards that compromises the health and safety of the family and other tenants.

XIII. LEASES, SECURITY DEPOSITS, UTILITIES AND TENANT-OWNED BUSINESSES IN UNITS

A. Lease

The PHA maintains a standard form lease and tenant rules and regulations that must be executed prior to move-in. The lease must contain the names of all members of the household and shall be signed by the head-of-household and spouse

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(if applicable) or any other household member age 18 and over. The Model Lease for Subsidized Programs will be used for the Section 8 New Construction Eastside Homes complex.

New leases must be executed for all unit transfers. Notices of rent adjustment will be attached to the lease as rental changes are made. An amendment/rider or a new lease must be executed for all other changes to tenant status except for rent adjustments.

Transfers will not be considered for tenants who have an outstanding balance to the Housing Authority and/or whose utility accounts cannot be transferred to the new unit (utility companies will not transfer accounts that are in arrears.) Utility accounts must be in the name of the head-of-household and utilities must be on and operable at all times. Should the head-of-household leave the unit and assistance is requested to be transferred to a remaining eligible family member, utilities must be placed in the name of the new head-of-household; the PHA reserves the right to make all appropriate checks and verifications as is required of a new applicant before approving the transfer of assistance. The vacating head-of-household may give permission for the unit security deposit to be transferred to the new head-of-household or the new head-of-household will be required to pay security deposit for the unit before a new lease is executed.

Schedules of special charges for services, maintenance repairs, utilities, and rules and regulations will be posted on the office bulletin board. These schedules may be amended from time to time with at least thirty (30) days notice to the tenants by either posting on the bulletin board or mailed directly to each tenant. An opportunity for tenant comment will be provided.

B. Security Deposits

Each family/program participant is required to pay a security deposit as determined by the PHA and set forth in the Lease(s). A non-refundable portion of the security deposit (\$25.00) must be paid by the tenant(s) prior to occupancy to hold the vacant unit. The remainder of the security deposit along with the first month's rent must be paid at time of lease up unless special circumstances exist and the Executive Director or designee has granted prior approval. Security deposits are equal to the first month's rent or the minimum established by the Housing Authority according to the table listed below, whichever is greater.

Bedroom Size:	Security Deposit Minimum	Security Deposit Maximum	Minimum Monthly Payment
Eff. & One B/R	\$200	\$350	\$40
Two Bedroom	\$250	\$350	\$50
Three Bedroom	\$300	\$400	\$50
Four Bedroom	\$350	\$450	\$50
Five Bedroom	\$400	\$500	\$50

Any interest earned on security deposits held by the PHA will not be distributed to tenants vacating public housing or Section 8 New Construction units.

Security deposits will be returned to the tenant after move-out if the following conditions are met:

- I. There are no unpaid rents, damages or other charges (beyond normal wear and tear) assessed and owed to the PHA by the family.
2. The apartment, equipment and yard have been left clean and all trash and debris have been removed.

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3. All keys issued to the family are turned in to Management upon vacating the apartment and utilities are kept on and operable until keys are turned in. The family may be charged utility expense at move-out if utilities were transferred to the Housing Authority before the keys to the unit were turned in.

4. Tenant has given Management a written thirty (30) day notice to vacate the unit. Any security deposit amount paid by the tenant will be forfeited unless the required notice to vacate is provided to Management. Failure to provide the required thirty (30) day notice to Management can result in the tenant being charged rent for the thirty (30) day period, or until the unit is re-leased.

C. Utilities.

Tenants are required to pay utility bills and utilities must be on at all times, up to the time when tenant vacates the unit and returns the dwelling keys to Management. Utility accounts must be in the name of the head of household. The PHA will review annually and update, as necessary, a utility allowance schedule to be used for computing utility allowances for families under an income-based or ceiling rent. The PHA will use the appropriate utility allowance for the size of dwelling unit actually leased by the family with any change in utility allowance becoming effective with the next annual recertification or interim change. Families that have chosen a flat rent will not be given a utility allowance/reimbursement in accordance with HUD regulations.

When new or revised utility allowances are implemented, the new allowances will be used for all new tenants after the effective date of the allowances and will be implemented for existing tenants at the next annual reexamination.

D. Tenant Business Operation in Public Housing or Section 8 New Construction Units

Tenants must request, in writing to the PHA, prior approval to operate a business in any leased unit. The request must include a detailed summary of the business activities (to include estimated traffic of clientele), license requirements (business, health, etc.), zoning ordinances, and utility consumption. The PHA reserves the right to approve or disapprove any business proposal that could cause damage to the unit, affect the PHA's insurance coverage, interfere with or cause disturbances with the community, or in any way affect the health, safety, or right to peaceful enjoyment of the premises by other tenants.

If a business is approved, the tenant must agree to the base rate for utility consumption and will be responsible for excess utilities (total consumption minus hours of operation). Additionally, the tenant must provide evidence of liability insurance coverage.

The Authority will not approve any tenant business venture on Authority property that would be outside the scope of the Authority's insurance coverage including liability and property coverage. If the Authority's insurance carrier will not provide coverage for the proposed tenant business activities or in any way limits the scope of the Authority's coverage, the tenant request will be disapproved.

Further, if the Authority's coverage does apply, and the Authority approves the tenant's request, the Authority will require the tenant to obtain any additional coverage deemed appropriate and reasonable by the Authority with the Authority named as an additional insured on the tenant's policy. A copy of the coverage will be required.

XIV. RENT COLLECTION POLICY AND PROCEDURES

It is the policy of the HA to require all tenants to make prompt payment of all amounts due under the lease agreement. The tenant's failure to pay all or any portion of the amounts due shall constitute grounds for termination of the tenant's lease.

A. Payment

Rent and other charges are due and payable on the first day of the month. Payments must be paid at the Housing Authority office. Personal checks may be accepted for regular rental payments that are mailed to the HA. Only cashiers checks or money orders will be accepted at initial occupancy (no personal checks will be accepted). **No cash will be accepted from applicants or tenants by PHA staff.** The postmark date of the mail will be considered the receipt date of the payment for any payments that are mailed.

B. Late Payment and Charges

Rent and other charges are due and payable on the first day of each month (to include but not limited to court costs, attorney's fees, uncontested maintenance charges, repayment agreements, etc.) and will be considered late if payment is not made in full on or before the 5th calendar day of the month. Late fees and returned check charges actually charged are included in the lease executed with each tenant. The maximum charges will be as follows: (1) If rent and other charges due under the lease (maintenance charges, court costs, attorney's fees, etc.) are not paid on or before the fifth (5th) day of each month, a penalty for late payment in an amount up to \$25.00 will be charged; accounts that are still unpaid on the 16th day of the month will incur an additional amount up to \$25.00 late fee (a total of up to \$50.00 late fees for accounts not paid by the 16th); the landlord may collect a fee of \$25.00 any time a check is not honored for payment (bounces). If rent and other charges due under the lease are not paid by the due date, the lease is considered as terminated. An Order and Rule may be filed in the local Magistrate's Court, to include all unpaid rent and other charges due under the lease. After the Order and Rule is served, a Writ of Ejectment is processed by the local Magistrate's Court for all unpaid amounts. After the Writ of Ejectment is served, arrangements will be made with the Sheriff's office to set out the tenant; all such related court costs will be posted to the tenant account.

If Tenant is late in paying the rent due under this Lease three (3) times during any consecutive twelve (12) month period, Tenant will be advised, in writing, by a representative of Management that this repeated failure to pay rent and other charges due under the lease when due has been determined by Management to be a repeated violation of a material term of the Lease under Section 11 and that further late payments may result in termination of the Lease. Personal checks will not be accepted by the HA from any tenant after two incidents of bad checks or one incident of a returned (NSF) check if the tenant does not promptly (within 5 days) pay the full amount of the returned (NSF) check and the returned check fee.

*Late fees for Eastside Homes will be administered in accordance with the *Model Lease for Subsidized Programs and the Rent Policy for Eastside Homes.*

C. Payment Disputes

Should a tenant have a dispute over an amount due for rent or other charges indicated on the monthly statement, the tenant must notify the HA in writing prior to the fifth (5th) day of the month. A dispute does not excuse the tenant from making timely payment and will not avoid the imposition of late fees (see also Grievance Procedure). Any part of the amount due which is not subject to dispute must be paid in a timely manner to avoid any additional administrative charges.

The PHA reserves the right to require an escrow deposit be made before a hearing is scheduled. Any settlement amount decided upon will be credited to the tenant's account or refunded to the tenant during the next scheduled check cut.

D. Partial Payments

Partial payments of undisputed rent are not generally accepted. The HA may in extenuating circumstances allow partial payment of rent or grant an extension for payment of rent. If a payment is accepted by the HA in an amount less than the full amount due for maintenance charges, late fees, etc., such payment shall be first credited to rent and the remaining amount, if any, applies to charges other than rent.

E. Deferred Payments

The HA may grant the privilege of paying installment payments for a time period to be determined by the HA for payment of retroactive rent, large repair bills, or for other circumstances that are approved by the Executive Director or designee.

F. Habitual Late Payments

Any tenant paying rent late four times in any twelve-month period during the term of the lease will be determined to be in repeated violation of the lease; this may result in termination of the lease and ejection action.

G. Notice of Termination of Lease and Eviction Procedures

Tenants who fail to make full payment of the amount due on or before the fifth (5th) day of the month can be subject to the following procedures:

1. On the 6th day of the month or the first working day after the 6th, if the rent and/or any other amounts due under the lease (such as maintenance and repair charges or failure to honor a repayment agreement) are not paid, terminations proceedings will begin.
2. If rent and/or any other amounts due under the lease (such as maintenance and repair charges or failure to honor a repayment agreement) have not been paid, a Notice to Show Cause will be filed in the local Magistrate's Court, to include all unpaid rent and any other charges.
3. After the Notice to Show Cause is served, a Writ of Ejectment is processed by the local Magistrate's Court for all unpaid amounts.
4. After the Writ of Ejectment is served, arrangements will be made with the Sheriff's office to set out the tenant.

H. Reinstatement of Lease

A lease which has been terminated as a result of the failure of the tenant to make timely payments of the amount due may be reinstated in the event of extenuating circumstances and if all amounts are paid in full (including all late charges, attorney's fees, serving fees and court costs). The decision to reinstate any lease is a matter solely within the discretion of the HA and is not the automatic right of any tenant under any circumstances.

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I. Balances due by Vacated Tenants

Any amounts that are not paid by tenants who terminate their lease or their lease has been terminated by the PHA and leave unpaid balances will have thirty (30) days from the date of the Final Bill or Statement of Security Deposit Settlement to pay amounts due or make arrangements for payment. Balances to accounts that remain unpaid may be subject to a set-off of any future state tax refund through the Debt Set-Off program and will be reported to HUD through the use of the EIV Debts Owed/Adverse Action reporting system.

Tenants who failed to properly report income changes to avoid rent increases may, upon approval of the Executive Director or designee, enter into a repayment agreement (see schedule listed under XVIII. Repayment Agreements and Collections) to repay the retroactive rent/subsidy due the Housing Authority/HUD. Tenants who do not enter into a repayment agreement or who do not repay retroactive charges may be charged with fraud in accordance with South Carolina State Law, *Title 16. Crimes and Offense, Chapter 13. Forgery, Larceny, Embezzlement, False Pretenses: §16-13-437 False statement or representation as to income to public housing agency to obtain or retain public housing or with respect to determining rent; misdemeanor; penalties; restitution.*

All deposits of rental collections or other income or other amounts due the Housing Authority will be deposited in the Bank within three (3) days of receipt.

XV. TERMS AND CONDITIONS OF CONTINUED OCCUPANCY

A. Community Work Service

As a part of continued occupancy in Public Housing, in addition to complying with the terms and conditions of the Regulations, the Lease and this Occupancy Policy, each adult Public Housing member of a family, unless exempted by the PHA and HUD Regulations, must contribute an average of eight (8) hours per month of voluntary community service or participate in an economic self-sufficiency program for eight (8) hours per month, when so required by HUD regulations. Failure to comply with applicable community work service requirements as stated here and in the Authority's community service policy is grounds for termination of the lease or nonrenewal of the lease at the end of the twelve-month lease term.

Exempt individuals from such community service are as follows:

(1) An adult that is 62 years or older;

(2) An adult that is blind or disabled individual as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416 (i)(1); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions; or is the primary caretaker of such individual;

(3) An adult who is engaged in work activities (see definitions);

(4) Meets the requirements for being exempted from having to engage in a community work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State, including a State-administered welfare-to-work program; or

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(5) An adult member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

The PHA must provide a written notice to the family on any noncompliance with the community service requirements. Such notice must describe the noncompliance and indicate nonrenewal of the lease at the end of the twelve-month lease term. The PHA must permit any adult family member to enter into a written agreement with the PHA, in the form and manner required by the PHA, to cure such noncompliance. Should the family not cure the noncompliance in accordance with the agreement, the PHA will again notify the family of nonrenewal of the lease, unless the family can provide written assurance satisfactory to the PHA that the family member no longer resides in the unit.

Individuals are required to provide to the PHA acceptable evidence to substantiate an exemption status including (but not limited to) medical certifications, employment verifications, approved Welfare-to-Work (or other approved State-funded program) participation. Any self-certification by disabled individuals must contain "fraud certifications". Tenants who fail to provide the required documentation will not be eligible for exemption status until all required verifications and/or documentation has been provided. Under certain circumstances, asset managers may grant hardship exemptions for non-disabled tenants.

The Authority will accept a minimum of 8 hours per month of qualifying work related activity as meeting the community service requirement.

All notices should contain language that the family may request a grievance hearing on any PHA determination and may exercise any available judicial remedy.

The Authority has made a serious, but unsuccessful, effort to find places for Great Falls residents to perform community service. Due to the small size of the community, lack of appropriate service oriented organizations, and the transportation issue to go to another town, Great Falls residents will be considered exempt until a solution is found and residents so notified.

B. Continued Occupancy

Tenants may be required to provide evidence that he or she is able to continue to maintain a decent, safe and sanitary environment and continue to abide by the requirements of the Dwelling Lease, family obligations, rules, policies and regulations. The PHA retains the right to acquire or require additional information reasonably needed to verify circumstances, including home visits when necessary, or to refer such information to persons qualified to evaluate evidence. Such inquiries will be limited to the information necessary to verify said mitigating circumstances. Physician's statements may be required and may include appropriate tests to determine applicant's ability to care for the unit without risking the health and safety of other tenants, including the ability to maintain sanitary living conditions and to abide by the Dwelling Lease and other policy requirements.

XVI. TERMINATIONS OF ASSISTANCE

1. The tenant may terminate the lease by providing the PHA with thirty (30) days written notice as defined in the lease.

Termination of assistance may occur for serious or repeated violations of the Public Housing Dwelling Lease or the Model Lease for Subsidized Programs, for failure to fulfill the Tenant's obligations set forth in the lease(s), violations of HUD's "One Strike, You're Out" procedures, or for other good cause. Grounds for termination of assistance may include but are not

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limited to the following:

- a. Action or inaction by the participating family or violation of family obligations under the lease, rules, and/or regulations to include failure to report any and all changes according to proper reporting procedures in family composition or income to the household within ten (10) days of the change. (See Definitions: Proper reporting method.)
- b. If a family member has committed any fraud or has made willful misrepresentations in income, assets, or family composition in connection with any federal housing assistance program, or has made material false, incomplete or inaccurate statements or fraud in connection with an application for assistance or with reexamination of income.
- c. The family has violated any participant obligation or breached any agreement such as vacating a unit without notice requirements and/or failure to reimburse any HUD-assisted agency for amounts owed under any housing assistance program.
- d. Violent activity, violent criminal activity or alcohol or drug-related activity, drug use, possession or distribution by any member of the participant family or guest, on or off the premises, including the manufacturing or production or methamphetamine (speed). The PHA will use its discretionary privileges under the program in determining whether or not termination includes all or specific family members. The PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in drug-related criminal activity or violent activity or other criminal activity regardless of whether the family member has been arrested or convicted. Any person who has a lifetime registration under a State Sex Offender Registration program or has been convicted of manufacturing or producing methamphetamine (speed) in any HUD- assisted property or any other property will be terminated from the program and denied eligibility for life.
- e. Failure to continuously occupy the unit under lease for more than 30 consecutive days or 60 consecutive days with medical documentation.
- f. Allowing any unauthorized person(s) to visit, stay or live in an assisted unit beyond a visitor period (subject to PHA approval) not to exceed 14 days in a 12-month period or allowing unauthorized person(s) to use the unit address for mailing purposes, legal documents, telephone listings, furniture rental agreements, utility billings, etc.
- g. Failure of any participating family member, or guest under the family's control, to conduct themselves in a manner that does not promote the decent, safe, and sanitary requirements of the program or that hinders the peaceful enjoyment by other area tenants, guests, visitors to the property or employees of the PHA or any activity (included, but not limited to, drug or alcohol use/abuse, drug use, possession or distribution, violent activity, criminal activity, sexual misconduct, etc.) that may compromise program integrity or any other activity that could lead to a diminished demand for assisted housing by families who will adhere to lease responsibilities. Harassment of PHA staff, officials, tenants or visitors to the property will not be tolerated and may result in termination of assistance. Termination may be initiated for a single instance of harassment of a serious level or for less severe forms that continue after a warning to discontinue the behavior has been given.
- h. Failure to make payments due under the Lease. Failure to pay rent in accordance with the lease terms is grounds for termination of tenancy through the eviction process. Cost of the eviction process will be charged to the tenant. Tenants who fail to pay the full amount of the rent by the date stated in the "Notice of Termination for Nonpayment of Rent and/or Charges" notice will be subject to the eviction process. Once the eviction process is started, the Authority reserves the right to refuse any payments and to continue the process until the tenant vacates the unit either voluntarily or under court ordered set out. All such related court costs will be immediately posted to the tenant account and due along with all other charges if the PHA chooses to settle with the tenant.

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- i. Refusal to execute a repayment agreement or to abide by the terms of a repayment agreement that is a result of failure to comply with any of the family's obligations to properly report income changes may result in termination of housing assistance and charges of fraud.
- j. Engaging in any abusive or violent behavior or making threats of an abusive or violent nature towards any PHA employee, any other tenant or guest of any household or any other visitor to the complex.
- k. Failure or violation of the lease agreement while on probationary status. In lieu of terminating assistance for lease violations, the Housing Authority reserves the right to place tenants/participants on probationary status for up to six months, or one year for more serious or repeated violations. Probationary status is a period of leniency in lieu of termination extended to a tenant/participant after lease or HAP violations have occurred or the preponderance of evidence indicates that violations have occurred, during which time the tenant/participant is put on notice that additional violations can bring about termination of assistance.
- l. Failure to vacate a public housing unit after executing a "notice to vacate" form; and, in cases when a Public Housing tenant has accepted a Section 8 Voucher, the tenant must execute an affidavit included in the Housing Authority's Section 8 Briefing packet and vacate the unit as required under Section 7 of the Lease or within the timeframe specified in the Notice to Vacate form.
- m. Noncompliance of *New Community Service and Self-Sufficiency Requirements for Public Housing* as outlined in the QHWRA and subsequent Federal Regulations.
- n. Failure to maintain utilities in the dwelling unit; utilities must be on and operable at all times and the utility accounts must be in the name of the leaseholder/head-of-household. Utilities must be kept on and operable up until tenant returns the dwelling keys to Management; utility accounts discontinued by the tenant before keys are returned to Management will be billed to the tenant as a move-out expense or deducted from the apartment security deposit.
- o. Harboring fugitives from justice or illegal non-citizens.

All housing terminations will be made in accordance with Federal Regulations, State and local laws, and the PHA's Grievance Policy. The Authority will adhere and comply with HUD's implementing regulations concerning the Violence Against Women Act.

2. Data on debts owed to the Authority will be entered into HUD's EIV system in accordance with HUD requirements. The data will be updated per HUD EIV guidance.

XVII. RECERTIFICATIONS, TYPES OF RENT, INTERIM CHANGES, AND LIMITATIONS ON HOUSEHOLD SIZE

A. Recertifications/Reexaminations

Families may choose, at annual recertification, to have their rent based on income or chose the PHA's flat rent (or ceiling rent, if applicable). Families must be given sufficient written information by the PHA to be able to make an "informed choice" of rental methods. Sufficient information must include the following:

- 1. The PHA's policy on switching type of rent in circumstances of financial hardship;

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2. The dollar amounts of tenant rent under each option. If a family chose flat rent for a previous year, the PHA must provide the family with the amount of the income-based rent for the subsequent year if the rent was based on income or if the family specifically requests the information.

An appointment for recertification will be given. If participants fail to keep a scheduled appointment, a second appointment will be given. Failure to keep scheduled appointments to recertify will be deemed as inaction by the participating family and a violation of the family's obligations and is grounds for termination of assistance, unless the family can provide written evidence of an emergency that caused the missed appointments.

Families will be provided with a "Rent Adjustment" form at the end of the reexamination that will indicate changes in rent.

B. Verification Standards And Procedures

Income verification plays an intricate role in determining family eligibility and the amount of rental subsidy received by the family. All information in the tenant family's file must be verified and properly documented. The family must provide required information, documentation and sign release forms. All adult family members age 18 and over must sign the required forms which may be used between regular reexams to verify unreported income. Release forms will be valid 15 months from the date of signature. Applicants, tenants and participants must certify that all income and other information is accurate and complete. The PHA (Rock Hill Housing Authority) will conduct a thorough interview for the purpose of obtaining complete and accurate household income information to properly determine the family's correct amount of subsidy and rent. A family budget or statement of financial responsibility may be required of families reporting zero or extremely low income; the PHA will attempt to determine the source of income when the family's regular expenditures conflict with a claim of zero or extremely low income, utilizing all means available, including running credit report, using HUD's EIV system, SWICA's, The Work Number, performing home visits and proper interviewing techniques to disclose any unreported source of income.

The Authority will use HUD's EIV system for income verifications. Use of EIV is required for all programs including Eastside Homes which also includes use of Existing Tenant Search.

The PHA will document all sources of income to the household as well as any deductions claimed by the family. Refer to PIH Notice 2010-19 and subsequently released regulations enacted to reduce administrative and subsidy payment errors in accordance with HUD administrative guidance. Refer also to the "Verification Hierarchy" listed above in: *IX. Waiting List Administration, Verification Requirements, And Ineligibility/Denials:*

- F. Verification Standards and Procedures and
- E. Self-Employed Applicants/Tenants/Participants.

Family certification or declaration may be used only when other methods are not available or not received. The PHA may use notarized statements or signed affidavit from the family attesting to the information; the PHA will document why other verification methods were not used.

Zero income families may be contacted on a quarterly basis concerning the status of their household income. Families that have no source of income for a 30-day period may be advised to seek assistance from supportive agencies (DSS, Job Service, etc.). Families that have no source of income for a 30-day period will be required to submit statements of survival until employment or other means of financial support is obtained. The PHA may require specific documentation that would indicate that the family is unable to obtain TANF or income assistance from other programs, unable to work, or unable to participate in local job training services. The PHA may request a credit report on these families for rent determination purposes to see if there are any amounts paid to the household on a regular basis.

The PHA must determine compliance with community service and self-sufficiency requirements once each twelve (12) months

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for all families that have nonexempt individuals, when same is required by HUD.

C. Types of Rent

Income-based Rent: Income based rent is calculated based on income of the family from all sources (see Attachment to this Policy for Income Inclusions, Exclusions, and Deductions or Federal regulations). All families that have chosen to be on income-based rent or a ceiling rent (if applicable for the PHA) must be recertified at least annually or more often as required by the PHA.

Flat Rent: Flat rents are determined solely by the PHA. Families that have chosen flat rents must have family composition reexamined at least annually, and must have income reexamined at least once every three years. The PHA may choose to reexamine income more than once every three years if the PHA deems it necessary for any reason.

Families that indicate a financial hardship may request to be reexamined and return to income-based rent at any time during the three-year period. The PHA must immediately allow the family to be placed on income-based rent and the PHA shall make the rent determination within a reasonable time after the family makes the request. The family may not return to a flat rent until the next regular reexamination period for the family.

The PHA defines “financial hardship” as follows:

1. The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family/loss of a family member, or reduction in or loss of earnings or other assistance;
2. The family has experienced a significant increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
3. Such other situations of financial hardship as determined by the PHA.

D. Interim Changes

A family may request an interim reexamination of family income or composition because of any changes since the last determination. The PHA must make the interim reexamination within a reasonable time after the family request.

Families, regardless of the method of rent chosen, must report all changes in family income (except regular increases in wages at the same job or periodic cost-of-living adjustments in government benefits), any additions or deletions of household members, and deduction changes (such as child care) within ten (10) days from the date of change. Failure to follow proper reporting procedures may result in termination of the Lease as set forth in this Policy and/or criminal prosecution if it is deemed that the failure to properly report was with fraudulent intent.

Proper Reporting Methods are considered to be tenant/participant reporting in writing by signed documentation to the Housing Authority all income to the household and any change in income within ten days of the change (including but not limited to income that may be exempted or excluded from rent calculation) or any change in family composition within ten days of the actual change and by providing all requested or required documentation (birth certificates, social security numbers, mailing addresses etc.) or any other documentation needed by HA staff to accurately determine the proper amount of rent and subsidy.

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Interim adjustments will be made to correct any management errors, which may have occurred under the initial certification or for any subsequent reexaminations. Corrections resulting in a decrease in rent will be retroactive to the effective date of the move-in or the reexamination. Rent corrections which result in an increase in rent shall go into effect the first day of the month following the end of the fifteen (15) day written notice of such increase. Decreases in income that are verified to last less than 30 days may not be processed for rent adjustment.

Interim adjustments for families on *income-based* rent will be made for annual income increases of more than \$2,400.00 (or more than \$200 per month.)

For all changes that occur prior to the 25th of a month that result in a decrease of the family's total tenant payment, an interim adjustment must be made and will become effective the first of following month after the family reports the change. Should the PHA fail to receive written verification of the occurrence which caused the decrease in rent within fifteen (15) days, the prior rent amount will be reinstated the first of the following month and will remain in effect until verification is received.

Increases in rent will become effective the first of the month following a minimum of fifteen (15) days of an income increase and notification by the PHA to the family; in cases of a family's failure to properly report income increases, the rent change will be made retroactive to the date the rent would have changed under proper reporting methods, with the thirty days notice of increase being forfeited, rent becoming effective the first day of the coming month, and any retroactive charges being due and payable within thirty days (see also "Repayment Agreements and Collections"). Proper reporting methods are considered to be the tenant/participant reporting to the Housing Authority any change in income (including but not limited to income that may be exempted or excluded from rent calculation) or any change in family composition within ten days of the actual change by making and keeping an appointment to sign the required forms and verifications and/or provide any requested or required documentation (birth certificates, social security numbers, mailing addresses, etc.) or any other documentation needed by HA staff to accurately determine the proper amount of rent and subsidy.

E. Limitations on Household Size

The PHA reserves the right of final decision concerning a tenant's request to add members to the lease or household. For situations other than birth, any additions to the household must be approved by management of the PHA, including marriage, legal adoptions, custody, changes, addition of foster child(ren) or live-in aides. Participant names, with these types of changes in household size that result in the unit no longer being the appropriate size will be placed on the transfer list.

At the PHA's discretion, immediate family members who have been deleted from the household or were never members of the household may not be added as program participants and are not entitled to housing assistance. Such persons will be advised to apply for housing assistance.

XVIII. RENT, REPAYMENT AGREEMENTS AND COLLECTIONS

The Authority will not routinely accept cash for payments due the Authority. The Executive Director and Director of Housing Programs may waive this when deemed to be in the best interests of the Authority.

Should the HA determine that a participant has unreported income, that an incorrect amount of rent has been paid, maintenance/damage charges are due, and it has been determined that there was no intentional fraud involved, a repayment agreement may be entered into with the participant. Amounts less than \$50 should normally be paid in full; Repayment Agreements will not be entered into for amounts less than \$50 without approval by the Executive Director or designee.

Repayment agreements must be in writing, dated, signed by both the tenant and the PHA, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- a. Reference to the paragraphs in the Public Housing lease or Section 8 information packet whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- b. The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
- c. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- d. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

PHAs are required to determine retroactive rent amount as far back as the PHA has documentation of family reported income. For example, if the PHA determines that the family has not reported income for a period of five years and only has documentation for the last three years, the PHA is only able determine retroactive rent for the three years for which documentation is available.

The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and generally not exceed 40 percent of the family's monthly adjusted income. However, the Authority has the discretion to establish thresholds and policies for repayment agreements in addition to HUD procedures. If the circumstances warrant, the percentage may exceed 40 percent at the discretion of the Authority.

If the HA enters into a repayment agreement, the repayment agreement will generally be set up as follows:

Amount of Repayment Agreement	Initial Payment*	Term in Months	Minimum Payment \$
\$100 - \$500	\$50	9	\$50
\$ 501 - \$1000	\$100	12	\$75
\$1001 - \$2000	\$125	15	\$125
\$2001 - \$4000	\$220	18	\$210
\$4001 - \$6000	\$250	24	\$250
\$6001 - \$8000	\$350	30	\$300
\$8001 and up	\$400	36	\$325

* Due at the execution of the repayment agreement.

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Repayment agreements will not be entered into if the total amount due exceeds \$2,500.00 without the prior approval of the Executive Director or designee.

In the event of hardship cases, the HA has the right to change and amend the repayment agreement or waive the amount due upon approval by the Executive Director or designee.

Refusal to execute a repayment agreement that is a result of a failure to comply with proper reporting procedures or any of the family obligations will result in termination of assistance and may bring about charges of fraud. In the event of the participant's failure to comply with the terms of the repayment agreement, the HA will terminate assistance for non-payment and/or failure to comply with the terms of the repayment agreement and may initiate charges of fraud.

In instances where the Authority deems it appropriate, repayment agreements will not be used. In these cases, relevant data will be forwarded to the State's Attorney for prosecution under the law for fraud and restitution will be requested through the court system. In situations where the case will be referred to the courts, the Authority will not offer the client or tenant the option of a repayment agreement. The client or tenant will be notified that the full amount of the debt is due and payable and if full payment is not received, the case will be referred to the court system.

Eastside Homes Repayment Agreements

These procedures are applicable to Eastside Homes only.

1. **Tenant's Obligation to Reimburse.** Tenants are obligated to reimburse the O/A if they are charged less rent than required by HUD's rent formula due to underreporting or failure to report income. The tenant is required to reimburse the O/A for the difference between the rent that should have been paid and the rent that was charged. (See Paragraph 18 of the HUD Model Lease for Subsidized Programs, Paragraph 14 of the Section 202/8 and 202/162 PAC lease and Paragraph 12 of the Section 202 and Section 811 PRAC leases found in Appendix 4 and Paragraph 8-13.A.5 of Handbook 4350.3 REV-1.)

2. **Repayment Options.**

a. Tenants can repay amounts due:

- (1) In a lump sum payment; or
- (2) By entering into a repayment agreement with the O/A; or
- (3) A combination of (1) and (2), above.

For example, a tenant may owe \$1,000, make a lump sum payment of \$300 and enter into a repayment agreement for the remaining \$700.

b. Tenants who do not agree to repay amounts due in accordance with 2.a, above, will be in non-compliance with their lease agreement and may be subject to termination of tenancy. (See Paragraph 8-13.A.5 of Handbook 4350.3 REV-1.)

c. Tenants may also be required to repay funds to the O/A due to a:

- (1) Civil action taken by the O/A, or
- (2) Court action as a result of an IG investigation.

1. **Repayment Agreements.**

a. The tenant and O/A must both agree on the terms of the repayment agreement.

- (1) **Monthly Payment.**

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The tenant's monthly payment must be what the tenant can afford to pay based on the family's income.

The monthly payment plus the amount of rent the tenant/family pays at the time the repayment agreement is executed should not exceed 40 percent of the family's monthly adjusted income.

(2) Repayment Time Period. The time period for repayment by the tenant of the amount owed.

Example: The tenant agrees to repay \$1,000, and agrees to monthly payments of \$25. $\$1,000/\$25 = 40$ months (time period).

- b. The repayment agreement must reference the paragraphs in the lease whereby the tenant is in non-compliance and may be subject to termination of their lease.
- c. The repayment agreement should contain a clause whereby the terms of the agreement can be renegotiated if there is a decrease or increase in the family's income.
- d. The repayment agreement must be signed and dated by the tenant and the O/A.
- e. O/As must not apply a tenant's monthly rent payment towards the repayment amount owed that would result in an accumulation of late rent payments. The monthly payment due on the repayment agreement is in addition to the tenant's monthly rent payment.
- f. Tenants are not required to reimburse the O/A for undercharges caused solely by the O/A's failure to follow HUD's procedures for computing rent or assistance payments. (See Chapter 8, Paragraph 8-20.B.2, of Handbook 4350.3 REV-1 addressing the O/A's obligation to reimburse HUD for overpayments of assistance due to the owner's failure to follow HUD's procedures.)

XIX. TRANSFERS

Tenants may be placed on a transfer list if the re-examination conducted by the Asset Manager reveals that the tenant is occupying a unit in violation of Occupancy Standards ("Section XI - Bedroom size assignments") and needs to be transferred to a unit of proper size. These transfers identified as "over or under utilized" units may be made as units of the needed size become available, subject, however to budget constraints and to the waiting list containing a sufficient number of applicants that require a unit size needed to re-occupy the vacated or transferred unit.

Requests for transfers may also be made for medical reasons. Transfers for convenience will be considered on a case-by-case basis and must be reviewed and approved by the Executive Director before being placed on the transfer list.

1. Medical requests must be documented by a physicians' written verification that the transfer is a medical necessity; reasons for the transfer must be included in the documentation. The medical necessity must be specifically noted and the reason provided as to why the new unit will alleviate the medical issue.

2. Transfers for verifiable emergencies if life-threatening medical conditions exists will be approved after receipt of acceptable medical evidence from the tenant's physician.

3. Transfers for convenience must be supported by documentation that demonstrates that the transfer will

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contribute to the welfare of the tenant (nearer to employment, day care, school, hospital, etc.) Transfers for convenience will be subject to approval by the Authority based upon the impact on vacancy levels at the specific project and the new project if different, the ability to rent the vacated unit in a reasonable time, any cost to the Authority for the transfer, and general budget impact for the project and Authority. Transfers for convenience will generally not be approved.

Requests for transfer of convenience will not be considered unless the tenant has been at the current address for at least one year and has a good housekeeping record, with the tenant file containing no history of disturbances, no late rent payments or any other lease violations including reports of unauthorized occupants. Requests for transfers of convenience will not be approved if the tenant is on probation for lease violations or if utility payments are in arrears, which would prevent a transfer of utility service to the new unit. Management reserves the right to perform a housekeeping inspection prior to approval of a transfer for convenience.

Other requests for transfers will be considered by the Executive Director. Transfers will be allowed between public housing units and units at Eastside Homes as offers for those units are selected from the Public Housing Wait List.

All requests for transfers must be approved by Management before being placed on the transfer list. Before the Asset Manager schedules a transfer, utility companies will be contacted to assure that services can be transferred. Tenants selected from the transfer list will be made two offers of transfer; after refusal of two offers, the tenant's name will automatically be removed from the transfer list. Selections by bedroom size will be made based on date and time the tenant was approved and placed on the transfer list, with medical transfers taking precedence over transfers of convenience.

When required, transfers for over or under-utilized units or for required modernization, tenants must accept one offer of transfer; failure to accept the offer could result in the tenant receiving a thirty day notice of intent to terminate assistance for failure to comply with requirements and obligations.

Transfers will be considered as vacancies occur after consideration of the available bedroom size, wait list and ability to fill the unit being vacated. Transfers will be delayed if a high number of vacancies exist to avoid scheduling problems and delays in unit turnaround time.

Transfers will be made without regard to race, sex, color, religion, national origin, familial status, or disability status. Transfers will be authorized in the following situations.

The Housing Authority will first offer vacant accessible units to any disabled or elderly applicants on the waiting list. If there are no applicants on the waiting list claiming a disability or the need for an accessible unit, the accessible unit will be offered to the next applicant on the wait list; that applicant must agree to move to an available non-accessible unit within 30 days when either a current tenant or an applicant needs the features of an accessible unit.

Under special circumstances, the Executive Director may waive the above listed procedures.

XX. TENANT EMPLOYEES AND TENANTS EMPLOYED BY THE PHA

Employees who are required to live in Public Housing as a condition of their job are not considered Public Housing Tenants and are not subject to the same requirements or rights of Public Housing tenants (do not have to be income eligible, not subject to selection procedures and rent calculations, are not subject to lease and grievance procedures, have no rights to remain in Public Housing if employment is terminated). The PHA may charge employees who are required to live in Public Housing as a condition of their job a reasonable rent. Dwelling units of this nature must be approved by HUD (pursuant to HUD's unit conversion procedures in Handbook 7468.I) and excluded from total unit months available for occupancy (UMSs) for purposes of calculating subsidy under the Performance Funding System (PFS). Any rent paid must be included as other

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income for PFS calculations.

Public Housing participants or applicants who work or expect to work for the PHA are subject to the same admissions and occupancy requirements as other participants/applicants. Such work may not be a condition of their admission or tenancy, they may not be given a selection preference on their willingness to work for the PHA, and the PHA may not lower the rent as compensation for employment. Employment income must be counted in computations of rent.

Tenant Advisory Board

A board comprised of Public Housing tenants and Section 8 participants will be established consisting of three to five program participants to assist the PHA in planning, operational and policy development and revisions of documents, from time to time as needed. The Board will consist of one tenant from each major public housing site, when possible. Meetings will be scheduled as needed but no less than one meeting will be held each year. Board members will be given the opportunity to volunteer to serve and will be selected only if tenants fail to volunteer.

XXI. COMPLAINTS AND INFORMAL HEARINGS

(See also PHA's Grievance Policy)

A. Discrimination Complaints

If there is notification to the PHA that there is reason to believe that there has been any discrimination on the basis of race, color, religion, sex, disability status, familial status, or national origin, the PHA will provide the Fair Housing Complaint Form, HUD-903, and any assistance deemed necessary.

B. Informal Hearings

Denials of eligibility will be indicated through written correspondence. Letters will be sent indicating the reason for the denial and notification of the right to an informal hearing, and shall require a written request for a hearing to be received by the Housing Authority within ten (10) days from the date of the notification. Failure to request the hearing in writing within ten (10) days from the date of the letter from the PHA will result in forfeiture of this right.

Informal hearings, upon receipt of a written request, will be conducted for decisions affecting families such as amount of rent calculation or a decision of denial. A member of the PHA staff other than the individual that initially determined the ineligibility will conduct the informal hearing.

For terminations of the lease, the hearing must allow for due process for the PHA and the family to include presentation of any evidence and/or opportunity to question witnesses, right to retain and have legal representation, and right to a private hearing (see PHA's Grievance Policy).

Failure to appear at any scheduled hearing by either the family or the PHA is a waiver of the right to a further hearing. Any appointment requested by a Tenant and not kept or not rescheduled at least twenty-four hours prior to the time of the arranged appointment results in the right to hearing being waived unless it is proven (within ten days of the action or inaction) that a verifiable emergency existed at the time of the missed appointment that precluded appearance at the appointment.

A written decision of the hearing officer or panel will be issued. The determination by the hearing officer or panel does not constitute a waiver of either party's right to appropriate judicial proceedings.

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The person or panel conducting the hearing must issue a prompt written decision stating the reasons for the decision to the PHA staff and the applicant/participant/owner.

Informal hearings will not be conducted by the PHA for the following:

1. Discretionary administrative determinations by the PHA, general policy issues, or class grievances.
2. The PHA's determination of the bedroom size or the participant's occupancy of a unit that is overcrowded or under utilized.
3. A decision of denial or termination based on any drug-related or violent activity or violent criminal activity or any activity that threatens the health, safety, or peaceful enjoyment of the premises by other tenants.

XXII. FREEDOM OF INFORMATION (FOI) REQUESTS

In accordance with South Carolina Code Section 30-4-30 and the Federal regulations regarding FOI requests and the Federal Privacy Act, all requests for public records, other than those normally made within the ordinary course of business, shall be made in writing to the Executive Director of the Housing Authority.

1. FOI requests must be in writing (ink only), unless an exception is granted by the Executive Director, and must be signed by the requesting person or his or her duly authorized agent or attorney.

2. Written notification of the Authority's determination on FOI requests will be made within fifteen (15) of the FOI request. If the request is denied, the reasons for the denial will be indicated. If the request is granted, the notification shall state the time and place when the requested public record will be made available for inspection and the deposit amount required for the record search. If copies are requested of any public records, the notification will include the cost per copy. The determination of the Authority shall constitute the final opinion as to the availability of the requested public record.

3. An average hourly rate of pay for administrative employees that conduct the record search plus 30% for benefits will be charged. Should overtime wages be necessary, the overtime rate of pay will also be charged. If copies are made of any records by employees or the requesting party, 50 cent per page will be charged. Deposits may be required by the Authority for such expenses.

4. No public record held by the Authority may be removed from the Authority's premises.

5. The Authority shall only allow the inspection and/or copying of public records in its possession which are not exempt pursuant to South Carolina Code Section 30-4-40, and it shall not otherwise be required to generate records either by creation, subpoena or contract demand.

6. Requests for search of, permission to inspect records, or for copies of records will be dealt with on a case-by-case request. The Executive Director will, in considering such requests, have to consider the availability of staff time to fulfill such requests in regard to work responsibilities and other public duties.

7. Tenants may make an appointment to review their files. A staff member must be present (a tenant will not be left

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alone with the file at any time) during the review. Tenants may be charged for any copies made at their request. The tenant may be charged for the staff time to monitor the review if an unreasonable amount of time is used (generally any span greater than 30 minutes).

XXIII. RECORD RETENTION

The PHA will maintain all applications for admission (to include race, ethnicity, sex, age of head of household) for the later of at least three (3) years or until audited by HUD. Records must be maintained to include offers and rejection of units, the reasons for the rejection, ineligibility documentation, and eligibility documentation for all tenants. Files will be maintained for all participants that are no longer housed by the PHA and must include the disposition of the security deposit. Copies of the Social Security card will be retained in the file until such time as the file is appropriately destroyed. Records retention as required by EIV will be followed; as requirements vary depending on the documents, the retention of each will not be addressed in the plan but will be adhered to by following individual EIV requirements.

XXIV. OTHER ADMINISTRATIVE FUNCTIONS

The PHA will annually review and make changes, where necessary, to utility allowances and policies/procedures. Eastside Homes' utility allowances will also be reviewed annually and changed as appropriate and in accordance with applicable regulations.

The Housing Authority Director will conduct internal quality reviews on the files for accuracy and completeness of documentation. Staff will be monitored and counseled in any deficient areas.

The PHA will follow-up on any reports of fraudulent activity by program staff, applicants, or participants. Documentation, when obtainable, will be compiled and an internal review will be conducted as to credible evidence. In the event that the documentation is sufficient to pursue further action, the Executive Director will be notified to determine the resulting actions by the PHA.

In the event of a disaster of any type, for Eastside Homes, the Authority will use Handbook 4350.1, Chapter 38, as a guide for dealing with the disaster and managing the efforts to return to normal conditions and operations.

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Attachment 1 – Income Inclusions and Exclusions

Income Inclusions and Exclusions will be administered in accordance with the Code of Federal Regulations, Public Housing Occupancy Guidebook and the 4350.3 HUD Occupancy Handbook (Eastside Elderly).

Interest income will be computed at the rate stated on third-party verifications, with six-month average being used for checking accounts and actual balance for savings accounts; For interest rates not stated on verifications and/or imputed income of \$5,000.00 or more, 2.0% will be used for Eastside Homes and 2.56% will be used for Public Housing and Section 8 programs.

Asset Limit and Residency Ownership Prohibition: The PHA does not consider it appropriate to provide assistance to individuals and families who own a habitable dwelling unit. However, a unit placed for sale, in good faith, with a legitimate licensed real estate firm under a legally enforceable contract will be deemed to be eligible if all other criteria is met. A sales contract to sell a property must be a written contract valid under SC state law. For initial eligibility and for ongoing annual recertifications, any family having either (a) more than \$100,000 in net assets or (b) an ownership in a residence suitable for occupancy may be determined ineligible for assistance. PHAs may delay eviction or termination of families not meeting asset and residence restrictions for up to six months. Excluded from Asset Limit and Residency Ownership Prohibition: victims of domestic violence, families making a good faith effort to sell a property, family self-sufficiency accounts, personal property (except for items of significant value), retirement and education savings account assets, and amounts from certain disability lawsuits.

Attachment 2 – Eastside Homes Policy Addendum

Part I

Selected portions of this policy also apply to the Authority's Eastside Homes housing complex. Sections of the policy applicable only to Eastside Homes are generally noted in the appropriate sections as applicable to Eastside Homes. From time to time, the CFR and federal regulations applicable to Eastside Homes are changed at different times than are the regulations applicable to public housing. Therefore, the portions of this plan that are applicable to Eastside Homes may be changed at any time as deemed necessary without changing the parts applicable to public housing. The public housing approval processes will not apply to the portions applicable to Eastside Homes. The Eastside Homes provisions may be changed without any approval process other than the process required by Eastside Homes regulations. The 4350.3 HUD handbook takes precedence over any other plans and policies in the administration of Eastside Homes.

Part II. Eastside Homes/Multifamily EIV Requirements.

Notice H 2010-10 was released on July 1, 2010 and outlines Enterprise Income Verification (EIV) System guidance for all Multifamily programs. As a Section 8 New Construction elderly complex, Eastside Homes falls under Multifamily Program EIV guidelines that are slightly different than requirements released by Public and Indian Housing Programs. This section will briefly describe policy requirements of Multifamily EIV guidelines. As changes to the Public Housing Admissions and Continued Occupancy Plan requires a 30-day posting and comment period which is generally done only once a year, regulations and notices distributed by HUD, Multifamily and EIV take precedence over the *Public Housing and Continued Occupancy Plan*; staff will use the more detailed notices and regulations issued by HUD regarding EIV administration. The EIV and You brochure will

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be issued to each applicant upon selection from the wait list. EIV Rules of Behavior, security and safeguard measures as prescribed by HUD and EIV will be followed.

A Master File of reports not kept in tenant files will be maintained by the Eastside Homes Property Manager to include: Failed EIV Pre-Screening Report; Failed Verification Report; New Hires Summary Report; Deceased Tenant Report; Multiple Subsidy Report. Any required action regarding discrepancies detected on these reports will be remedied as outlined in the Notice H 2010-10 or any subsequent notices. These reports will be retained for a period of 3 years and then destroyed as directed by current regulations.

Owner/agent will ensure that a signed form 9887 is on file for each tenant; when a family member turns age 18, the family member must be advised to come in and sign the form 9887. Tenant reports, to include Income Reports and Discrepancy Reports, will be printed and used as directed in Notice H 2010-10 (or any subsequent notices) or printed as deemed necessary by the property manager to ensure that income reported by the family is accurate and complete and that rent and related subsidy is accurate for the assisted family. Discrepancy Reports must be printed 120 days prior to a tenant's Annual effective date as well as for use during any interim change; any income discrepancies noted will be handled and retained as directed by regulation. Families will be required to report any changes in income that exceeds \$200 or more per month; guidelines will be followed to repay or recapture any excess subsidy received by the family.

Tenant Selection Plan: The Existing Tenant Search in EIV will be used as a part of applicant screening criteria to verify that household members do not receive duplicate assistance. Search results will be noted on the Verification Process tracking sheet, and any related correspondence or documentation with another HUD-assisted property (for assisted applicants) will be retained along with the original application documentation. The O/A will work with property management at the other HUD-assisted agency to coordinate the move-in and move-out date for any assisted applicant to ensure that duplicate assistance is not paid. The O/A will review the Income Report within 90 days after any new move-in and resolve any discrepancies in accordance with regulations.

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DEFINITIONS

Act. Quality Housing & Work Responsibility Act of 1998 (QHWRA) and Housing Act of 1937.

Admission. The point when the family becomes a participant in the program. In a tenant-based program, the date used for this purpose is the effective date of the first HAP contract for a family (first date of initial lease term).

Adult. A household member who is 18 years or older or who is the head of household, or spouse, or co-head.

Adjusted Income. Annual gross income less any adjustments permitted by Federal Regulations. See 24 CFR Part 5, Section 5.611.

Allowances. HUD approved deductions from annual gross income to determine adjusted income.

Annual Contributions Contract (ACC). A contract (in the form prescribed by HUD) for loans and contributions, which may be in the form of grants, whereby HUD agrees to provide financial assistance and the PHA agrees to comply with HUD requirements for the development and operation of a public housing complex, or to cover housing assistance payments and other expenses for tenant-based programs.

Annual Income. Defined further in 24 CFR Part 5, Section 5.609. All amounts, monetary or not, which: (1) Go to, or on behalf of, the family or spouse [or co-head] (even if temporarily absent) or to any other family member; or (2) are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date; and (3) which are not specifically excluded [by regulation]; also means amounts derived (during the 12-month period) from assets to which any member of the family has access [24 CFR 5.609].

Applicant or applicant family. A family that has applied for assistance or admission to a program, but is not yet a participant in the program.

Assets. Assets means "cash (including checking accounts), stocks, bonds, savings, equity in rental property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets. See definition for Net Family Assets more particularly described in 24 CFR 5.603.

Asset Income. Income received from assets held by family members. If assets total more than \$5,000, income from the asset income and imputed asset income is counted in annual income.

Assistance Applicant: For the Public Housing Program: A family or individual that seeks admission to the program.

Assisted Family: A family who is currently living in a HUD-assisted property or leasing a unit wherein rent is reduced by a special program or rent is subsidized by the Department of Housing and Urban Development.

Assisted Lease (or "Lease"). A written agreement between an owner and a family for the leasing of a unit by the owner to the family with assistance payments under a Housing Assistance Payments (HAP) contract between the owner and the PHA.

Birth Certificate: A valid birth certificate is defined as one that is issued by an official governmental body, is legible to the Authority, has not been altered or changed, and displays name, date and place of birth.

Care attendant: a person that regularly visits the unit of a PHA tenant to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by PHA must demonstrate

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separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.

Childcare deduction. An allowable \$480 annual deduction for the household in which a child under age 18 (or full time student) resides full time; in cases of joint or shared custody, the deduction will be given to the household where the child resides 50% of the year, to the household where the child lives during the normal school year or to the parent who claims the child on income tax records. The deduction will be awarded to only one of the assisted families if both families are receiving housing assistance.

Childcare expenses. **Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amount are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.**

Ceiling Rent. Maximum rent determined and set by some PHAs.

Certificate. A document issued by a PHA to a family selected for admission to the rental certificate program. The certificate describes the program, and the procedures for PHA approval of a unit selected by the family. The certificate also describes the obligations of the family under the program.

Certificate or Voucher holder. A family holding a voucher or certificate with unexpired search time.

Certificate program. Rental Certificate program.

Citizen. A citizen (by birth or naturalization) or national of the United States.

Co-Head of Household. An adult member of the family who is treated the same as a head of the household for purposes of determining income, eligibility and rent.

Community Service. The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance tenant self-sufficiency, or increase tenant self-responsibility in the community. Community service is not employment and may not include political activities.

Complex for elderly families. A complex for elderly families is a complex or portion of a complex to which regulations for housing assistance apply that was designated for occupancy by the elderly at its inception (and that has retained that character) or, although not so designated, for which the PHA gives preference in tenant selection (with HUD approval) for all units in the complex (or for a portion of the units in the complex) to elderly families.

Continuously assisted. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

Contract Rent. The total amount of rent specified in the Housing Assistance Payment Contract as payable to the owner by the family and/or by the PHA on the family's behalf.

Cooperation Agreement. An agreement between a PHA and the applicable local governing body or bodies which assures exemption from real and personal property taxes, provides for local support and services for the development and operation of a public housing complex, and provides for PHA payments in lieu of taxes.

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Covered Person: For the purpose of screening and terminating tenancy for criminal activity, a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

Covered Families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Covered Housing. Public housing, project-based assistance under section 8 (including new construction and substantial rehabilitation projects), and tenant-based assistance under section 8.

Covered Person. A tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Credible Evidence. Evidence of drugs found in the dwelling unit, evidence, which is tied to the drug activity, arrest, warrant issued, drug raids, or arrest, or conviction for such activity.

Decent, safe and sanitary. Housing is decent, safe, sanitary and in good repair if the requirements of the federal regulations are met.

Deductions. Federally mandated allowable deductions from annual gross income. See Attachment.

Dependent. A member of the family household, other than head, spouse, sole member, foster child, or Live-in Aide, who is under 18 years of age, or 18 years of age or older and disabled, or a full-time student and qualifies for the \$480 deduction when computing income-based rent. [24 CFR §5.603]

Disability: (Handicap*) (Section 504) [as defined for Civil Rights Protections] Any condition or characteristic that renders an individual a *person with disabilities (handicaps)*. [24 CFR 8.3]

Disability Assistance Expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. See Attachment.

Disabled Family: a family whose head, spouse or sole member is a person with disabilities (as defined by 24 CFR 5.403). It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides. [24 CFR 5.403] (See definition of Person with Disabilities as defined for program eligibility purposes.)

Disabled (Handicapped) Family: 1. Families of two or more persons the head of which (or his or her spouse) is a person with disabilities (handicapped) 2. The surviving member or members of any family described in paragraph (1) of this definition, living in a unit assisted under 24 CFR 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death. 3. A single person with disabilities (handicapped person) over the age of 18; or , 4. Two or more persons with disabilities (handicapped person) living together , or one or more such person living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being. [24 CFR 891.505].

Disabled Household: Disabled household means a household composed of: (1) One or more persons at least one of whom is an adult (18 years or older) who has a disability; (2) Two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a certification from an appropriate professional (e.g., a rehabilitation counselor, social worker, or licensed physician) to be important to their care or well being; or (3) The surviving member or members of any household described in paragraph (1) of this definition who were living in a unit assisted under this part with the deceased member of the household at the time of his or her death.

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Disabled person (This definition is to be used for purposes of maintaining nondiscrimination practices in program accessibility (see 24 CFR 8.3); see Person with Disability definition for purposes of defining disability).

Includes any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. This term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

- (a) Physical or mental impairment includes:

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(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genito-urinary, hemic and lymphatic skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(C) Has a record of such means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation.

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

(See also definition for "Qualified individual with Handicap)."

Disallowance: Exclusion from annual income.

Displaced Family: A family in which each member or whose sole member is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws. [24 CFR 5.403]

Displaced Person: A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized under federal disaster relief laws. [24 CFR 5.403]

Displacement by inaccessibility of unit. An applicant is involuntarily displaced by inaccessibility of a unit if:

(1) A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit; and

(2) The owner is not legally obligated to make changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation.

Displacement as a result of HUD disposition of units. Involuntary displacement includes HUD disposition of multifamily rental housing complex under Section 203 of the Housing and Community Development Amendments of 1978.

Divestiture Income: Imputed income from assets, including business assets, disposed of by applicant or tenant in the last two years at less than fair market value. (see definition of Net Family Assets, 24 CFR§ 5.603,

Documentation: The Authority retains the right to determine the acceptability of documentation presented to the Authority to substantiate eligibility and continued eligibility. Documentation must be original (or certified as a copy of the original by the appropriate governmental agency), must be in reasonable condition, must be legible to the Authority, must not be altered or appear to be altered or changed in any way, and must be directly from an acceptable third party when so required.

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Domicile. The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug. A controlled substance as defined in the Controlled Substances Act. [24 CFR §5.100]

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

EO Plan. Equal Opportunity Housing Plan. The EO plan establishes PHA policies for implementing civil rights requirements.

Economic Self-sufficiency Program. Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Effective date. The effective date of an examination or reexamination refers to (a) in case of an examination for admission, the effective date of initial occupancy, and (b) in the case of reexamination of an existing tenant, the effective date of the redetermined total tenant payment.

EIV System: Earned Income Verification System provided by HUD for use in verifying household income, preventing fraud and misuse of government subsidy by program participants.

Elderly family. A family whose head or spouse (or sole member) is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly person. A person at least 62 years of age. An elderly person is a household composed of one or more persons, at least one of whom is 62 years of age or more at the time of initial occupancy.

Elderly family. A family whose head, spouse or sole member is a person who is at least 62 years of age.

Eligible families. Low income families who are eligible for admission to the public housing program.

Eligible noncitizen. A person who has eligible immigration status in one of the following categories:

1. A noncitizen lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (INA), as an immigrant, as defined by section 101(a)(15) of the INA (8 U.S.C.1101(a)(2) and U.S.C. 1101(a)(15) respectively) [immigrants]. (This category includes a noncitizen admitted under section 210 or 210A of the INA (8 U.S.C.1160 or 1161) [special agricultural worker], who has been granted lawful temporary tenant status);
2. A noncitizen who entered the United States before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the United States since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under section 249 of the INA (8i U.S.C. 1259);
3. A noncitizen who is lawfully present in the United States pursuant to an admission under section 207 of the INA (8 U.S.C. 1157) [refugee status]; pursuant to the granting of asylum (which has not been terminated) under section 208 of the INA (8 U.S.C. 1158) [asylum status]; or as a result of being granted conditional entry under section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic nation calamity;
4. A noncitizen who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under section 212(d)(5) of the INA (8 U.S.C.

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1182(d)(5)) [parole status];

5. A noncitizen who is lawfully present in the United States as a result of the Attorney General's withholding deportation under section 243(h) of the INA (8 U.S.C. 1253(h)) [threat to life or freedom];
6. A noncitizen lawfully admitted for temporary or permanent residence under section 245A of the INA (8 U.S.C. 1255a) [amnesty granted under INA 245A]; or
7. A noncitizen who is a lawful tenant in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia and Palau (collectively referred to as "the Freely Associated States" (FAS)) [Section 3(b) of Public Law 106-504].

A nonimmigrant student, while lawfully admitted to the United States, is not eligible.

Eviction. The dispossession of the tenant from the lease unit as a result of the termination of the tenancy, including a termination prior to the end of a term or at the end of a term.

Evidence of Citizenship or Eligible Status: The documents that must be submitted to evidence citizenship or eligible immigration status. [24 CFR 5.504]. Applicant/tenant must provide appropriate immigration documents to initiate verification. Verification of eligible immigrant status must be received from DHS through the DHS SAVE system or through secondary verification using DHS Form G-845.

Exempt Individual. (As related to Tenants Who Must Perform Community Work Service Activities or Self-Sufficiency Work Activities): An adult who: (1) Is 62 years or older; (2)(i) Is a blind or disabled individual, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c), and who certifies that because of this disability she or he is unable to comply with the service provisions; or (ii) Is a primary caretaker of such individual; (3) Is engaged in work activities; (4) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program; or (5) Is a member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

Extremely Low-income family. A family whose annual income is equal to or less than 30 percent of the Area Median Income, as published by HUD.

FMR. The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publication in the Federal Register in accordance with 24 CFR 888.

Fair Housing Act: Title VIII of the Civil Rights Act, 42 U.S.C. 3601. The Fair Housing Act is a broad statute that prohibits discrimination based upon race, color, religion, sex, national origin, disability, or familial status in most housing and housing-related transactions.

Familial Status: One or more individuals (who have not attained the age of 18 years) being domiciled with: (1) A parent or another person having legal custody of such individual or individuals (regardless of age or number of children); or (2) The designee of such parent or other person having such custody, with the written permission of such parent or another person.

Family. Defined in 24 CFR 5. Family includes but is not limited to: (a) a family with or without children; (b) an elderly family; (c) a near-elderly family; (d) a disabled family; (e) a displaced family; (f) the remaining member of a tenant family; and (g) a single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. See 24 CFR 5.403.

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Family Composition: The specific individuals who are included in the assisted family. Information on family composition includes names, ages, sexes, and citizenship status of all members and their relationship to one another.

Family members. Any household members except live-in aides, foster children and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD 50058.

Family Self-Sufficiency (FSS) Program. A program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the U.S. Housing Act of 1937.

Family unit size. The appropriate number of bedrooms for a family. Family unit size is determined by the PHA under the PHA occupancy standards or subsidy standards.

Federally Assisted Housing: Includes housing assisted under any of the following programs: (1) Public housing; (2) Housing receiving project-based or tenant-based assistance under Section 8 of the U. S. Housing Act of 1937 (42 U.S.C. 1437f); (3) Housing that is assisted under section 202 of the Housing Act of 1959, amended by section 801 of the National Affordable Housing Act (12 U.S.C. 1701q); (4) Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act; (5) Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. 8013); (6) Housing financed by a loan or mortgage insured under section 221 (d)(3) of the National Housing Act of (12 U.S.C. 1715 (d)(3)) that bears interest at a rate determined under the proviso of section 221 (d)(5) of such Act (12 U.S.C. 1715/(d)(5)); (7) Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. 1715z-1); or (8) Housing assisted by the Rural Housing Service under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484). [24 CFR 5.100]

Flat Rent. A rent for Public Housing units as determined and set by PHAs that a family may choose to pay in lieu of an income-based rental amount.

Foster Adult: A foster adult is usually an adult with a disability who is unrelated to the tenant family and who is unable to live alone.

Foster Children: Children that are in the legal guardianship or custody of a State, county, or private adoption or foster care agency, yet are cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency. These children will generally remain in foster care until they are reunited with their parents, or until their parents voluntarily consent to their adoption by another family, or until the court involuntarily terminates or severs the parental right of their biological parents, so that they can become available to be adopted by another family. Therefore, the parental rights of the parents of these children may or may not have been terminated or severed, and the children may or may not be legally available for adoption.

Fraud. Intentionally providing false, incomplete or inaccurate information on an application, recertification form, or failure to report all sources of income received by the family. Deceit or trickery deliberately practiced to gain some advantage dishonestly. Fraud is an intentional deception and cannot be committed accidentally.

Full-time student. A person who is carrying a subject load that is considered full-time under the standards and practices of the educational institution attended. An education institution includes a vocational training school with a diploma or certificate program, as well as an institution offering a college degree; a person who is attending school or vocational training on a full-time basis.

Gross rent. The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance.

Guest. A person temporarily staying in the unit with the consent of a tenant or other member of the household who has

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express or implied authority to so consent on behalf of the tenant.

Handicapped appears in a number of regulatory definitions that have not yet been updated to reflect current statutes. HUD replaced *handicapped* with the term *disabled, disability, or impairment* to reflect current statutes. The parenthetical reference to handicapped indicates that the term *handicapped* has been replaced with disabled, disability, or impairment in that definition.

Harassment. A wide spectrum of offensive behavior; behavior intended to disturb or upset, and when the term is used in a legal sense, refers to behaviors which are found threatening or disturbing.

Head of Household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. The head of household is the person who assumes legal and moral responsibility for the household who is held responsible and accountable for the family.

Household. Head of household and PHA-approved household members which may include a PHA-approved live-in aide.

Housing Assistance Payment ("HAP"). The payment made by the PHA to the owner of a unit under lease by an eligible family, as provided in the contract, in accordance with Federal Regulations. The payment is the difference between the contract rent and the tenant rent. An additional payment is made by the PHA to the family when the utility allowance is greater than the total tenant payment. In the case of a family renting only a manufactured home space, the HAP is determined in accordance with the Federal Regulations.

Housing Assistance Payment Contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

Housing Assistance Plan. A local housing assistance plan approved by the field office meeting the requirements of the community development block grant regulation (24 CFR 570) whether or not the unit of general local government submitting the plan is a participant in the block grant program.

Housing Quality Standards "HQS". Program requirements for housing standards established by HUD and any variations established by the PHA and approved by HUD.

Imputed Asset. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Imputed Asset Income. Calculation used when assets exceed \$5,000.00, e.g., HUD passbook rate x total cash value of assets.

Imputed Welfare Income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent. (See HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Inactive Status. Inactive means that an applicant is removed from the wait list. The applicant would need to reapply, if the wait list is open to regain entry onto to the wait list and the applicant would start over as a new applicant.

Income Deductions. See Deductions Attachment.

Income Limit: HUD establishes income limits that are used to determine whether housing applicants qualify for admission to HUD-subsidized properties. The income limits are based on HUD estimates for area median family income with certain statutorily permissible adjustments. Different programs use different income limits.

Income limits. HUD established very low-income and low-income limits that are used to determine if assisted housing program applicants qualify for admission to HUD-assisted programs. These income limits are based on HUD estimates for area median family income (using Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas as defined by the Office of

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Management and Budget (OMB), and the Bureau of the Census definition of family) with specific statutorily permissible adjustments. If the income limits based on this approach would be less than if based on the relevant State non-metropolitan median family income level, income limits are based on the State non-metropolitan family income level.

Income Based Rent. An income-based rent is a tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

Incremental Units. The number of budgeted certificate units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance.

INS. The U.S. Immigration and Naturalization Service.

Landlord. Either the owner of the property or his/her representative or the managing agent or his/her representative as shall be designated by the owner.

Law Enforcement Agency. The National Crime Information Center (NCIC), police department and other law enforcement agencies that hold criminal conviction records.

Lease. A written agreement between an owner (including a PHA) and a family for the leasing of a housing unit. Section 8 programs require an Addendum to the Lease (that contains mandatory language) if an owner's lease is used which must be incorporated into any lease or attached to the lease.

Live-in aide. (24 CFR 5.403) A person who resides with one or more elderly, near-elderly or disabled persons or disabled person and who:

(1) Is determined to be essential to the care and well being of the persons; a health care provider must document the need for a live-in aide.

(2) Is not obligated for the support of the persons and whose income is not considered in calculating the tenant's rent.

(3) Would not be living in the unit except to provide necessary supportive services. (Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide.)

(4) is not a member of the assisted family and is not entitled to remain in the unit as the remaining member of the tenant family.

(5) has been approved by the PHA. The PHA may disapprove such a person if s/he has: (1) committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; or (3) currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act. (24 CFR 982.316)

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose annual incomes does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

Major Life Activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Medical expenses. Allowable deductions from annual gross income for certain types of program participants. See Attachment.

Mixed Family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

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Monthly adjusted income. One-twelfth of adjusted annual income.

Monthly income. One-twelfth of annual income.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Near elderly family. A family whose head or spouse (or sole member) is at least 50 years of age but below the age of 62 years.

Near-elderly person: means a person who is at least 50 years of age but below 62, who may be a person with a disability

Net family assets. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and the equity in a housing cooperative unit or in a manufactured home in which the family resides. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under 24 CFR 5, Subpart F.) In determining net family assets, PHAs and Owners shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. See also definition for Imputed Asset and Imputed Income.

Noncitizen. A person who is neither a citizen nor a national of the United States, and is not eligible for housing assistance unless eligible immigration status has been provided (evidenced by supporting documentation) in one of the following categories:

(1) A noncitizen who has been lawfully admitted to the U.S. for permanent residence, as defined by the Immigration and Nationality Act as an immigrant (includes special agricultural workers who have been granted lawful temporary tenant status).

(2) A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as an exercise of discretion by the U.S. Attorney General.

(3) A noncitizen who is lawfully present in the U.S. pursuant to an admission under refugee status, asylum status, or as a result of being granted conditional entry because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity.

(4) A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the U.S. Attorney General for emergent reasons or for reasons deemed strictly in the public interest under parole status.

(5) A noncitizen that is lawfully present in the U.S. as result of the Attorney General's withholding deportation for threat of life or freedom.

(6) A noncitizen lawfully admitted for temporary or permanent residence under amnesty (Section 245A of the INA).

Noncitizen Student. Housing Assistance (including continued assistance, prorated assistance or temporary deferral of termination of assistance) is prohibited to all noncitizen students (including spouses or minor children) who have a residence in a foreign country that the person has no intention of abandoning; are a bona fide student qualified to pursue a full course of study; and are admitted to the U.S. temporarily and solely for purposes of pursuing such a course of study, particularly designated by such person and continually approved by the U. S. Attorney General.

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Notification from the Authority. Notification is defined as written correspondence dispatched through the U.S. mail system or a telephone notification that is documented by the Authority as to the name, date, and time the individual or family was contacted by telephone. The Authority is not responsible for an individual or families failure to pick up, receive, or respond to a mailed notification. The Authority is not responsible when a family or individual fails to maintain a correct address with the Authority or with the postal system.

Occupancy standards. Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions. See definition of "family unit size."

Other Person Under Tenant's Control. A person, although not staying as a guest (see definition of guest) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Owner. Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing. See the Annual Contributions Contract for the types of prohibited or conflict of interest owners. (2) The owner of federally assisted housing.

PHA. Public housing agency or authority. Also referred to as HA. A State, county, municipality or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). "PHA" and "HA" mean the same thing.

PHA jurisdiction. The area in which the PHA is not barred and is legally permitted to operate under State law.

Participant. A family that has been admitted to the PHA's certificate or voucher program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term). (2) For the Public Housing program: A family or individual that is assisted under the program.

Payment standard. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the PHA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

Person with Disability. 1. Means a person who:

- (i) Has a disability, as defined in 42 U.S.C. 423;
- (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - (A) Is expected to be of long-continued and indefinite duration;
 - (B) Substantially impedes his or her ability to live independently; and
 - (C) Is of such a nature that ability to live independently could be improved by more suitable housing conditions;or
- (iii) has developmental disability as defined in 42 U.S.C. 6001.

2. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

3. For purposes of qualifying for low income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and

4. Means "individual with handicaps", as defined in Section 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Permanent Replacement Housing. Housing that is decent, safe, and sanitary; that is adequate for the family size; and that the

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family is occupying pursuant to a lease or occupancy agreement. (This term is used in defining eligibility for involuntarily displaced persons who may have received shelter after being displaced and before receiving rental assistance).

Pre-adjustment Rent. Rent to an owner that does not include any previously approved special adjustments.

Premises. The building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Preponderance of Evidence. 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.

Previously Unemployed. Includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Probation: A period of leniency in lieu of termination extended to a tenant/participant after lease or HAP violations have occurred or the preponderance of evidence indicates that violations have occurred during which time the tenant/participant is put on notice that additional violations can bring about termination of assistance.

Processing Entity: the person or entity that that is responsible for making eligibility and related determinations and an income reexamination. (In the Section 8 and public housing programs, the "processing entity" is the "responsible entity.")

Proper Reporting Methods: Tenant/participant reporting in writing by signed documentation to the Housing Authority any change in income within ten days of the change (including but not limited to income that may be exempted or excluded from rent calculation) or any change in family composition within ten days of the actual change and by providing all requested or required documentation (birth certificates, social security numbers, mailing addresses etc.) or any other documentation needed by HA staff to accurately determine the proper amount of rent and subsidy.

Public Housing: Housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating assistance.

Rental Agreement: All agreements, written or oral, between the landlord and tenant (and valid rules and regulations adopted by the landlord pursuant to a written agreement relating to the use and occupancy of a dwelling unit and surrounding premises.

Tenant Advisory Board: Board of Public Housing tenants and Section 8 participants formed to assist the PHA in operational and policy changes.

Residency preference. A preference for admission of persons who reside in a specified geographic area.

Qualified Family. A family residing in public housing: (i) Whose annual income increases as a result of employment of a family member who was unemployed for once or more years previous to employment; (ii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or (iii) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded by TANF, as determined by the PHA in consultation with the local agencies administering TANF and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.

Qualified Individual with Handicap. (See 24 CFR Part 8.3). With respect to any non-employment program or activity which requires a person to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the

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program or activity that the Housing Authority can demonstrate would result in a fundamental alteration in its nature; or with respect to any other non-employment program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

Ranking preference. A preference used by the PHA to select among applicant families that qualify for a preference.

Reasonable Rent. A rent to owner that is not more than either:

- (1) Rent charged for comparable units in the private unassisted market; or
- (2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

Remaining Family Member. A member of a family listed on the lease who continues to live in an assisted unit after all other family members have left. Live-in-aid is specifically excluded from qualifying as a remaining member of the family unless their name has been included on the lease and any income included for rent calculation purposes. Any remaining family members that are minors must have an adult (over the age of 18 years) that qualifies under the selection criteria listed herein.

Rent. See Tenant Rent and Total Tenant Payment.

Rental certificate. Certificate.

Rental certificate program. Certificate program.

Rental voucher. Voucher.

Rental voucher program. Voucher program.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area.

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible Entity: (1) For the public housing program, the Section 8 tenant-based assistance program and the Section 8 project-based certificate or voucher programs and the Section 8 moderate rehabilitation program, responsible entity means the PHA administering the program under an ACC with HUD; (2) For all other Section 8 programs, responsible entity means the Section 8 project owner.

Service Requirement. Except for any family member who is an exempt individual, each adult tenant of public housing must: (1) Contribute 8 hours per month of community service (not including political activities); or (2) Participate in an economic self-sufficiency program for 8 hours per month; or (3) Perform 8 hours per month of combined activities as described in paragraphs (1) and (2) of this section.

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

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Specified Welfare Benefit Reduction. (1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. (2) "Specified welfare benefit reduction" does not include a reduction or

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termination of welfare benefits by the welfare agency: (i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare economic self-sufficiency or work activities requirements; or (iii) because a family member has not complied with other welfare agency requirements. (See Imputed welfare income and HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Spouse. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

Standard, permanent replacement housing. Decent, safe and sanitary housing, adequate for the family size, and housing that the family is occupying pursuant to a lease or occupancy agreement. Standard, permanent replacement housing does not include transient facilities (such as motels, hotels, or temporary shelters); or in cases of domestic violence, the housing unit in which the applicant, and the applicant's spouse or other member of the household who engages in such violence, live.

State Landlord and Tenant Act. Any state statute or local ordinance which imposes obligations on a landlord and tenant in connection with the occupancy of a dwelling unit and surrounding premises and which provides that violations of such obligations by the tenant constitute grounds for eviction.

SWICA. State Wage Income Collection Agency.

Tenant-based. Rental assistance that is not attached to the structure.

Tenant rent. The amount payable monthly by the family as rent to an unit owner (including a PHA). Where all utilities (except telephone) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the PHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the utility allowance. Total tenant payment does not include charges for excess utility consumption or other miscellaneous charges.

Total Tenant Payment. Total income-based tenant payment shall be **the highest** of the following, rounded to the nearest dollar:

- (1) Thirty percent (30%) of the monthly adjusted income;
- (2) Ten percent (10%) of monthly income;
- (3) Minimum rent as set by PHA from \$0 to \$50.00;
- (4) Ceiling rent as set by PHA for Public Housing;

OR

- (5) Flat rent as set by PHA for Public Housing.

Unit. Dwelling unit.

United States Housing Act of 1937. (1937 Housing Act). The basic law that authorizes the public and Indian housing programs, and the Section 8 programs. (42 U.S.C. 1437 et seq.).

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Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Tenant Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, under 24 CFR 5, of the monthly cost of a reasonable consumption of such utilities and other services (excluding any allowance for air-conditioning as required by HUD) for the unit by an energy-conservation household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. (This definition is not used in the Section 8 Voucher program, or for a public housing family that is paying a flat rent.)

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish very low-income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

Veteran. An honorably discharged veteran of the US military services (DD Form 214 as supporting documentation).

Violent Activity. Any behavior or activity exerted or displayed so as to cause damage, abuse, intimidation or injury; vehemence of feeling or expression or rough, aggressive action.

Violent activity or violent criminal activity. 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.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

Welfare assistance. (for purposes of the FSS program only) income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance **does not include:** (1) Nonrecurrent, short-term benefits that: (i) Are designed to deal with a specific crisis situation or episode of need; (ii) Are not intended to meet recurrent or ongoing needs; and (iii) Will not extend beyond four months. (2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training); (3) Supportive services such as child care and transportation provided to families who are employed; (4) Refundable earned income tax credits; (5) Contributions to, and distributions from, Individual Development Accounts under TANF; (6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; (7) Transportation benefits provided under a Job Access or Reverse Commute project to an individual who is not otherwise receiving assistance; (8) Amounts solely directed to meeting housing expenses; (9) Amounts for health care; (10) Food stamps and emergency rental and utilities assistance; and (11) SSI, SSDI, or Social Security.

Work Activities. See definition at section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

Working Family: Working, in this definition, will include head of household or spouse who is working a minimum of 15 hours per week at no less than minimum wage (or has the equivalent **earned** gross monthly income to the household) (i.e., Minimum wage x 15 x 52 = annual gross income divided by 12 = monthly gross income). Working preference benefit is also given to those unable to work due to age or disability, i.e., if the head or spouse or sole member is age 62 or older or is a person with disabilities. Working preference will not be given unless appropriate verification can be obtained.

* The term *handicapped* appears in a number of regulatory definitions that have not yet been updated to reflect current statutes.

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In this handbook, HUD replaced *handicapped* with the term *disabled, disability, or impairment* to reflect current statutes. The parenthetical reference to *handicapped* indicates that the term *handicapped* has been replaced with *disabled, disability, or impairment* in that definition.

Additional definitions may also be found in the Public Housing Occupancy Guidebook, HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, the Housing Choice Voucher Program Guidebook and the Code of Federal Regulations, Title 24: Housing and Urban Development.

Any time this policy differs from the *HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs* regarding administration of Eastside Homes, the *4350.3* shall take precedence over this administrative policy. The *4350.3* may also be used for clarification and reference purposes in addition to HUD's *Public Housing Occupancy Guidebook* in the administration of housing programs.

Housing Authority of the City of Rock Hill

Section 8 Administrative Plan

Approved by the Board of Commissioners
in a regular meeting held August 22, 2011

Comments may be directed in writing to:
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2011-2012 Section 8 Administrative Plan

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I. BACKGROUND AND ADMINISTRATION OF PROGRAMS

The Housing Authority of the City of Rock Hill was created to assist low-income families in obtaining decent, safe and sanitary housing at an affordable cost. Since that time the PHA has functioned continuously, managing Public Housing and Section 8 Programs.

The Section 8 program enables families to acquire modest, decent, safe, sanitary and affordable housing by utilizing existing units in the local rental market. Families are able to choose a unit (meeting the criteria outlined in this policy) suitable for their individual needs in the jurisdictional area of the Housing Authority.

The PHA will target at least 75% of admissions to families with incomes that do not exceed 30% of the PHA's area median income. The PHA may exercise its discretionary provisions of the regulations that permit fungibility between its Public Housing and Section 8 program in meeting the targeting goals.

The PHA administers the Housing Choice Voucher program and will not administer any other special housing types unless it is necessary to do so for reasonable accommodation for persons with disabilities. The PHA will permit families to rent or lease manufactured homes when the lot/space on which the manufactured home sits is a part of the rent or lease. The PHA will not provide assistance for only the rental or leasing of spaces for owners of manufacturer homes.

The Section 8 Programs (**including TBRA**) will be administered in accordance with this Policy, Federal Regulations, HUD Handbooks for the Section 8 program, and any pertinent state and local laws.

II. PLAN PURPOSE, USE, and GUIDANCE

The purpose of this policy is:

- To meet HUD requirements that Authorities have written local policies
- To provide guidance where necessary in the implementation of HUD and Authority regulations and requirements
- To provide for the implementation of local policies for the orderly and efficient operation of the programs
- To provide consistency in the application of regulations
- To provide reasonable information for program participants and applicants.

It is not the intent of this plan to replace and/or recite all Federal Regulations verbatim. Rather, the purpose is to summarize and support the regulations and program Handbooks. Federal regulations apply regardless of whether the regulations are addressed in this plan.

As federal rules change frequently and are issued throughout the year, and the leadtime to update this plan is generally at least three months, there will be numerous instances where these newer rules are not addressed in this plan. The new rules and policies will be implemented and adhered to and will be addressed in this plan at the next regular plan update.

The Executive Director is authorized to direct the implementation of any rules, regulations, or policies on an immediate basis when deemed necessary to implement a new federal or state requirement or to deal with any situation or circumstance not currently addressed in this plan.

The Executive Director is authorized to waive or override any non-Federal or non-State procedure or policy that is locally imposed in this policy when the Executive Director determines that it is in the best interests of the Authority based on extenuating circumstances.

EASTSIDE HOMES. This plan applies to Eastside Homes where applicable. The portions that apply to Eastside Homes only may be changed by following the regulations applicable to Eastside Home and the multi-family program. The public housing and Section 8 HCV provisions will not apply to Eastside unless so specified. The Public Housing and HCV posting requirements will not apply to Eastside Homes. The Executive Director may implement policies and procedures or waive local policies and procedures for Eastside Homes as deemed appropriate in accordance with the applicable multi-family regulations.

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The 4350.3 *Occupancy Requirements of Subsidized Multifamily Housing Programs* may also be used for clarification and reference purposes in addition to HUD's *Housing Choice Voucher Program Guidebook* in the administration of housing programs.

III. OUTREACH TO FAMILIES AND OWNERS

Special outreach efforts may be needed if the number of families on the waiting list is insufficient to maintain the leasing schedule or to attract groups that are not adequately represented in the assisted families such as the elderly or male heads of household.

The following may be used as deemed appropriate and necessary for outreach to families and/or owners of rental property:

- Announcements, news articles, paid advertisements that serve the PHA's jurisdictional area;
- Public Service announcements on local television and radio stations;
- Contact and coordination with local human service agencies that serve the PHA's jurisdictional area;
- Personal contact on one-to-one basis with local realtors, apartment managers, and other property owners;
- Special presentations, as necessary, developed for local churches or other civic organizations; and

Coordination with the City/County.

Property owners throughout the City of Rock Hill will be encouraged to participate in the Section 8 program. If areas with rental housing are significantly under represented, appropriate contact will be made with property owners with rental property to advise them of the Section 8 program and its benefits for landlords. Census data could be obtained from the Council of Governments by income and minority concentration to assist in identifying under represented areas with rental housing. Outreach efforts will be used to attempt to encourage broader participation rates in these areas.

The Authority reviews the distribution of vouchers by City of Rock Hill census tract each year to determine if vouchers are being used throughout the Authority's area of responsibility. The Authority also conducts, on an as needed basis, an outreach to rental property owners and managers to encourage current participants to make additional properties available to voucher holders and to encourage owners and managers who do not participate to make their properties available to voucher holders. The Authority will determine the extent of the outreach effort needed based on the city-wide distribution within the realistic constraints that very little rental property is available in some areas of the city. Outreach efforts may include mailings, distribution of literature on program benefits to property owners, personal contact with owners throughout the inspection and occupancy process as part of program administration.

IV. PRIVACY OF APPLICANT/PARTICIPANT INFORMATION

The following laws authorize the collection of family income and other necessary information to determine an applicant's eligibility, unit size, and income for purposes of calculating the family's rent: Quality Housing and Work Responsibility Act of 1998, U.S. Housing Act of 1937, Section 214 of the Housing and Community Development Act of 1980 (Alien Rule), Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. The Housing and Community Development Act of 1987 requires applicants and program participants to submit the social security numbers of all household members.

The PHA may conduct a computer match to verify the information provided. This information may be released to appropriate Federal, State, and local agencies, when relevant, and to civil, criminal or regulatory investigators and prosecutors. The information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. All requested information must be provided, including evidenced verification of all social security numbers for all family members. Failure to provide any requested information will result in a delay in processing and possible change of date on the wait list or rejection of an applicant's eligibility approval or denial of assistance of a program participant.

The Authority will not disclose information in the possession of the Authority on applicants or participants to parties or

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organizations not involved and authorized by regulation or law as part of the Authority's housing processes. Disclosure will not be made even if authorized and requested by the applicant or participant.

V. DEFINITIONS

Definitions are listed at the end of the document. Additional definitions may also be found in the *Public Housing Occupancy Guidebook, HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, the Housing Choice Voucher Program Guidebook and the Code of Federal Regulations, Title 24: Housing and Urban Development.*

VI. FAIR HOUSING AND EQUAL OPPORTUNITY HOUSING POLICY

A. Fair Housing

In accordance with the following regulations, the PHA will not on account of race, color, creed, sex, disability status, familial status, or national or ethnic origin deny to any family the opportunity to apply or receive housing assistance. Selections will be made in accordance with the applicable requirements included herein.

All eligible families, regardless of marital status, sexual orientation, or gender identity, have the opportunity to participate in HUD programs. The Authority is prohibited from inquiring about the sexual orientation or gender identity of an applicant for, or occupant of, HUD assisted housing. Information required by HUD for Authority records or for submission to HUD will be obtained as a condition of obtaining assistance.

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations 24 CFR Part 1 and Title VIII of the Civil Rights Act of 1968, as amended;
2. The Fair Housing Act (42 U.S.C. 3601-3619) and the implementing regulations at 24 CFR parts 100, 108, 109 and 110.
3. Executive Order 11063 on Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, 59 FR 2939 (1994) (implementing regulations at 24 CFR part 107).
4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR Part 8;
5. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR Part 146; and
6. Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213) to the extent applicable.

Selections will be made in accordance with the selection criteria consistent with HUD's affirmative fair housing objectives and are included herein.

The PHA will post on the applicant/resident information bulletin board the telephone number for the HUD Office of Fair Housing and Equal Opportunity (FHEO) toll-free hotline - (800-669-9777) or TDD/TTY NUMBER, 1-800-927-9275.

B. Equal Opportunity Housing Plan

In addition to the Fair Housing and Equal Opportunity Housing efforts specifically indicated throughout this policy the PHA will affirmatively further fair housing goals and comply with equal opportunity requirements by the following actions:

1. By adoption of this policy, compliance by the Housing Authority with all fair housing and equal opportunity regulations and requirements, is certified.

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2. Encouraging owners to make suitable units located outside areas of poverty or racial concentration available for leasing in the program to provide participants with the broadest geographical choice in selection.
3. Provide available information and assist any applicants and/or participants if they believe discrimination has occurred to include provision of a Housing Discrimination Complaint form (HUD-903).
4. Recruitment and equal opportunity employment practices will be utilized to attract and recruit qualified minority applicants for any vacancies.

C. Reasonable Accommodation

The PHA will include in its application and interview process procedures to ensure that applicants and/or participants are aware of their opportunity to request reasonable accommodations. Should any applicant or participant indicate the need for reasonable accommodations, the PHA will make available to them a Request for Reasonable Accommodation form. It is the policy of the PHA to make every effort possible to provide reasonable accommodations for persons with disabilities when such requests are reasonable, economically, financially and administratively feasible.

The HA will utilize reasonable accommodations practices for any applications received by disabled individuals especially those involving sight or hearing impaired applicants. Any and all decisions granting or denying requests for reasonable accommodations will be in writing. Requests for grievance hearings concerning issues or decisions regarding reasonable accommodations should be addressed in writing to the Executive Director within 10 days of the decision; the Executive Director will respond to the request for grievance hearing within 10 days.

The HA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person. Reasonable accommodations for applications or updates will be provided to disabled (mobility impaired or hearing impaired) applicants.

VII. APPLICATIONS, ELIGIBILITY, VERIFICATION REQUIREMENTS, AND WAITING LIST ADMINISTRATION

The primary method used by the Authority to contact public housing and Section 8 applicants and participants is the U.S. mail. The Authority will consider a mailed document as an official notification of any requirements contained in the mailing. The Authority will not normally contact participants by phone in order to obtain information, schedule appointments, or to notify program applicants or participants of program requirements. Documentation requirements dictate the need for paper copies for official contacts and to provide an audit/event trail.

Phone contacts may be used in cases of emergencies, for safety needs, or when an immediate contact is determined necessary by the Authority. Initial leasing appointments may be made by phone when and if the Authority determines it necessary. Phone contact may also be used when necessary for a reasonable accommodation for an elderly or disabled participant. Phone contact may also be used when determined necessary by the Authority due to a language barrier. Applicant and participant failures to respond to requests for information or for appointments will not constitute an emergency that would require phone contact.

A. Applications

Applications may be made in accordance with Authority procedures as announced and posted on dates and locations as announced and posted when the waiting list is open. The time of closing and/or opening of the waiting list will be announced by publication in a local newspaper. Exceptions and special accommodations will be made for elderly or disabled (mobility or hearing impaired) individuals who are unable to come to the office. Applications will not be mailed to potential applicants unless a reasonable accommodation is requested for those with a verifiable disability that would prevent an office visit.

Applicants must meet the minimum HUD dictated program eligibility requirements on the date the application is made. Applications from applicants not meeting HUD eligibility requirements will be shredded or returned to the applicant; the applicant will be informed that they were not eligible according to minimum HUD criteria (eg, age, income, etc.), and the

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applicant must reapply at a future date when minimum criteria are met. Failure to meet minimum regulatory requirements (age and income, etc.) is not subject to hearing or grievance procedures as regulatory eligibility requirements are not eligible for waiver.

The PHA will utilize reasonable accommodations practices for any applications received by persons with disabilities especially those involving sight or hearing impaired applicants. A Telecommunication Device for the Deaf (TDD: 803-324-2720) will be made available for hearing impaired applicants or the applicant may communicate with the Applications Coordinator by e-mail: applications@rhha.org.

When the Section 8 waiting list is open to applicants, pre-applications will be accepted from eligible qualified applicants who meet and prove the preference criteria in accordance with the terms set in the wait list opening announcement. Only original pre-application forms issued by the Housing Authority will be accepted; faxed copies are not allowed. All eligible applicant names will be placed on the pre-applications waiting list based on preference, date and time of application and called in to complete the formal application and verification process closer to the time when a voucher might be issued. At the time that the PHA is selecting applicants from the waiting list to issue vouchers, applications will be updated, information verified to determine continued eligibility, and selections made based on the selection criteria outlined later in this Plan. Only if allowed by HUD regulations, a non-refundable application fee, not to exceed \$20.00 per application, may be charged to all applicants prior to accepting an application for processing. The fee would allow the applicant to apply for any program with an open wait list at the time the application is taken. The application fee may be collected with the pre-application for the Section 8 Rental Assistance Program and with the formal application for the public housing program.

Applicants for the TBRA program will be selected from the Section 8 Wait List. Applicants for project-based vouchers designated for use only at the Courtyard at Highland Park will be taken on an as-needed basis from the property-based wait list maintained by the Housing Authority (based on relevant data supplied by the Courtyard at Highland Park) for eligible applicants age 62 and over.

B. Eligibility and Continued Eligibility Requirements

Applicants must meet all of HUD's eligibility requirements, to include but not being limited to the following:

(1) Applicants and all family members must be citizens or nationals of the U.S. or eligible, qualified non-citizens who have eligible immigration status (see Definitions, Section V of this plan) in accordance with HUD regulations. Submission of evidence of citizenship or eligible immigration status: (b) (1) For U. S. citizens or U. S. Nationals, the evidence consists of a signed declaration of U. S. citizenship or U. S. nationality. The responsible entity must obtain verification of the declaration by requiring presentation of a U. S. passport, U. S. birth certificate, Employment Authorization card, Temporary Resident card, or other appropriate documentation, as provided by section 214. (2) For noncitizens, adequate evidence consists of: (i) A signed declaration of eligible immigration status; and (ii) One of the Section 214 documents listed in §5.508(b)(1) and referred to in §5.510, or other documentation deemed acceptable by the PHA.

Social Security number verifications are mandatory for all program participants. Every applicant, tenant and program participant must submit the complete and accurate social security number for each and every member of the household. When an applicant/tenant/participant requests to add a new household member, the applicant/tenant/participant must submit the social security number at the time the request is made or at the time of processing the interim reexamination or recertification of family composition that includes the new member(s). A valid original (or duplicate issued by SSA) social security card from the Social Security Administration will be acceptable proof; a print out from Social Security Administration listing the pertinent information can be used until the actual social security card for the family member is received (not to exceed sixty days.)

Copies of birth certificates or other documentation as required by the PHA for all family members must be made available. Birth certificates must be provided for all members; birth certificates or appropriate legal documentation listing parent's names may be required to prove dependency. A picture ID is required for all persons ages 18 and over. The PHA may, at its discretion accept valid evidence of an attempt to obtain a birth certificate from the appropriate vital statistics bureau along with other documentation that could logically be used to determine the place of birth of the applicant/tenant/participant.

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- (2) Head-of-household applicants must be 18 years of age or older to be eligible for assistance.
- (3) Program participants must be income eligible based on gross income (see Federally published income limits and also Attachment 1 for income inclusions and exclusions) that is below HUD's published very-low income limits for the PHA's jurisdictional area. The only exceptions to the very low income limits are the following categories considered by HUD as "Special Admissions" and are not subject to being placed on the PHA's waiting list and/or waiting list requirements as set forth herein:
- (a) A low-income family that is "continuously assisted" under the 1937 Housing Act and defined as follows: any family that is already receiving assistance (no interruption in assistance) under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.
- (b) A low-income family physically displaced by rental rehabilitation activity under 24 CFR 511.
- (c) A low-income non-purchasing family residing in a Hope 1 (HOPE for Public and Indian Housing Ownership) or HOPE 2 (HOPE for Homeownership of Multifamily Units) project.
- (d) A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.
- (e) A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.
- (f) A low-income family residing in a HUD-owned multifamily rental housing project when HUD sells, forecloses or demolishes the project.
- (g) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- (4) The PHA will determine the income eligibility by comparing the family's annual gross income to the HUD-established extremely-low, very-low or low-income limit for the area. The applicable income limit for selection purposes is the highest income limit for the family unit size for the areas in the housing authority's jurisdiction. The applicable income limit for admission is the income limit for the area where the family is initially assisted. The family, including a portable family, who is not a current program participant, must be income eligible in the area where they are first assisted.

C. Definition of a Family

- (1) A family is defined as a single person or a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly, near-elderly, or disabled persons living with one or more live-in-aides. The PHA includes in its definition of a family: one or more persons related by blood, marriage or operation of the law, one of whom will be an adult (age 18 or older) who will live regularly together in the unit (including foster children), or persons who can verify a stable relationship, e.g., common law marriages as recognized by the State of South Carolina, or a relationship that has existed for a reasonable period of time (one year or more.) The burden of proof to establish the length of the relationship rests with the applicant. The Authority will allow unmarried couples and same sex couples to apply if the applicants can prove the relationship has been continuous for in excess of one year. Couples with children, natural or by adoption, with documented relationships in excess of one year may be eligible for assistance. Any other relationship or duration of relationship would need to be approved by the Executive Director.
- (2) A family includes a family with a child or children.
- (3) A single person may be:
- a. An elderly person.
 - b. A near-elderly person.
 - c. A displaced person.
 - d. A disabled person.
 - e. A single, pregnant female (physician certification may be required).

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f. Any other single person.

(4) Dependents must meet the HUD definition of dependent, have evidence of the family's residence as their legal residence, and/or in cases where the head-of-household is in the process of obtaining custody or adopting an individual under the age of 18, guardianship documentation or evidence of reasonable likelihood of success must be provided. Copies of tax returns that indicate the "claiming" of a dependent may be required. A child who is temporarily (less than ninety (90) days) away from the home because of placement in foster care is considered a member of the family. In cases of joint custody arrangements, the child/children can be considered a member of the family if the applicant or family has continuous custody for more than six (6) months of the year; in cases where both parents claim a dependent child, the annual deduction will be given to the parent who has the child during the normal school term or for children too young to be enrolled in school, to the parent who claims the child on tax returns.

(5) Remaining family members (provided that the person(s) are not minors, that the children have not been removed from the home because of abuse or neglect, that the resuming Head of Household was not the perpetrator of spousal abuse, and that the resuming Head of Household meets the PHA selection criteria and would be a responsible participant of the program). Any remaining family members that are minors must have an adult (over the age of 18 years) that qualifies under the selection criteria listed herein and the adult must provide legal guardianship documentation in order to be designated as a head-of-household. This determination will be made at the discretion of management and will be made based on the history of responsible participation in the program. A temporary head-of-household designation can in no way be construed as a permanent head-of-household.

D. Denial or Termination of Assistance

The application will be reviewed and any ineligible applicants will be promptly notified (within ten days from the date of verification of accurate information) in writing and provided with the reason for the denial and an opportunity to request an informal review of the decision as specified in this plan.

The informal review process will include a prompt written notice of the determination to include the reason for the decision, the applicant's right and how to request an informal review (must be received within ten (10) days from the date of the notice to the applicant), and an explanation of the informal review process.

Applicants will be notified should the application be found to be ineligible for assistance, variance in the determination of bedroom size as indicated on the original application, or misrepresentation on the application. Applicants will be notified in writing of such determinations and given the opportunity to request an informal review.

As a part of the applications process, a "former tenant search" will be performed utilizing HUD's EIV system; any adverse action found can prevent the application from being approved unless documentation is received from the reporting housing authority/HUD agency verifying that the matter has been satisfactorily resolved.

An "Existing Tenant Search" will also be checked through HUD's EIV system to verify that an applicant is not currently receiving assistance with another HUD-assisted agency. HUD regulations state that "at no time may a family receive duplicate assistance"; the family would need to surrender housing assistance with the other HUD-assisted entity or provide a "notice to vacate" to the other HUD-assisted entity and provide a copy to Rock Hill Housing Authority so that the agencies may coordinate efforts to ensure that duplicate assistance does not occur.

In accordance with EIV guidelines, the EIV system will be accessed for a tenant 90 to 120 days after move-in to verify that reported income agrees with EIV reported sources; discrepancies will be addressed in accordance with EIV guidelines provided for such purposes. In addition, routine monthly and quarterly reports will be viewed to verify that discrepancies concerning income, multiple subsidy and deceased tenants are reviewed/resolved in accordance with provided regulations. Housing Assistance Payments will not be sent to the landlord after the month a tenant died.

Denials of eligibility, screening or program participation may include but are not limited to criteria that are directly related to an applicant's ability to fulfill the obligations of an assisted lease and favorably represent the Section 8 program and may include

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but are not limited to the following:

1. Persons who do not meet HUD's eligibility criteria, including the eligibility criteria for students.

2. Past participants in the Section 8 programs and former Public Housing residents of any PHA who failed to satisfy any liability to a PHA for unpaid rent or other amounts due under the lease will be denied housing assistance unless the liability is paid in full. Applicants owing an amount of \$2,000.00 or greater to any landlord or who owe a balance to two or more landlords will be denied housing assistance unless documentation is received within the allowed time that the debt is satisfactorily resolved. The PHA will notify the applicant of ineligibility and the name will be dropped from the waiting list. If the liability is paid in full, re-application for housing may be allowed provided the program is open for applications. Any applicant that has committed fraud, bribery or any other corruption in connection with any federal or state assistance program will be determined ineligible. Debts owed to public housing agencies and terminations will be reported to HUD through electronic reporting (Earned Income Verification System) in accordance related guidelines and the Code of Federal Regulations.

3. Past participants in the Section 8 programs and/or current or former Public Housing residents of any Housing Authority who have been evicted from assisted housing or are currently under eviction or on probation for poor housekeeping practices, disputes with other residents, criminal domestic violence incidents, allowing unauthorized individuals to occupy the residence, failure to pay rent or other amounts due under the lease on time, allowing utility services to be disconnected or who has otherwise demonstrated behavior that may preclude abiding by family obligations of the program will be denied.

4. The PHA will enforce HUD's "**One Strike, You're Out**" procedures. Annual approval of this policy constitutes the Authority's commitment to adhering to and enforcing HUD's One Strike Policy. As part of determining eligibility and/or continued assistance determinations, the PHA may conduct criminal background checks (to include all adult family members) either by obtaining copies of records or require applicant/participant to furnish such copies of criminal records. At any time, the PHA may deny assistance to an applicant, or terminate assistance to a participant family, if any member of the family has committed or commits any drug-related criminal activity or violent activity or violent criminal activity (to include those charged or convicted of illegal manufacturing or producing of methamphetamine (speed) or sex offense activity or arson.

If the PHA seeks to deny or terminate assistance because of illegal use, or possession for personal use, of a controlled substance, consideration will be given by the PHA in determining denials or terminations of assistance for such use or possession by a family member, if the family member can demonstrate that he or she: (1) has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such impairment; and (2) is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit, and may require supporting evidence that the individual has remained drug-free for at least three (3) years. The PHA reserves the right to deny eligibility if there is reasonable doubt of the rehabilitation in order to protect the health, safety and/or right to peaceful enjoyment of premises by others and to protect program integrity.

The PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in drug-related criminal activity or violent activity or violent criminal activity, regardless of whether the family member has been arrested or convicted. Police records, destruction of property, drug-related/substance use or abuse, possession or distribution, alcohol use or abuse, or any type sexual misconduct or any applicant who has been charged with any Level 1 or Level 2 crimes (felonies, misdemeanors, etc.) may be denied the privilege of applying for housing for five years from the date of arrest, conviction or release from a correctional institution (prison) and may be denied eligibility for life depending on the circumstances and seriousness of the crime.

5. The PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in or threatened abusive or violent behavior toward any PHA staff, property managers (or their agents and representatives) other residents or visitors to a property. Harassment of PHA staff, officials, tenants or visitors will not be tolerated and may result in termination of assistance. Termination may be initiated for a single instance of harassment of a serious level or for less severe forms that continue after a warning to discontinue the behavior has been given.

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6. Have a family member who is a lifetime registrant as a sex offender.

7. The PHA reserves the right to deny assistance based on any activity that could adversely affect the health, safety, and right to peaceful enjoyment of assisted premises or any other activity or behavior that may compromise program integrity or that could lead to landlord's reluctance to place properties under the Section 8 program. The PHA may deny assistance to any applicant who has previously been terminated for lease/contract violations or violations of family obligations during a previous period of assistance with a PHA, other HUD-assisted agency, or any other landlord.

8. Any misrepresentation of applicant's information or refusal by applicant to provide information (such as failure to provide absent parent verification, failure to disclose former residences and landlords, required mailing addresses, etc.) will be considered grounds for denial of program participation or termination of assistance. Any applicant providing false, incomplete or inaccurate information at the time of application will immediately be determined ineligible for assistance; fraud or misrepresentation of information is grounds for denial or termination of housing assistance at any time the misrepresentation is discovered.

9. The PHA must receive income information verifying that an applicant is eligible within a period not greater than sixty (60) days before issuance of a Housing Choice Voucher and 120 days for a TBRA voucher.

E. Multiple Leases/Residences

An applicant or resident may not be a leaseholder on another unit at the time of lease up for an assisted unit nor may a resident be the leaseholder of another unit while receiving subsidized assistance. Applicants may provide a copy of a notice to the current landlord of intent to vacate; current participants may be terminated for entering into a lease with another landlord without proper notification to all parties. This applies for all units, assisted or non-assisted. Family obligations requires that the assisted unit to be the tenant's principal place of residence. [If a tenant is the leaseholder on another unit] the tenant is not eligible to receive government subsidy for one unit while being legally responsible for another unit.

F. Live In Aides

Live In Aide: A live in aide is a person who resides with one or more elderly or disabled persons who is essential to the care and well being of those persons, is not obligated for the support of those persons, and who would not be living in the unit except to provide the necessary supportive services. Written certification from a physician is required to support that the live in aide is essential to provide the needed supportive services.

The applicant or assisted family must provide a certification that the individual selected as the live in aide is qualified to provide the needed care, was not a member of the household during the previous 12 month period, and that the family and aide will maintain separate finances.

A live in aide is not considered as a member of the family. A live in aide is not eligible to receive continued assistance in the event that the individuals requiring the services are no longer in the unit or the individuals no longer require the services of an aide. A live in aide must be "an arm's length" transaction; therefore, a household member immediately prior to applying for assistance is not eligible to be considered as a live in aide. A relative may serve as a live in aide if the relative was not a prior member of the household.

A live in aide's income does not count in determining the household's income. A live in aide is allowed a separate bedroom.

Live in aides will be subject to full criminal background/sex offender and prior assistance screening. A criminal history, drug activity, or record of criminal violence will cause a denial as a live in aide. A person who owes amounts to a PHA or to a landlord involved in subsidized rental assistance will not be allowed as a live in aide.

Approval of a live in aide is solely at the discretion of the housing authority.

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E. Verification Requirements

Applicants and participants must sign consent and release of information forms as required by the PHA and HUD so that the PHA can obtain verification of income and eligibility status (see also VII. APPLICATIONS, ELIGIBILITY, VERIFICATION REQUIREMENTS, AND WAITING LIST ADMINISTRATION, B. Eligibility and Continued Eligibility Requirements.) Failure to sign consent and release forms will result in ineligibility and/or termination of assistance.

HUD Regulation 24CFR 5.233 effective 01/31/2010 requires PHAs to use all features of the EIV system to reduce administrative and subsidy payment errors in accordance with HUD administrative guidance. PHAs are also required to immediately implement all new and modified regulatory requirements of the Refinement of Income and Rent Determination Requirements. Such regulations are law and will not require immediate changes to any posted plans. Verification requirements include, but are not limited to the following:

(1) Income and deductions must be verified by third-party verification, using the "Verification Hierarchy" as detailed in PIH Notice 2010-19.

(2) Income verifications cannot be greater than sixty (60) days before the issuance of a voucher and all other verifications may not be greater than 120 days.

(3) Verifications will be updated periodically when the potential to offer housing assistance is likely. If the probability of an offer of assistance is low, verifications updates will be postponed until the applicant rises to the top of the wait list in order to have the most current data possible. Applicant updates will not be performed when the potential for an offer is not likely to lessen the burden on employers and other third party sources. Overburdened employers are less likely to respond in a timely manner if constantly asked for repeat data.

(4) Social Security number verifications are mandatory for all program participants.

(5) Copies of birth certificates or other documentation as designated by the PHA for all family members must be made available. Birth certificates or appropriate legal documents listing parents names may be required to prove dependency. Certification of citizenship forms must be executed by participants of the program.

(6) Child care deductions will only be given for reasonable rates (based on customary and prevailing rates at local childcare centers) that are evidenced by receipts or third-party verification.

(7) Verifications must be obtainable for all other allowable deductions from income.

(8) Any other verifications that will indicate suitability for tenancy such as criminal background determinations, sex offender records, etc. Criminal background check documents will be not be maintained in the tenant files. In accordance with the 24 CFR 5.903g, criminal background documentation will be destroyed after the intended purpose (determining eligibility for assistance) is accomplished. When removing criminal background check documents from files, the verification process sheet will be annotated to indicate the status found during the background check, such as "no record found"; "no disqualifying record found"; "disqualified---drugs"; disqualified---violence"; disqualified---pattern of behavior"; and "name not on S/O (sex offender) registry";

For Eastside Homes only, background check documents will be retained in a separate file at the direction of the Contract Administrator for verification purposes during MOR compliance reviews.

(9) Credit reports will be run on applicants. Data from the credit reports are used to determine previous addresses and to show debts to previous landlords. Credit scores are not used in the eligibility process.

F. Verification Standards And Procedures

Income verification plays an intricate role in determining family eligibility and the amount of rental subsidy received by the family. All information in the tenant family's file must be verified and properly documented. The family must provide required information, documentation and sign required release forms. All adult family members age 18 and over (or his/her legal

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representative) must sign the required forms which may be used between regular reexaminations to verify unreported income. Release forms will be valid 15 months from the date of signature. Applicants, residents and participants must certify that all income and other information is accurate and complete. The PHA will conduct a thorough interview for the purpose of obtaining complete and accurate household income information to properly determine the family's correct amount of subsidy and rent. A family budget or statement of financial responsibility may be required of families reporting zero or extremely low income; PHA will attempt to determine the source of income when the family's regular expenditures conflict with their claim of zero income, utilizing all means available, including running credit reports, using EIV/TASS, SWICA's, The Work Number, performing home visits and proper interviewing techniques to disclose any unreported source of income.

The PHA will document all sources of income to the household as well as any deductions claimed by the family. PHAs should begin with the highest level of income verification techniques as outlined in PIH 2010-19 as well as any subsequent regulations mandated by HUD.

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The verification hierarchy is:

LEVEL	VERIFICATION TECHNIQUE	RANKING
6	Upfront Income Verification (UIV) Using HUD's Enterprise Income Verification (EIV) system (not available for applicants)	Highest (print out from EIV system)
5	Upfront Income Verification (UIV) (The Work Number or other state government data bases or other automated verification systems)	Highest (optional, if Level 6 is used and not disputed)
4	Written Third Party Verification (original or authentic document generated by a third party source dated within the 60-day period preceding the reexamination or PHA request date, such as: pay stubs (minimum of two), payroll summary report, employer letter, SSA benefit letter, bank statements, child support payment stubs, welfare benefits letter or printout.	High (Mandatory to supplement EIV reported income sources and when EIV has no data; mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute).
3	Written Third Party Verification Form (PHA sends/receives form directly by mail, fax or e-mail.)	Medium-Low. (Mandatory if written third party documents (see above) are not available or are rejected by the PHA or when the applicant or tenant is unable to provide acceptable or authentic documentation)
2	Oral Third Party Verification Direct contact by PHA with third-party source via telephone or in-person visit, documenting date, time of call/visit, listing name of person contacted and telephone number along with confirmed information.	Low. Mandatory if UIV or written third party verification is not available.
1	Tenant Declaration Tenant submits an affidavit or notarized statement of reported income or expenses; PHA must document why third party verification is not available.	Low. Use as a last resort when unable to obtain any type of third party verification.

The verification hierarchy applies to income determinations for applicants and participants; however, EIV is not available for verifying income of applicants. Exceptions to third party verification requirements can be found at 24 CFR §960.259 (c)(1) and §982.516(a)(2) which states, "the PHA must obtain and document in the family file third party verification on the following factors, or must document in the file why third party verification was not available."

When third party written verification forms have been requested and not received within a reasonable period of time, PHA staff will send a "second request". When third party written verification forms are not possible to obtain or not timely, third-party oral verification may be used as an alternative. A telephone interview by the PHA staff should include date and time of contact, name and source of information, PHA staff name and signature, summary of information and rationale for using oral verification. The family may be requested to provide documentation such as pay stubs (preferably consecutively for six weeks) bank statements for all family members (preferably for six months), award letters or benefit checks, child support payment cancelled checks and/or award letters, IRS tax forms (including Form 1099, Form 1040, Form 4506 and Form 8821) or W-2 forms. When a discrepancy exists between what has been reported and the verification, the PHA should contact the source of the third-party verification to resolve the issue.

Family certification or declaration may be used only when other methods are impossible. The RHHA may use notarized statements or signed affidavit from the family attesting to the information; the RHHA will clearly document why other verification methods were not used.

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Zero income families may be contacted on a quarterly basis concerning the status of their household income. Families that have no source of income for a 30-day period will be advised to seek assistance from supportive agencies (DSS, Job Service, etc.). Families that have no source of income for a 30-day period will be required to submit statements of survival until employment or other means of financial support is obtained. The PHA may require specific documentation that would indicate that the family is unable to obtain TANF or income assistance from other programs, unable to work, or unable to participate in local job training services. RHHA may request a credit report on these families for rent determination purposes to see if there are any amounts paid to the household on a regular basis.

G. Self-Employed Applicants/Tenants/Participants

Self-employed individuals present an unusual set of circumstances; third-party verification is often difficult to obtain and even basic income information is sometimes lacking. These are basic requirements relative to self-employed applicants, tenants and participants.

Self-Employed Income: For household members with self-owned businesses, the following must be included as income:

Salaries paid to adult household members. Note that this may show up on a business tax as "wages/salaries." Cash or assets withdrawn by any household members. (Do not count amounts withdrawn as reimbursement for cash or assets previously invested in the business.)

Net income from the business. This is gross income minus business expenses (e.g., rent, salaries paid to non-household members, cost of materials or supplies, utilities, insurance, taxes, and depreciation computed on a straight line basis.) Do not deduct expenses for business expansion or capital improvements. The principal payments on loans for these purposes also may not be deducted. Interest payments on loans for expansion or capital improvements may be deducted, but interest payments on other business loans may not be deducted.

VERIFICATION OF SELF-EMPLOYMENT INCOME:

Existing Tenants: For tenants who are recertifying and who started their business after initial occupancy, follow the HUD requirements for verifying self-employment income:

Obtain a Self-Employment Affidavit from the tenant stating what they anticipate their self-employment income will be for the 12 months following certification. The statement should be backed up with one of the following, listed in order of preference:

- Federal or state tax return, including supporting schedules (Schedule C for most businesses; Schedule E for rental property, partnerships and S Corporations; Schedule F for Farm Properties). Note: be sure the tax return is legitimate. Rather than accepting a self-prepared tax return, have the tenant obtain a copy of the IRS transcript of the return. They may call 1-800-829-1040 and a free transcript will be mailed to them within 10 days.)
- A copy of the businesses audited or unaudited financial statement.
- Copy of bank loan application that lists income from the business during the past 12 months.
- Notarized letters from clients stating how much is paid to the tenant/participant/applicant or third-party verification from the source(s) of income. The financial statements must include detailed revenues, expenses, and profit from the business activity for a period of at least three months. The statements should be sufficiently detailed to show the source of the revenues and where and how much the expenses were for the period.

New Applicants who are Self-Employed: In working with self-employed applicants, there is no reduction in management's responsibility to document income eligibility. If adequate documentation cannot be obtained, the application for occupancy should be denied. Any applicant who is self-employed should be able to provide at least two business tax returns from the same business so that management will have a reasonable basis for an income projection, or at a minimum, one Federal Tax Return with supporting schedules. The Executive Director or designee must approve any special circumstances.

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VIII. WAITING LIST ADMINISTRATION

If the number of applicants on the waiting list is such that there is no reasonable prospect that applicants could be issued a voucher within one year from the date of application, the PHA may suspend taking applications (close the waiting list).

Except for special admissions (see Definitions, Section V) such as persons received by the PHA under portability or project-based vouchers designated for use at the Courtyard at Highland Park and any program interchanges, selections must be made from the PHA Section 8 waiting list. The PHA will utilize the Selection Section of this Plan to select participants and will adhere to the requirements in the EOHP requirements contained herein (See Equal Opportunity Housing section).

The waiting list must contain the following for each applicant: Applicant name; date and time of application; preference (if any); and racial or ethnic designation of the head of household.

The PHA will update and purge the waiting list on an as-needed basis. Applicants will be sent update requests to ensure continued interest. Names will be removed from the waiting list for failure to respond to requests for information, missed appointments, application updates (failure to notify the PHA of a change of address), or if correspondence is returned from the Post Office. If the applicant did not notify the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the update request. If the letter is returned by the Post Office with a forwarding address noted, the PHA would resend the letter. Applicants will be given ten (10) working days to return the notice of continued interest; applicants failing to return the update within the allowed timeframe will be removed from the wait list.

The PHA will utilize reasonable accommodations practices for any applications received from disabled individuals especially those involving sight or hearing impaired applicants.

Applicants may be removed from the waiting list if current information is received from a landlord that indicates that the applicant is failing to abide by the terms and conditions of the applicant's lease, is under eviction procedures, owes an outstanding balance to the landlord, has utility services disconnected, has been allowing unauthorized persons to occupy the unit, has engaged in violent criminal or drug-related criminal activity, or has participated in disputes with other residents and caused unrest and disharmony.

If the applicant did not notify the PHA of a move as required, the PHA will not be responsible for the applicant's failure to receive the update request for information letter. If the letter is returned by the Post Office with a forwarding address noted, the PHA would resend the letter. Applicants will be given ten (10) working days to return the notice of continued interest. The application will be placed inactive if the applicant does not respond to contact letters or letters scheduling appointments.

After an applicant has been offered assistance and refused an offer of assistance, the applicant's name will be removed from the waiting list. The PHA will not remove names from the waiting list that would violate the rights of a disabled, mobility impaired, or hearing impaired person. Reasonable accommodations for application or updates will be provided to disabled applicants upon request, when feasible.

Applicants who accept TBRA vouchers (which are for short term rental assistance not to exceed two years with a maximum funding of \$7,500.00 per 12-month period) will remain fully eligible for a HCV (even though his/her name will be removed from the wait list for more efficient wait list management.) TBRA is intended to provide temporary assistance to families who are waiting for regular Housing Choice Vouchers. Additionally, as TBRA assistance is limited to \$7,500 on an annual basis, TBRA vouchers will only be issued to families with a steady and consistent source of income to more reasonably ensure that the assistance lasts for the full 12 months each year. TBRA recipients who lose income due to job losses may be transitioned early to the HCV program if an HCV voucher is available. Upon availability of a Housing Choice Voucher, the applicant file will be updated. The Authority will generally issue an HCV to TBRA recipients at the time of the TBRA recipient's annual review if an HCV voucher is available. If the applicant declines the HCV whenever offered, the applicant will be treated as if they declined assistance and the applicant will not be considered for future HCV assistance. When the TBRA voucher is terminated, the applicant must reapply for HCV assistance if the HCV wait list is open and the applicant desires assistance.

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Project Based Vouchers

HUD approved the PHA to designate 84 vouchers for use only at the Courtyard at Highland Park, an elderly complex. The Courtyard at Highland Park provides information to update the wait list (which is separate from the regular Section 8 HCV Wait List) for these project-based vouchers and only those age 62 and older are eligible. As project-based vouchers become available, applicants are selected from the project-based wait list by move-in date and time. Project-based voucher applications will be taken by Housing Authority staff on an as-needed basis and processed in a timely manner for effective voucher utilization.

If a family on the wait list for one of the 84 project based vouchers fails to respond to two scheduled appointments for formal application processing or fails to attend two scheduled briefing appointments (without valid cause from a medical issue), the wait list preference (move-in or date of birth) date will be changed on the project-based voucher wait list and the family will not be eligible to be considered for a voucher for six months from the notification date of removal from the wait list.

Failure to appear at a scheduled appointment by either the family or the PHA is a waiver of the right to a further appointment. Any appointment not kept or not rescheduled prior to the time of the arranged appointment waives the right to a rescheduled appointment, unless it is proven that a verifiable emergency existed at the time of the missed appointment. Disabled persons may request reasonable accommodations to participate in the informal hearing process; please provide advance notice.

The order of admission from the Section 8 HCV wait list will not be based on family size or the unit size for which the family qualified under the PHA occupancy policy. The PHA will not skip the family with the oldest date and time of application and selections will be made in accordance with the selection preferences outlined in this Plan. Should the PHA receive funding for a specified category of families, the PHA must select applicant families in the specified category.

The PHA will maintain a separate waiting list for the Section 8 program and its Public Housing program. If the waiting list for the Section 8 or Public Housing program is open, applicants must be offered the opportunity to have their name placed on either list. The PHA will not deny any admission preference, remove the applicants' name from other waiting lists (unless requested by the applicant in writing or in accordance with failure to respond as indicated above), or refuse to list an applicant on any other waiting list. Public Housing residents who receive HCVs must agree to execute a thirty-day notice to vacate the public housing unit prior to execution of a lease for an HCV assisted unit.

The PHA will give public notice that it will open the waiting list and/or that families may apply for housing assistance, by publication in a local newspaper of general circulation and also by minority media. The notice will comply with the HUD-approved Equal Opportunity plan and with HUD Fair Housing requirements. The notice will state any limitations on who may apply for available slots in the program. The PHA may advertise for specific types of applicants such as those qualifying for local preferences, and may include in the advertisement that applications from others (not in these categories) will not be accepted.

At the end of the Authority's fiscal year (December 31st or as soon as practical based on year-end processing) names of inactive families will be removed from the wait list and approved applicants will be brought forward in the same order to begin the new year's wait list. For more efficient wait list management, applicants who were placed inactive will not be carried forward to the new year's active wait list.

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IX. SELECTIONS, EXCEPTIONS, BRIEFINGS, AND OCCUPANCY SIZE DETERMINATIONS

A. Selections

The PHA will target at least 75% of admissions to families with incomes that do not exceed 30% of the PHA's area median income. The PHA may exercise its discretionary provisions of the regulations that permit fungibility between its Public Housing and Section 8 program in the targeting goals. The PHA may adopt and use a local preference based on income ranges in order to comply with required new admissions income targeting requirements. The Executive Director may, when necessary, direct that all applicants selected be at or below the 30% of median income target level when required to meet HUD's regulatory requirement. This requirement may be imposed for whatever period of time is needed to meet the targeting requirement.

Offers of a voucher will be based upon funding availability. No preference will be given to any specific form of disability.

Offers for housing assistance will be taken from the waiting list as follows based on the priority order and having the oldest date and time of application:

- (1) Applicants that have a local preference as designated by the PHA in either of the following categories:

Preference	Description of Section 8 Preferences	Score
1	Voucher holders whose assistance was terminated due to insufficient funding from HUD in order of termination with the first terminated family having the highest spot on the wait list (automatic reinstatement on the wait list regardless of whether the wait list is open or closed)*	9
2	Non-Assisted Rock Hill elderly, near-elderly, disabled, and veterans with working income (includes SS, SSI, Disability Income)	8
3	Non-Assisted Out of Town elderly, near-elderly, disabled, and veterans with income (includes SS, SSI, Disability Income)	7
4	Non-Assisted Rock Hill Working families (includes families who work in Rock Hill but reside outside Rock Hill)	6
5	Non-Assisted Out of town Working families	5
6	Assisted Rock Hill Working families (includes families who work in Rock Hill but reside outside Rock Hill)	4
7	Assisted Out of town Working families	3
8	Rock Hill all others	2
9	Non-Rock Hill all others	1

* Clients whose assistance was terminated due to lack of funding will be placed at the top of the wait list, in order of termination, ahead of all others. These families will be placed on the wait list even if the wait list is closed to all others.

- (2) All others by the oldest date and time of application.

Applicants who own a habitable dwelling within 30 miles of the City of Rock Hill, South Carolina (or the Town of Great Falls, South Carolina for Great Falls applicants) and the dwelling is not up for sale and there are no extenuating circumstances that prevent the applicant from living in the home (victims of domestic violence, disputes over ownership) may not be approved for assistance or if approved, may be classified the same as an assisted applicant. Also see Attachment I: Asset Limit and Residency Ownership Prohibition.

(3) Offers to utilize TBRA vouchers will be made to applicants on the Section 8 Waiting List to applicants with regular and steady income, due to the 12-month maximum housing assistance payment of \$7,500.00. The PHA will attempt to issue a regular Housing Choice Voucher when TBRA participants come up for annual recertification provided that housing choice

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vouchers are available to issue at that time.

Up to the top ten (10) applicants on the waiting list who have been invited to complete a formal application process may be considered frozen in the top 10 for up to 90 days or until such time as they are offered a voucher, removed from the wait list, placed into inactive status, or other changes in qualifications. A change in preference by another applicant will not remove the approved applicant from the top 10. The applicant may be removed from the top 10 if the applicant failed to report information that would cause a change in preference (applicant may not remain frozen if applicant failed to properly report.)

Applicants who have a status change that occurs after the formal application invitation date will not be included in that formal application session. Rather, they will be included in the following application session or according to the repositioned preference/date/time.

Selection among applicants with the same priority will be according to the oldest date and time of application. Waiting list classifications must be based on a verification and documentation. If it is determined that an applicant indicated a selection priority but does not have a verified or documented selection priority, the PHA will notify the applicant in writing providing the reasons for the decision and the opportunity for an informal review of the determination.

Any unreported change (discovered during a verification update or at time of an offer/briefing) where an applicant failed to provide the required update, that causes a change in position on any waiting list, will be made effective upon discovery or receipt of verification; Housing Authority staff will advise the applicant if the unreported information has changed his/her position on the waiting list and the offer of assistance will go to the next applicant on the list whose information is current, provided that the applicant's name is not removed from the wait list for failure to keep reported information updated.

B. Exceptions to the Order of Selection:

(1) Participants in any "special" (non-waiting list) assistance targeted by HUD for families living in specified units. See also Section VII. B. a-g.

(2) Participants displaced because of demolition or disposition of a public or Indian housing project.

(3) Participants received from another PHA under the Statutory or Regulatory Portability requirements. (Does not apply to TBRA program.)

(4) If applicable, applicants willing to participate in the Family Self-Sufficiency program when it has been determined that there are no current program participants willing to enroll in the FSS program. The PHA may give a selection preference for up to 50% of its FSS slots to eligible families who have one or more family members currently enrolled in an FSS related service program (such as programs through DSS or any other local self-sufficiency program). The method of outreach will be by direct contact with such agencies or organizations. The PHA's selection for participants in the FSS program will be selected without regard to race, color, creed, religion, sex, disability, familial status or national origin.

C. Briefings:

Up to the top ten (10) qualified applicants on the waiting list who have been approved for assistance may be considered frozen in the top 10 for up to 90 calendar days. During this 90 day period, they will maintain their spot in the top ten until such time as they are offered a voucher, removed from the wait list, placed into inactive status or exceed the 90 days allowed for the freeze. A change in preference by another applicant will not remove the frozen applicant from the top 10. The applicant may be removed from the top 10 if the applicant failed to report information that would cause a change in preference. After the 90 day period, a frozen applicant will revert to a regular status on the wait list and may be moved in position due to a change in their status or a change in another applicants status.

Applicants will be notified as his/her name nears the top of the waiting list for appointment times for an update of the application and verification process. Applications will be placed inactive for applicants who do not respond to the notification. All information including income, income from assets, eligible deductions, family composition, preference status (if applicable) will be verified and reviewed prior to enrollment.

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Applicants who do not bring all required documents and adult family members as required by the appointment notification letters will not be accepted at that session. These applicants will be allowed one rescheduled appointment when all requirements must be met or the applicant will be removed from the wait list. The date on the wait list will be changed to reflect the date of the original formal application date; the applicant family will then be rescheduled for the next formal applications session by preference, date and time. This procedure will also apply to applicants who have failed to report changes until the formal application session that affect the application status, such as family composition and income changes (income changes may affect the very low/extremely low category and therefore may affect when an applicant is called in.) These applicants will be allowed one rescheduled appointment when all requirements must be met or the applicant will be removed from the wait list for failure to keep the application information updated.

At any time during the applications process up until the time a lease is scheduled, the applicant may be penalized for failure to properly report income or family composition changes within ten days (cannot penalize if applicant reports within ten days; also consider "no harm, no foul" if the failure to report did not result in any adverse or time-delay actions); any penalty should be clearly documented in writing to the applicant, stating the reason for the penalty and the result. The penalty will normally be a cancellation of the issuance of a voucher until a subsequent session to enable proper verification of any new status and preference.

Group or individual enrollment sessions (briefings) will be scheduled and applicants will be notified of the date and time. Should the applicant/family notify the PHA of the inability to be present at the enrollment session, the PHA will provide a rescheduled time; however, failure to appear at a briefing session without prior notification will result in the applicant's name being removed from the waiting list. Families who arrive five minutes late may be included in the next regularly scheduled briefing session but will not be admitted after the session is in process. Provided that an applicant has a valid reason for arriving late, one rescheduled briefing appointment will be allowed and the applicant will be invited to the next regularly scheduled briefing session. Should the applicant once again arrive five minutes late or miss the rescheduled briefing session without valid documentation that an emergency existed at the time of the appointment, the applicant's name will be removed from the wait list. As indicated in Section VIII, Waiting List Administration, applicant names will also be removed from the waiting list for failure to notify the PHA of a change of address.

Oral briefing sessions and packets of information will be given to families that are issued vouchers, to include but not limited to, the following:

- (1) A description of how the program works.
- (2) Family and owner responsibilities.
- (3) Where the family may lease a unit, including renting a unit inside or outside the PHA's jurisdiction.
- (4) In briefing a family that includes any disabled person, the PHA must take steps to ensure effective communication in accordance with 24 CFR 8.6 (auxiliary aids, TDDs, etc).
- (5) Term of the voucher and PHA policy on extensions or suspensions of the term.
- (6) Information on Fair Market Rents (FMRs), Payment Standards, utility allowance schedule, how the PHA determines the payment standard for a family, and how the PHA determines the total tenant payment and HAP amount.
- (7) How the maximum rent is determined, if applicable.
- (8) A statement of the policy of the PHA on providing information to owners.
- (9) For welfare-to-work families, specification of any local obligations of a welfare-to-work family and an explanation that failure to meet obligations is grounds for PHA denial of admission or termination of assistance.
- (10) Things the family must consider in choosing a unit, *i.e.*, location of the unit and the PHA's jurisdictional limits, renting outside of poverty areas, condition of the unit, rent reasonableness, energy efficiency, tenant-paid or owner-

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paid utilities, area crime rate.

(11) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form.

(12) Other information to be provided will include, but not be limited to, the following: HUD brochures, lease addendum language, Request for Tenancy Approval form, subsidy and occupancy standards, lead-based paint information, list of accessible units that PHA knows of (for persons with disabilities), list of landlords, portability information, grounds for PHA terminations, and informal hearing procedures.

Failure of applicant to keep pre-scheduled formal application appointment, briefing appointment or contract/lease-up appointment without verifiable justification for the missed appointment will result in the applicant being removed from the wait list. Should the applicant notify the PHA of his/her inability to be present for the scheduled appointment, the PHA will provide a rescheduled time; however, failure by the applicant to notify the PHA prior to the appointment will result in removal from the waiting list and the application being placed inactive. Applicants would be eligible to reapply for assistance one year from the date of the action, provided that applications are being accepted at that time.

All applicants will execute and be given a Federal Privacy Act Notice. The information provided will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the requested information may result in a delay or rejection of eligibility approval.

D. Subsidy Standards/Occupancy Size Determinations:

Occupancy standard/unit size will be determined at the time of enrollment based on the following criteria:

(1) A voucher will be issued for the smallest unit size consistent with program requirements and Housing Quality Standards.

(2) The bedroom size assigned will not require more than two persons to occupy the same bedroom.

(3) The PHA will make every attempt, based on funding availability, to assign persons of different generations (other than husband and wife) to separate bedrooms,

(4) The PHA will make every attempt, based on funding availability, to not require children to share a bedroom with a single parent. Children of the same sex will generally be assigned to one bedroom. Children with 6 years difference in age will generally not be required to share a bedroom. Children of the opposite sex when both children are under the age of 6 may share a bedroom.

(5) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining unit size.

(6) Any live-in aide (approved by the PHA to reside in the unit) must be counted in determining the family unit size. (see Definition of Live-in Aide.)

(7) Bedroom size assignments may be made in accordance with HUD guidelines as follows:

No. Of Bedrooms	Minimum Person(s)	Maximum Person(s)*
0	1	2
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

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Exceptions to these standards will be permitted only for situations involving physician orders for separate bedrooms because of health problems (see Over-Subsidization restrictions), permitted circumstances of family members temporarily away from the housing unit, or if the family is willing or wants to move into a unit that deviates from the standards, e.g., landlord's approval of a mother and an infant living in a one-bedroom unit. Participants may be allowed to use non-sleeping areas as a bedroom (subject to landlord and PHA approval); however, the unit bedroom size will be determined by the PHA. Additional rooms for sleeping will not be counted as bedrooms unless the room has been redesigned as a bedroom (including closet and HQS required openable window). In these exceptions, the PHA reserves the right to approve or disapprove such accommodations that may lead to unsafe or overcrowded conditions.

Vague, non-specific physician letters will not be considered as adequate documentation for additional bedrooms. The physician must clearly state the medical need and why the extra space is a medical necessity as opposed to just desirable.

E. Over-Subsidization

A recent Inspector General audit on the HCV program noted instances of vouchers being issued for bedroom sizes that were greater than the number of family members, i. e. a 2- bedroom voucher for a one-person household. While this situation can be justified (a room for special equipment for a disabled person), the over-issuance of the voucher size can result in an overpayment of HAP. Notice PIH 2008-20, dated April 16, 2008, provides guidance for dealing with possible over-subsidies.

The primary reason for issuing an additional bedroom with more units than the number of family members was related to live-in aides (LIAs *see Definition). Although a health care provider must document the need for a LIA, the LIA must be identified by the family and approved by the PHA first. PHAs may not approve an unidentified LIA, nor approve a larger unit for an unidentified LIA. Occasional, intermittent, multiple or rotating care givers do not meet the definition of the LIA since 24 CFR Section 982.402 (7) implies the LIA must reside with a family permanently for the unit size to be adjusted.

PHAs also may approve an additional bedroom for special medical equipment if the need is documented by a health care provider. This equipment must be verified by the PHA during the annual inspection of the unit. If the equipment is not present, the PHA must reduce the payment standard.

When the family composition reduces in size, the unit size authorized by the subsidy standards may dictate a reduction in the payment standard. The change in the payment standard must be applied at the next annual reexamination. The family may remain in the unit and pay the difference.

X. ENROLLMENTS, FORM OF ASSISTANCE, REQUEST FOR TENANCY APPROVALS, LEASES

A. Enrollments

After October 1, 1999, the PHA will only issue Housing Choice Vouchers. See Section XII for the phase-in of the Housing Choice Vouchers for families that were receiving Section 8 Certificate or regular voucher assistance prior to October 1, 1999. Effective January 8, 2003 funding was made available on an annual renewal basis for TBRA vouchers.

B. Term of Vouchers and Requests for Tenancy Approval

Vouchers will be issued for a sixty (60) day period. Two thirty (30) day extensions (not to exceed an additional sixty (60) days) may be given at the discretion of the PHA under extenuating circumstances such as severe illness or hospitalization (documentation will be required), extremely large families seeking scarce larger bedroom units, persons needing units designed for the disabled, or for a unit that the family has located and repairs are in progress.

In the event a family includes a member with disabilities and requests an extension of the initial voucher term as a reasonable accommodation, the PHA must extend the voucher term up to the term reasonably required for that purpose.

The PHA may provide for suspension of the initial or any extended term of the voucher (if the family has submitted a request for tenancy approval prior to the term expiration) up to the time when the PHA approves or denies the request.

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In the event that a unit is not found within the time frames outlined, the voucher expires, the applicant's name is removed from the waiting list, and the voucher is then available for issuance to another family.

An applicant who allows a voucher to expire will not be entitled to a hearing. Once a voucher expires, the applicant will be removed from the wait list and the voucher will be issued, if appropriate, to the next applicant on the wait list.

C. Requests for Tenancy Approval and Approval to Lease a Unit

A family may submit only one Request for Tenancy Approval at a time to the PHA; the PHA reserves the right to refuse Requests for Tenancy Approvals if the dwelling is not ready to be inspected. When the program participant returns a Request for Tenancy Approval form, completed and executed by an owner within the time frames set forth above, an inspection of the unit will be conducted by the PHA within 15 days of submission to PHA (or a reasonable time in the event the unit is not available for inspection) to ensure compliance with the Housing Quality Standards (HQS). All program participants are informed of the HQS requirements during the briefing session to minimize unnecessary inspection of units that would not pass the inspection in a timely manner and to assist the family in locating a unit within the sixty-day period.

The following criteria must be met in order for a unit to be placed under the program:

1. The unit and owner must meet the eligibility requirements of the program;
2. The unit must pass the HQS inspection;
3. The rent must be rent reasonable.

If the unit cannot be approved or the tenancy denied, the PHA will notify the family and the owner. If the problem can be cured, the notification will include any required actions.

Families will be advised during briefings that the PHA cannot execute HAP contracts and no HAP payments will be made in the event that the above conditions are not met. The family will also be advised that the PHA will not assume any responsibility for payments due under a lease unless and until a HAP Contract is executed.

Any appointment scheduled for a participant to sign documentation to begin Section 8 Housing assistance that is not kept or not rescheduled prior to the scheduled appointment time will result in the participant being placed inactive and the voucher being revoked. Only by providing verifiable proof that an emergency existed at the time of the appointment that would have prevented the applicant/participant from calling or keeping the appointment would consideration be given for another appointment to be scheduled.

D. Leases

The tenant and owner must enter into a written lease for the unit. The owner's lease must be used if the owner uses a standard lease form for rental to unassisted tenants. In the event that the owner's standard form lease is used, the HUD-prescribed tenancy addendum must be attached. If the owner does not use a standard lease form, the owner may use the PHA model lease.

Any changes in the lease or rent must be in writing and provided to the PHA and tenant at least sixty (60) days prior to any such changes taking effect. Rent changes are subject to the PHA and HUD rent reasonableness requirements. (see *XIV. RENT REASONABLENESS AND RENTAL INCREASE – B. RENTAL INCREASES.*)

The PHA must approve any new tenancy and a new HAP contract must be executed under any of the following circumstances:

- (i) in the event of any change to the lease regarding responsibility for utilities or appliances;
- (ii) changes to the term of the lease; or
- (iii) if the family moves to a new unit even if the unit is in the same building or complex.
- (iv) If the owner requests a new lease.

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XI. INCOME DETERMINATIONS, DEDUCTIONS FROM INCOME, AND HOUSING ASSISTANCE PAYMENT CALCULATIONS

A. Income Determinations

Income will be based on the anticipated total income from all sources (unless indicated on Attachment 1, Income Exclusions or any subsequent ruling by HUD concerning Income Inclusions and Exclusions), including net income derived from assets (actual and/or imputed), receiving by the participant family, for the 12-month period following the effective date of initial determination or re-examination/re-certification.

To be eligible for EID, the qualifying event must occur after admission, or in other words, while the disabled individual is residing in assisted housing. Pre-qualifying income is the income reported/certified just prior to the participant reporting the EID qualifying event. Unreported months (resulting from a loss of job not properly reported to the Housing Authority) will count towards the exclusion period.

In the event that it is not feasible to anticipate income for a 12-month period, the PHA may use the annualized income anticipated for a shorter period of time, or in the event an anticipated amount cannot be determined (such as for temporary or seasonal employees) the income can be determined by using the previous 12-month period.

Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement will not have their rent reduced based on the welfare benefit reduction (excludes persons that benefit is reduced due to a lifetime limit or where a family has complied with program requirements but cannot obtain employment). The PHA will obtain verification of such benefit reduction from the welfare agency.

The Authority will use HUD's EIV (Enterprise Income Verification) system to verify and determine income for participants. The use of the EIV system will be governed by the Authority's EIV use and security policy. EIV data is highly confidential and must be safeguarded per HUD's and the Authority's EIV policies. At this time, HUD has determined that financial auditors are not approved to view EIV data; therefore, EIV data sheets will be removed from any files provided to financial auditors; if HUD negotiates allowing financial auditors to view the EIV files, this restriction will become null and void. EIV reports must be removed from files before viewing by any outside parties (legal aid, etc.)

Child support income will be based on actual receipts if any. Sporadic child support will be based on an annualized average.

B. Deductions from Income

Deductions (as permitted by Federal Regulations) from gross income for rent calculation purposes are set forth in Attachment 1 of this plan or in Federal Regulations.

Childcare expenses must be documented by standard third party verification. Copies of cancelled checks or third-party receipts may be considered if third party verification cannot be obtained. A notarized statement will not be considered sufficient.

C. Housing Assistance Payment Calculations

After October 1, 1999, the PHA will only issue Housing Choice Vouchers (HCV). See Section XII for the HCV phase-in and necessary calculations for families that were receiving Section 8 Certificate or regular voucher assistance prior to October 1, 1999.

The PHA will utilize the new calculations for housing choice vouchers issued after October 1, 1999 (See Section XIII).

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XII. HOUSING CHOICE VOUCHER PHASE-IN

(For families receiving assistance in certificate or regular voucher program prior to October 1, 1999 (see 982.502))

A. Regular Certificate: Program assistance under a regular certificate must terminate under any outstanding HAP contract (and HAP contract automatically terminates) at the effective date of the second regular reexamination of family income and composition after October 1, 1999. The PHA will give at least 120 days written notice of such termination to the family and owner of such termination. If the family has continued to meet program obligations and the PHA has no reason to terminate assistance under program guidelines, the PHA will offer the family the opportunity for continued assistance under the HCV program.

B. Over-FMR Certificate: Tenancy under any pre-merger over-FMR Certificate tenancy will be considered and treated as tenancy under the voucher program including calculation of the voucher housing assistance payment (see Section XIII) except the loss of shopping incentive (specifically, use the lower of the payment standard minus TTP or gross rent minus TTP) shall not occur until the second regular reexamination of family income and composition on or after October 1, 1999. Prior to the second regular reexamination, the PHA must use the lower of the payment standard or monthly gross rent in the calculations (utilizing the FMR/exception rent limit as the payment standard).

C. Voucher (or Housing Choice Voucher) Program: Tenancy under a pre-merger voucher HAP contract must be treated as tenancy under the HCV program except for the loss of shopping incentive (specifically, use the lower of the payment standard minus TTP or gross rent minus TTP) will not occur until the second regular reexamination of family income and composition on or after October 1, 1999. Prior to the second regular reexamination, the PHA must use the lesser of the payment standard or monthly gross rent in the calculations (utilizing the higher of the initial payment standard at the beginning of the HAP term OR the payment standard as determined in Section XIII.)

D. TBRA Voucher: Tenancy under the TBRA rental assistance contract, i.e., the HUD Home program; maximum funding is a maximum of \$7,500.00 per 12-month period. TBRA may be renewed at the Authority's option for an additional 12 months if funding is available. Current PHA Admin Plan and Section 8 Administrative Plan guidelines also govern the operation of the TBRA program. The Authority's Payment Standards and utility allowance schedule will be used for the TBRA program.

E. Project-Based (Designated) Voucher: Tenancy under the Designated Section 8 voucher HAP contract must be treated as tenancy under the HCV program except for the option of portability. Participants with a designated voucher cannot exercise portability to another PHA's jurisdiction. The voucher has been designated for a specific complex so move would be limited to transfer within the confines of that complex.

XIII. PAYMENT STANDARDS AND MONTHLY HAPS

A. Payment Standards

Payment standards are established by the PHA for each FMR area and for each exception rent area (if applicable) and are reviewed annually. The payment standard for each unit size will be established at an amount between 90% and 110% of the current FMR as published by HUD unless an HUD exception rent is approved. The payment standard for project-based vouchers designated for use only at The Courtyard at Highland Park will be established separately within the HUD allowed ranges.

The PHA will utilize local market data gathered in its rent reasonableness studies, success rates of families in locating units, and the percentage of annual income that families are paying for rent to determine payment standards.

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B. Payment Standard for a Family

1. Payment standard for the family are based on the **lower** of:

- (i) the payment standard amount for the family unit size; or
- (ii) the payment standard amount for the unit size of the unit rented by the family.

2. If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount for the exception area.

3. During the first 24 months of the HAP contract term, the payment standard for the family is the higher of:

- (i) the initial payment standard (at the beginning of the contract term), as determined in paragraph # 1 above, minus any amount by which the initial rent to owner exceeds the current rent to owner; or
- (ii) the payment standard, as determined in paragraph #1 above, as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.

4. After the first 24 months of the HAP contract term, the payment standard for a family is the payment standard as determined in #1 above, as determined at the effective date of the most recent regular reexamination of family income and composition after the beginning of the HAP contract term.

5. At the next regular reexamination following a change in family size or composition that causes a change in family unit size during the HAP contract term, and for any examination thereafter during the term, the **new** family unit size must be used to determine the payment standard and the provisions of 3(i) above do not apply.

C. Monthly Housing Assistance Payments

The PHA will pay a monthly HAP on behalf of the family that is equal to the **lower** of:

- 1. The payment standard for the family minus the total tenant payment; OR
- 2. The gross rent minus the total tenant payment.
- 3. The gross rent minus maximum family share (only applies at initial move-in.)

NOTE: TBRA voucher Housing Assistance Payments may not exceed \$7,500.00 in a 12-month period, regardless of the amount of income to the family. After the maximum assistance has been paid in a 12-month period, no further housing assistance payments will be paid by the Housing Authority; the family will be fully responsible for the contract rent payment to the landlord. TBRA assistance may be renewed for an additional 12 months at the Authority's option if funding is available, not to exceed 24 months total assistance. The PHA will make every effort to issue a Housing Choice Voucher to the TBRA participant at the first annual recertification, provided that a housing choice voucher is available for issue.

Section 8 landlords are not eligible to receive HAP for any month following the month in which the death of the head-of-household occurred; however, remaining adult family members of the household may be eligible to retain voucher assistance.

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XIV. RENT REASONABLENESS AND RENTAL INCREASES

A. Rent Reasonableness

The PHA may not approve a lease until the PHA determines that the initial rent to owner is reasonable. Rent reasonableness must be redetermined for rent increases, if there is a five percent decrease in published FMRs (in effect 60 days of contract anniversary), if directed by HUD, or at any other time the PHA deems necessary.

Rents for units placed in the Section 8 program must be considered rent reasonable for comparable, unassisted units in the area or unassisted units. The program regulations permit the PHA to disapprove any unit that is not considered rent reasonable. Rent reasonableness documentation will be maintained for all units placed under the Section 8 program.

The PHA will maintain and update periodically a rent reasonableness guide of unassisted units to assist in this process. The PHA's process will include a comparison that will include the following criteria:

1. The location, quality, size, unit type, and age of the contract unit; and
2. Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

Owners will, by accepting each monthly housing assistance payment, certify that the rent to owner is not more than rent charged by owners of comparable unassisted units in the premises or area. Owners must give the PHA information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

B. Rental Increases

After the initial 12 months under a HAP contract, owners who want an increase in rent must submit (in letter format) a written request (owner's rent increase request) to the PHA and provide a copy to the tenant, at least sixty (60) days prior to the annual recertification date. In order to receive a rent adjustment, the owner must have complied with all requirements of the HAP contract and HQS during the year before the annual anniversary date. The request for an increase must include verification, either by the owner or the PHA's Inspections Department that the new rent is reasonable for the area where the property is located.

The adjusted rent to owner equals the lesser of:

- The reasonable rent (as most recently determined or redetermined by the PHA in accordance with the requirements of this policy, or
- The amount requested by the owner not to exceed the HUD published Annual Adjustment Factor

C. Rental Increases for Subsidized Projects

The rent to owners in an insured or non-insured Section 236 project, a Section 515 project, a Section 202 project, or a Section 221 (d)(3) project must be adjusted to follow the subsidized rent. The Section 8 annual adjustment factors are not to be used for adjustments in subsidized projects and HUD does not permit special adjustments.

The PHA has discretion to reduce the initial rent to owners because of other governmental subsidies, including tax credits, tax exemption, grants or other subsidized financing for regular tenancy.

XV. HOUSING QUALITY STANDARDS

A. Inspections

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All housing units must have an initial and annual inspection and must pass the Housing Quality Standards (HQS) as set forth in the Code of Federal Regulations, HUD Handbooks, and pertinent State and local laws to be placed under the Section 8 program. In addition, the PHA may require that units comply with the minimum local Housing Code. As permitted by the Federal regulations, the PHA requires that all windows that are designed to be "openable" have window screens.

When possible, the PHA will request that the owner be present during the initial inspection; however, in any case, results of the inspection will be provided to the owner and family as soon as possible after the inspection.

Initial inspections will be performed within 15 days (24 CFR 982.305b) of the date the client submits a Request for Tenancy Approval to the Authority (see this plan, Section 10 c).

The PHA will use its best efforts to execute the Housing Assistance Payment (HAP) contract before the beginning of the lease term; however, the HAP contract cannot be executed until a unit passes the above requirements and the participant has executed the lease agreement. Failure of the participant to execute the lease or failure of the landlord to execute the Housing Assistance Payment contract within five (5) working days of notification by the PHA can result in termination of assistance. Potential participants will be advised that they are responsible for all rent should they enter into a lease agreement with an owner prior to passing inspection and the execution of a HAP contract with the owner.

Failure of the program participants to keep rescheduled inspections appointments (second-appointment notification) without verifiable justification for the missed appointment can result in termination of the housing assistance as indicated in this plan.

B. Annual Inspections

Annual inspections must be made on each unit under the program or before the annual re-certification period for the participant or as required by HUD.

C. Move-out Inspections

Move-out inspections will be conducted, when it is deemed necessary, by the PHA and in accordance with this plan.

D. Quality Control Supervisory Inspections

Supervisory inspections will be done during each calendar year on the number of units as specified in the code of Federal Regulations by a person designated by the Director of the Housing Authority (must be someone other than the Inspector). A separate Quality Control Log will be maintained for the supervisory inspections.

E. Units Failing Housing Quality Standards

Owners and participants will be notified in writing of all unit deficiencies and fail items and a timetable for correction. Emergency item problems, defined as items that could be a threat to health and/or safety (e.g. electrical hazards, smoke alarms, egress) will necessitate contact by telephone (followed by correspondence) and must be corrected within 24 hours. Failure of the participant/owner to correct emergency items will result in the immediate termination of the contract without adherence to the notice requirements.

All other non-emergency repairs must be done after notification by the PHA within a reasonable time (as prescribed by the PHA) – normally up to 30 days after notification. An extension may be granted for items such as painting or roofing where health and safety are not an issue, and weather does not permit the repairs within the normal time period. Extension requests should be in writing and provide the revised completion date. Housing Quality Standard fail items not corrected in the time frames provided by the PHA's written notification by the responsible party (owner or participant family) would result in

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termination of the HAP contract. Participants who have continued to meet the program requirements will be provided with a Request for Tenancy Approval form to find another unit.

In the event that HQS inspections determine that there are serious housekeeping problems, the PHA will notify the family and owner in writing of the conditions and strongly recommend that the owner take whatever action necessary to include conducting more frequent inspections. The correspondence will include notice that the unit may fail inspection based on the unit's failure to meet the required decent, safe, and sanitary requirements of the program and could lead to HAP contract termination.

F. Resident or Owner Maintenance Complaints

HCV participants that wish to register complaints about the condition and maintenance of the properties in which they reside must first notify the property owner/manager of the problem and allow a reasonable period of time for correction of the problem. If the owner/manager fails to rectify the problem, the resident must notify the Authority in writing with a copy of the notice given to the owner/manager. A special inspection will then be scheduled to allow the Authority to determine the situation. If the unit fails, the same criteria are applicable as under any other inspection noted earlier in this section.

Owners/Managers may exercise their rights under their lease with their tenants for tenant failure to maintain the property, failure to pay the tenant portion of the rent, or other lease violations. Owners must attempt to resolve issues with tenants. The Authority does not act as an agent of the owner. If a tenant is notified of an eviction for any reason, the Authority should be notified at the same time as the tenant.

XVI. LEASE/OWNER APPROVAL, SECURITY DEPOSITS, UTILITIES AND HAP CONTRACTS

A. Lease/Owner approval

(1) Nothing in this plan or in the Federal regulations intend to give any owner any right to participate in the housing programs. The PHA will not approve a unit under any of the following conditions:

- (a) If information has been provided that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- (b) If directed by HUD that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or any other federal equal opportunity requirement, and such action is pending; or a court or administrative agency has determined that the owner violated such requirements.
- (c) If the owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- (d) If the owner has committed any fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- (e) The owner has engaged in any drug-related criminal activity or any violent activity or violent criminal activity or is a registered sex offender.
- (f) The owner has a history or practice of failing to terminate tenancy of tenants of units for activity engaged in by the resident, any member of the household, a guest or another person under the control of any member of the household that:
 - (i) threatens the right to peaceful enjoyment of the premises by other residents;
 - (ii) threatens the health or safety of other residents, PHA employees, or of owner's employees;
 - (iii) threatens the health or safety of or the right to peaceful enjoyment of their residences, by persons

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residing in the immediate vicinity of the premises; or
(iv) drug-related criminal activity or violent activity or violent criminal activity

(g) The owner has a history or practice of non-compliance with the HQS for units leased under the programs of the PHA or any other federal housing program.

(h) The owner has a history or practice of renting units that fail to meet State or local housing codes.

(i) The owner has not paid State or local real estate taxes, fines or assessments.

(j) If the owner is the parent, child, grand-parent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction is applicable at the time a family initially receives assistance (not for continued assistance with approval of a new unit).

2. Owners will be advised that the PHA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility. Listing of a family on the PHA waiting list, or selecting a family for participation in the program, is not a representation by the PHA to the owner about the family's expected behavior or suitability for tenancy. Upon receiving a written request from an owner, the PHA may give current and previous address information concerning a potential tenant, in accordance with current CFR guidance. All owners and families will be provided the same types of information.

3. The PHA will utilize the owner's lease form that the owner uses for other unassisted units or if the owner does not have a standard form, the PHA will provide a standard form lease. The Section 8 staff must review all owner's leases for HUD required provisions (see Regulation 982.308 for requirements) and prohibited lease content prior to execution. The HUD Lease Addendum form must be executed and attached to all owner lease forms in order for the unit to be accepted under the program. In the event the owner refuses to execute the HUD Lease Addendum, the PHA cannot execute a HAP contract with the owner.

B. Security Deposits

Effective on and after October 2, 1995, owners may collect a security deposit from the tenant; however, the security deposit may not be in excess of amounts charged by the owner to unassisted tenants.

Leases and HAP contracts executed prior to October 2, 1995 may continue, unless terminated for any reason, if the owner does not desire to change the security deposit amount to the above set forth allowable amount (prior to October 2, 1995, the security deposit was the greater of one month's TTP or \$50.00). Vacancy loss amounts and/or damage claims remaining under the old version of the HAP Contract will be determined in accordance with the executed HAP Contract and the Federal Regulations.

For contracts initiated after October 2, 1995, Landlords will be advised to collect market rate security deposits for assisted units. Should the tenant vacate the unit owing unpaid rent or amounts for damage claims, the PHA is not responsible for any reimbursement to the owner should the security deposit be insufficient to cover amounts the tenant owes under the lease. Owners will be advised that it will be necessary to collect any balances owed from the tenant.

Any unused or unclaimed portion (amounts owed by the family to the owner for unpaid rent or amounts owed under the lease) of a security deposit must be refunded to the family by the owner in accordance with South Carolina Landlord and Tenant laws.

C. Utilities

Prior to any HAP being paid to an owner, the family must submit documentation that indicates the utilities have been placed in the name of the head-of-household and have been turned on, unless the utilities are included in the contract rent. Participants may be required to prove that the utilities are continued by the family.

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The PHA will adopt and update, as necessary, the utility allowance schedule to be used for computing utility allowances. If there has been more than a 10% change in the utility rates in the jurisdictional area of the PHA, the PHA must revise the utility allowance schedule.

If the family is entitled to receive a utility check, the utility check will normally be paid directly to the utility company designated by the family's head of household.

The PHA must use the appropriate utility allowance for the size of dwelling unit actually leased by the family.

The PHA must approve a utility allowance which is higher than the applicable amount on the schedule should same be requested by a family that includes a person with disabilities. The PHA will use its discretion in considering a "reasonable" amount of increase based on individual circumstances.

When new or revised utility allowances are implemented, the new allowances will be used for all new tenants after the effective date of the allowances and will be implemented for existing tenants at the next annual reexamination.

D. HAP Contract

The PHA will use its best efforts to execute the Housing Assistance Payment (HAP) contract before the beginning of the lease term; however, the HAP contract cannot be executed until a unit passes the above requirements and the participant has executed the lease agreement. The Housing Assistance Payment (HAP) contract must be executed no later than 60 calendar days from the beginning of the lease term. Failure of the participant to execute the lease or failure of the landlord to execute the Housing Assistance Payment contract within five (5) working days of notification by the PHA of the end of such period can result in termination of assistance. Any HAP contract executed after the 60-day period is void, and no HAP will be paid to the owner. Potential participants will be advised that they are responsible for all rent should they enter into a lease agreement with an owner prior to passing inspection and the execution of a HAP contract with the owner.

Upon execution of the HAP contract, the unit passing inspection, and the move-in date of the participant, the PHA will commence payments on behalf of the family. Payments will continue until the contract is cancelled/terminated or the family's total tenant payment equals gross rent. The termination of eligibility at such point will not affect the family's other rights under its lease, nor will such termination preclude the resumption of payments as a result of later changes in income (for a period not to exceed 180 days), rents or other circumstances during the term of the contract. Eligibility may be terminated in accordance with the contract requirements for failure to submit requested verifications, failure to meet any of the disclosure and verification requirements of the program, failure to comply with the reexamination requirements set forth herein, and/or failure to sign and submit consent forms. The HAP contract automatically terminates when there are no housing assistance payments made on behalf of the family for a period exceeding (1) one hundred eighty (180) days for units under HUD HAP Contract forms with print date of 9/95, or (2) one year after the last housing assistance payment on behalf of the family under HUD HAP Contract forms with a print date prior to 9/95.

Housing assistance payments will be prepared so that owners will receive checks no later than the fifth day of each month. Payments will be issued on or about the 15th day of the month for any HAP contracts not fully processed in the computer system during normal check processing for any reason such as initial lease-up, rent adjustments, etc.

Upon inspection by the PHA, written notification of any tenant-caused damage will be reported to the family and the owner. Failure of the family or the owner to correct any failed housing quality standards, regardless of responsibility, is grounds for termination of the HAP. The PHA will provide written notice of any such HAP termination to the family and the owner.

The PHA will abate payment or housing assistance in part or in whole (depending on the date repairs were completed) if it is determined that the owner/landlord is responsible for and is not meeting obligations under the HAP contract for maintaining and operating the unit according to the Housing Quality Standards or any other standards established in the lease or by this policy. A written notification of such abatement will be sent to the landlord and resident. Termination of the HAP contract may occur in the event that a unit continues to fail Housing Quality Standards after the time period provided by the PHA for repair has passed.

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E. Lease Terminations by Owners

(1) The owner may not terminate the tenancy except on the following grounds:

- (a) Serious or repeated violation of the lease terms and conditions;
- (b) Violation of federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
- (c) For other good cause.

(2) The family is not responsible for payment of the portion of the rent to owner covered by the housing assistance payment under the HAP contract between the owner and the PHA.

However, the PHA will pay the HAP amount due if the family continues to reside in the unit until the owner has obtained a court judgment or other process allowing the owner to evict the tenant or when the HAP contract is terminated. The PHA's failure to pay the HAP to the owner is not a violation of the lease between the owner and the tenant. During the term of the lease the owner may not terminate the tenancy of the family for nonpayment of the PHA's housing assistance payment.

(3) The owner may terminate the lease for any activity engaged in by the resident, any member of the household, a guest or another person under the control of any member of the household that:

- (i) threatens the right to peaceful enjoyment of the premises by other residents;
- (ii) threatens the health or safety of other residents or their guests, PHA employees, or of owner's employees;
- (iii) threatens the health or safety of or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
- (iv) drug-related criminal activity or violent activity or violent criminal activity including the manufacture of methamphetamine.

(4) Other good cause for termination of tenancy by the owner may include, but is not limited to, disturbance of neighbors, destruction of property, living or housekeeping habits resulting in damage to the unit, or the owner's desire to use the unit for personal use.

(5) Owners must give the tenant and the PHA a written notice that specifies the grounds for lease termination (may be included with an eviction notice, if applicable).

(6) Owners may keep the HAP for the month when the family moves out of the assisted unit. The PHA will not make any HAP to the owner for any month after the month when the family moves out.

(7) If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last HAP (for the month when the family moves out of the old unit) and the first assistance payment for the new unit is not considered to constitute duplicate housing subsidy.

F. HAP Contract Terminations by the PHA

Program participants must comply with Section XVI(B) in cases of a desire to move to another unit. Program participants that have mutually agreed with a landlord to cancel a lease (example: owner needs property for his/her personal use), must provide the PHA with 30 days written notice of intent to vacate the unit. A program participant voluntarily leaving the program or a participant transferring to another unit at Annual Recertification must also provide the PHA a 30-day written notice. Notification to the owner must be in accordance with the Lease requirements. Participants will be allowed to request another Voucher in the event of a desire to relocate to another unit (with notice as above indicated). The participant's time limit (60 days), in the event of a failure to locate another unit, the voucher will not be extended (except under emergency

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circumstances previously described in Section IX(G).

Other than the termination of eligibility as set forth above, terminations will be made in accordance with the terms and conditions of the HAP contract with the owner. Terminations of a family's assistance in the program will also necessitate termination of the HAP contract with the owner.

The following are grounds for the PHA's termination of the HAP contract and the families' assistance:

(1) If the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

(2) Action or inaction (failure to act) by the participating family or violation of family obligations, termination of tenancy, eviction, or failure to correct any family-caused housing quality standards failure (including failure to keep continuous utility services, provision and maintenance of any appliances that the owner does not or is not required to provide, failure to repair or reimburse the owner for any damage to the dwelling unit or premises by any member of the household or guest or failure to pay tenant's portion of rent or failure to pay any damages or charges due the landlord in accordance with the lease including move-out charges when vacating an assisted unit.)

(3) Allowing any unauthorized person(s) to visit, stay or live in an assisted unit beyond a visitor period not to exceed (14) days.

(4) If a participant has committed any fraud or has made willful misrepresentations in connection with any federal housing assistance program.

(5) The family has violated any participant obligation or breached any agreement (see obligations of the family).

(6) Failure to comply with the requirements under a contract of participation in the Family Self-Sufficiency program.

(7) Drug/substance abuse (to include alcohol abuse) or criminal activity by any member or guest of the participant family (see Section V, Definitions) that affects the health, safety or right of peaceful enjoyment by other nearby residents (or resident's guests) including violent activity, violent criminal activity, alcohol abuse, drug-related activity, sexual misconduct or arson by any member of the participant family or a guest of the household. The PHA will enforce HUD's "**One Strike, You're Out**" procedures. Annual approval of this plan constitutes the Authority's recommitment to adherence to HUD's One Strike policy. The PHA will use its discretionary privileges under the program based on a preponderance of evidence and credible evidence (see Section V, Definitions) in determining whether or not termination includes all or specific family members. Any person who has a lifetime registration under a State Sex Offender Registration program or has been convicted of manufacturing or producing methamphetamine (speed) in any HUD assisted property will be terminated from the program and denied eligibility for life.

(8) Any uncorrected Housing Quality Standards failures or any family instituted or caused failure of any of the Housing Quality Standards.

(9) Failure to continuously occupy the unit under lease and HAP contract for more than 60 consecutive days (no member of the family is residing in the unit) unless the PHA provides approval of the absence for extenuating circumstances. In no case shall the family be permitted to be absent from the unit for a period of more than 180 consecutive days.

(10) Failure of the part of the landlord/owner to correct any Housing Quality Standards.

(11) Mutual rescission of the lease by the owner and participant.

(12) Participant move with proper notice to owner and PHA.

(13) Moves required due to over-crowded or under-occupied units.

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(14) Rental increases by owners beyond rent reasonableness for the area.

(15) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act. Balances to accounts that remain unpaid may be subject to a set-off of any future state tax refund through the Debt Set-Off program; unpaid balances or other adverse actions will be reported to HUD through the use of the EIV Debts Owed/Adverse Action reporting system.

(16) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit that occurred prior to the effective date of the Unified Rule for tenant-based assistance, or other amounts owed by the family under the lease.

(17) The PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in or threatened abusive or violent behavior toward any PHA staff, property managers (or their agents and representatives) other residents or visitors to a property. Harassment of PHA staff, officials, tenants or visitors will not be tolerated and may result in termination of assistance. Termination may be initiated for a single instance of harassment of a serious level or for less severe forms that continue after a warning to discontinue the behavior has been given.

(18) A violation of HQS space standards because of an increase, decrease due to a change in family size and composition. The PHA must issue the family a new voucher and the family must find an acceptable unit that will meet the program requirements within sixty (60) days. If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.

(19) As applicable to the HAP contract, either one year or one hundred eighty (180) days after the last housing assistance payment is made to an owner on behalf of a family (automatic termination).

(20) Failure to accurately report all income to the household; failure to follow proper reporting procedures.

(21) Violation of any HAP contract and/or assistance agreements after written notice from PHA that participant has been placed on probationary status.

(22) Harboring fugitives from justice or illegal non-citizens.

The PHA will provide written notice (according to the terms and conditions of the HAP contract, rules and regulations) of program termination, and will indicate if the participant has the right to an informal hearing (see Complaint and Hearings Section).

G. Insufficient Funding Procedures

The PHA will implement the following actions in the case of insufficient funding to cover HAP expenses.

The payment standards will be lowered to the 90% level if necessary. HUD approval will be obtained, if required, for any immediate changes to the payment standards in accordance with applicable current regulations.

If payment standard changes will not be sufficient to accommodate the funding levels, contract terminations will be implemented. The following order will be used for insufficient funding terminations.

- Vouchers issued to applicants that have not yet leased will be cancelled and the applicant notified. These clients will return to the top of the wait list below any assisted client terminations.
- Clients who have failed to execute a required repayment agreement or maintain payments on signed repayment agreements will be terminated. These clients will not return to the wait list. Their participation will be completely terminated.

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- Clients with the largest HAP cost (HAP cost is defined as the rental assistance payment plus any utility allowance payment) will be terminated first starting with the largest HAP cost, and then proceeding to the second highest HAP cost continuing on until the terminations achieve the funding reductions necessary. The Housing Authority will use HAP cost data as of the first day of the month in which the decision is made to terminate clients. The Executive Director will make this determination in writing and this determination will be retained for the file. This procedure will result in the fewest number of terminations and will maintain the largest possible number of clients which is in the best interest of both the Authority and the client base. Terminated clients will be offered the option to be placed back on the wait list if they so indicate in writing by response to the Authority. The Authority will plan to provide clients and property owners with a 30 day notice of the terminations; however, terminations may be made effective as of the last day of the month in which the determination is made; if in the judgment of the Executive Director, the lack of funding requires an immediate termination in order to achieve the required expense reductions and avoid increased terminations. Clients and property owners/managers will be notified in writing of these determinations. The HAP contract and CFR allow for terminations in the event of a lack of sufficient funding.

These procedures apply to Rock Hill vouchers including outgoing portable vouchers. They do not apply to incoming portable vouchers as determinations on incoming portables must be made by the Authority responsible for the vouchers.

- Applicants whose vouchers or actual assistance was terminated due to lack of funding will return to the top of the wait list in the order in which their assistance or vouchers were terminated.

XVII. HOUSING AUTHORITY, OWNER, AND PARTICIPANT RESPONSIBILITIES AND OBLIGATIONS

In addition to provisions contained in the Voucher, HAP Contract and/or Lease, the following are included but not limited to, the responsibilities and obligations of the parties participating in the programs:

A. Housing Authority

- (1) Publication and dissemination of information concerning the availability and nature of housing assistance for eligible families.
- (2) Public invitation to owners to make units available for leasing by eligible families and development of working relationships and contracts with landlords, appropriate agencies, associations, and groups.
- (3) Receipt and review of applications, verification of income, and other factors related to eligibility, amounts of assistance, and maintenance of a waiting list.
- (4) Issuance of Vouchers to eligible families.
- (5) Notification of families determined to be ineligible.
- (6) Provision to voucher holders of basic information on applicable housing quality standards, inspection procedures, owner and tenant responsibilities, and basic rules.
- (7) Determination of Total Tenant Payment and Tenant Rent.
- (8) Determination of Housing Assistance Payments (HAPs).
- (9) Explanation of program procedures to owners.
- (10) Review of and action on Requests for Tenancy Approval, including monitoring to assure that the limitations on use of Section 8 housing assistance in subsidized projects are observed.

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- (11) Distribution of Housing Assistance Payments.
- (12) Provision of housing information to assisted families and referral of such families to appropriate social service agencies, if needed.
- (13) Reexamination of income, family composition, medical expenses or other eligible expense, and redetermination of Total Tenant Payment and Tenant Rent.
- (14) Adjustment of the amount of Total Tenant Payment, Tenant Rent, utility reimbursement, and/or HAP.
- (15) Inspections to determine that units are maintained in decent, safe, and sanitary condition, and written notification to owners and families of adverse determinations.
- (16) Administration and enforcement of family obligations, including home visits if necessary, contracts with owners and taking appropriate action in cases of noncompliance, default, program abuse and fraud.
- (17) Compliance with equal opportunity requirements, including efforts to provide families' assistance in locating housing in areas outside of economically and racially concentrated areas.
- (18) Determination of whom can live in the assisted unit, at admission and during the family's participation in the program.
- (19) Conduct informal reviews of certain PHA decisions concerning applicants for participation in the program.
- (20) Conduct informal hearings on certain PHA decisions concerning participant families.
- (21) Provide sound financial management of the program, including engaging an independent public accountant to conduct audits and adherence to HUD required financial policies and procedures including uses of and restrictions for Section 8 funds. Section 8 funds will be used only for activities authorized under Section 8 program regulations.
- (22) Issue IRS Form-1099 for rental payments to agents/owners (to the Payee on issued rental payments and/or whoever executes the HAP Contract).

Any other task given priority consideration and support by the Board of Commissioners.

The Authority is not responsible to ensure private property owner's leases are compliant with State law. Rather, the Authority is only responsible to ensure that private property owner's leases (who are participating in the Section 8 program administered by the Authority) comply with the HAP contract and tenancy addendum.

B. Violence Against Women Act (VAWA)

The following Violence Against Women Act (VAWA) provisions are effective immediately as dictated by Federal law; therefore, there was no comment period. VAWA is hereby incorporated into the Authority's policies. The following is merely a brief summary of the VAWA and is not intended to be a verbatim inclusion; however, all parts of the VAWA are applicable whether or not specifically addressed herein.

No applicant for Section 8 Assistance who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified.

An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The Authority may terminate the assistance or an owner may remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or

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evicting victimized lawful occupants.

The Authority and owners may honor court orders regarding the rights of access or control of the property, including EPO's, DVO's, and other orders issued to protect the victim and used to address the distribution or possession of property among household members where the family "breaks up."

There is no limitation on the ability of the Authority to terminate assistance or for an owner to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on the owner evicting if the owner "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) tenancy is not terminated."

Any protections provided by law which give greater protection to the victim are not superceded by these provisions.

The owner and/or Authority may require certification by the victim of victim status on such forms as the Authority and/or HUD shall prescribe or approve.

VAWA provisions protecting victims of domestic violence, dating violence, or stalking may not be construed to limit the authority of a PHA, owner, or management agent to terminate assistance to individuals who engage in criminal acts or physical violence against family members or others and attempt to claim victim status to invoke VAWA protections to avoid termination of assistance. Victims must provide irrefutable evidence and the Authority will consider the preponderance of evidence in its decisions and in cases where the alleged victim's statements are not supported by reasonable documentation (such as police reports, court actions, other credible statements). VAWA will not apply if the claimed victim status is not reasonable and supportable. In situations where the claimed victim status is not supportable, the Authority may proceed with action including termination of assistance.

VAWA Definitions: This policy hereby incorporates the definitions of "domestic violence," "dating violence," and "stalking," and of "immediate family member" as provided in the Acts. Definitions of domestic and dating violence refer to standard definitions in the Violence Against Women Act, the definition of stalking provided in Title VI is specific to the housing provisions. These are:

1. *Domestic Violence* – [as defined in Section 40002 of VAWA 1994] which states as follows:

SEC 40002(a)(6) – "DOMESTIC VIOLENCE - The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

2. *Dating Violence* – [as defined in Section 40002 of VAWA 1994] which states as follows:

SEC 40002(a)(8) – "DATING VIOLENCE- The term 'dating violence' means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship."

3. *Stalking* – "means -

(A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) 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 –

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- (i) that person;
 - (ii) a member of the immediate family of that person; or
 - (iii) the spouse or intimate partner of that person; ...”
3. *Immediate Family Member* - “means, with respect to a person –
- (A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
 - (B) any other person living in the household of that person and related to that person by blood or marriage.”

C. Owners/Landlords

- (1) Performance of all property management and renting functions, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
- (2) Maintaining the unit in accordance with HQS or other standards as specified in this Administrative Plan, including performance or ordinary and extraordinary maintenance.
- (3) Payment for utilities and services (unless paid directly by the family).
- (4) Collection of security deposit, the tenants’ contribution of rent, and any charges for unit damage by the family.
- (5) Collection, preparation and reporting of information required under the Housing Assistance Payment Contract.
- (7) Compliance with the applicable provisions of this Administrative Plan.
- (8) Compliance with equal opportunity requirements.
- (9) Notify the PHA and family of any changes in the amount of rent at least sixty days before any such changes to into effect, and any such changes are subject to rent reasonableness requirements.
- (10) Notify the PHA of any proposed charges (including charges for household appliances, utilities, or any other service) to the tenants’ family other than those in the approved HAP contract and lease.
- (11) Determining when to evict, advising the PHA, and proceeding with the action through proper legal action.
- (12) Comply with South Carolina Landlord Act and any amendments thereto.

D. Program Participants:

- (1) Execute or provide any required certifications, consent and release of information forms, or other documentation which the PHA or HUD determines to be necessary, including submission of documents required for initial, interim or annual reexamination of family income and composition (includes submission of required evidence of citizenship or eligible immigration status). Participant agrees to permit income matching between all agencies of the government (to include but not limited to Internal Revenue Service, SWICA (State Wage Income Collection agencies) and HUD’s EIV system for verification of proper income reporting in the determination of level of benefits; Participant further agrees to promptly (within ten days) notify the HA upon receipt of a notice of income discrepancy from HUD and agrees to promptly provide any information necessary for the reconciliation of an income discrepancy, and to pay any rent adjustment that may be due as a result of improper reporting by the family. The HA will take prompt, appropriate action to recover excessive housing assistance paid on behalf of or received by participants, up to and including filing criminal charges.

Participants who report little or no income to the household agree to provide statements of survival and agree that the

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Housing Authority may perform a check through the credit bureau to ensure income integrity for the program.

All income to the household, including income increases, must be reported.

- (2) Allow the PHA or landlord/owner to inspect the dwelling unit at reasonable times and after reasonable notice (no notice required for cases of an emergency).
- (3) Notify the Housing Authority by supplying a thirty (30) day notice before vacating the dwelling unit.
- (4) Use the dwelling unit solely for residence by the PHA approved family as the family's only residence.
- (5) Comply with the term of the lease agreement and family obligations under the program.
- (6) Prevent any damage or family-caused housing quality standards failure (including continuous utility services), control the conduct and/or actions of their family members, guests and visitors, and if any damage occurs, pay for any damage to the unit that are caused by the tenant, family, guests, or visitors.
- (7) Refrain from committing any fraud in connection with the Section 8 program or any other Federal, State or local assistance program.
- (8) Refrain from receiving assistance under the Section 8 program while occupying or receiving assistance for occupancy of any other unit assisted under any subsidized housing program.
- (9) Refrain from assigning the lease or transferring the unit by any means.
- (10) Refrain from engaging in drug/substance abuse-related activity, violent activity or violent criminal activity, or sexual misconduct or arson, including any such activity by any family member or guest on or off the premises.
- (11) Not allowing any individuals unauthorized by the PHA to live or stay in the unit. Guests or visitors may only be permitted to visit or stay with the family for not more than fourteen (14) days subject to notification to the PHA.
- (12) Refrain from activity on the part of any member of the family, guests or visitors that would disturb any neighbor's peaceful enjoyment of their own accommodations.
- (13) Disclose and verify social security numbers, birth certificates, sign citizenship forms and submit consent forms for obtaining information in accordance with federal regulations. (see VII. Applications, Eligibility, Verification Requirements, Waiting List Administration, B. Eligibility and Continued Eligibility Requirements.)
- (14) Provide the PHA a copy of any owner eviction notice.
- (15) Notify the PHA of any absence from the unit and supply information/certification requested by the PHA to verify that the family is living in the unit, or relating to family's absence from the unit.

Disclose in writing any decrease or desired changes in family size and composition. PHA approval must be granted for adding any family members (including live in aides) unless by birth, adoption, or court-awarded custody of a child. Changes to unit size may be necessary according to program requirements when family size changes occur. In the event the family refuses to locate a new unit/move when notified, the PHA will terminate the HAP contract and assistance.

E. Protecting Tenants At Foreclosure Act (PTFA) (PIH Notice 2009-52, FR-5335-N-01)

The PTFA requires the HAP Contracts to be amended to include that "an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of the transfer to the owner if the owner will occupy the unit as a primary residence and has provided the tenant a notice to vacate at least 90 days before the effective date

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of the notice.

The HAP Contract provides that it shall be interpreted and implemented in accordance with HUD requirements. HUD is revising the current HAP Contract form to incorporate these provisions. This new form will be used for any movers or new participants. Existing contracts will not need to be amended by the PHA. However, PHAs must notify owners and participants. For every unit in which a tenant receiving HCV assistance resides and is currently provided assistance under a HAP Contract, the PHA must:

- Provide notice to the landlord or party executing the contract of the changes in law outlined in the notice. The notice can be provided in the most effective manner as determined by the PHA, such as, landlord meetings, mailing with checks or independent meetings.
- Provide notice to the Head of Household that is receiving HCV assistance of their rights as a result of the change in law. The notice can be provided in the most efficient manner as determined by the PHA, such as, at the annual reexaminations, other meeting with the family, or a direct mailing.
- Notify HCV applicants that have been issued a voucher as well as prospective owners about the new law. A PHA may choose to notify the local entity that oversees foreclosure actions, such as local courts or Sherriff/Magistrate.

If a PHA learns that the property is in foreclosure, the PHA should:

- Make all reasonable efforts to determine the status of the foreclosure and ownership of the property.
- Continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract. Except for HUD-insured mortgages or loans, a mortgage default is not a breach of the HAP contract.
- Attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. The written agreement should include a request for owner information such as Tax Identification Number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment, the assignment is effective by operation of law.
- Inform the tenant that they must continue to pay rent in accordance with the lease, and if the successor refuses to accept payment or cannot be identified, the tenant should pay the rent into escrow.

If the PHA is unable to make HAP to the successor due to (1) an action or inaction by the successor in interest that prevents such payments, including the rejection of payments or the failure of the successor to maintain the property in accordance with HQS or (2) an inability to identify the successor, the PHA should inform the family of this. The PHA should refer the participant, as services are needed, to the local Legal Aid Office.

The Authority has opted to not use HAP funds to pay utility costs or moving costs for units in the Neighborhood Stabilization Program.

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XVIII. ANNUAL RE-CERTIFICATION, INTERIM CHANGES AND REEXAMINATIONS

A. Annual Re-certification

Annual re-certification must be done on or before the anniversary date of the HAP contract for all participants in the Section 8 program. Program participants must report to the PHA all income to the household, changes in income, any additions or deletions of household members, and deduction changes (such as childcare) in writing within ten (10) days from the date of change. Participants and owners will be notified in writing of the annual re-certification at least sixty (60) days prior to the anniversary date of the HAP contract. Participants will be given an appointment for re-certification. One rescheduling of an appointment will be permitted. Failure to re-certify will be deemed as inaction by the participating family and a violation of the family's obligations and is grounds for termination of assistance. Participants and owners will be provided with a "HAP Contract Adjustment" form at the end of the reexamination that will indicate all changes from the previous initial HAP contract or previous adjustment.

B. Unit Transfers/Moves

Program participants may request to move to another unit; however, moves will not be permitted during the initial year of assisted occupancy and only one move can be made per year and only during annual recertification process. Requests must be made in writing to the PHA and the owner no later than 30 days (or more if required by the lease) prior to recertification effective date. Moves will not be allowed before lease ending date. The request to move must be accompanied by the participant's thirty (30) day notice to the landlord. The PHA will issue a new voucher only if the family has previously fulfilled all obligations and responsibilities under the Section 8 program, and has not committed any fraud, program abuse (including non-payment of amounts owed to the PHA under a repayment agreement), and/or is responsible for or failed to correct any tenant-caused damage to an assisted unit. The program participant will be given the same required sixty (60) days to locate another unit. Participants may be requested to demonstrate the financial capability to move prior to receiving approval to seek another unit. Extensions will only be given for extenuating circumstances.

The PHA may deny families permission to move if the PHA does not have sufficient funding for continued assistance. (2005 §CFR 982.314(e)(1)).

In the event the participant fails to notify the PHA and the owner prior to the expiration of the Voucher of their intent to remain in their present unit or provide the required Request for Tenancy Approval for another unit, the participant's assistance may be terminated and the participant will be solely responsible for rent (under the lease) to the owner.

A participant may be required to move under the following circumstances:

- (1) the participant has contacted an owner for necessary repairs that would fail the HUD established Housing Quality Standards and the repairs are not made. The participant must contact the PHA in these circumstances.
- (2) units that do not pass the annual housing inspections or special inspections as above set forth and the owner fails to make the necessary repairs in the time frame for completion as indicated in writing to the owner by the PHA.
- (3) the owner has notified the PHA of their intent not to continue the lease.
- (4) over-crowding or under-utilization of unit size.

C. Interim Changes

Program participants must report to the PHA all changes in income, any additions or deletions of household members, and deduction changes (such as childcare) within ten (10) days from the date of change. Failure to report may result in program termination and/or criminal prosecution. Proper reporting methods must be followed by all participants.

Proper Reporting Methods are considered to be Tenant/participant reporting in writing (by signed documentation) to the Housing Authority all income to the household, any change in income within ten days of the change (including but not limited to Section 8 Administrative Plan, Approved 08/22/11

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income that may be exempted or excluded from rent calculation) or any change in family composition within ten days of the actual change and by providing all requested or required documentation (birth certificates, social security numbers, mailing addresses etc.) or any other documentation needed by HA staff to accurately determine the proper amount of rent and subsidy.

For all income change that results in a decrease of the participant's total tenant payment, an interim adjustment must be made and will become effective the first of following month after the resident reports the change and verification is obtained by the PHA. If verification is obtained stating temporary leave (i.e., layoff, medical, family...) without pay or for less earnings will not exceed 30 days, an interim adjustment will not be made.

Interim adjustments will be made to correct any errors, which may have occurred under the initial certification or for any subsequent reexaminations.

Interim adjustments will be made for increases in annual income of \$2,400.00 (or more than \$200 per month.)

Increases in rent will become effective the first of the month following 30 days of an income increase and notification by the PHA to the family; in cases of a family's failure to properly report income increases, the rent change will be made retroactive to the date the rent would have changed under proper reporting methods, with the thirty days notice of increase being forfeited, rent becoming effective the first day of the coming month, and any retroactive charges being due and payable within thirty days (see also "Repayment Agreements and Collections.

C. VERIFICATION STANDARDS AND PROCEDURES

Income verification plays an intricate role in determining family eligibility and the amount of rental subsidy received by the family. All information in the tenant family's file must be verified and properly documented. The family must provide requested information, documentation and sign required forms. All adult family members age 18 and over must sign the required forms which may be used between regular recertifications to verify unreported income. Release forms will be valid 15 months from the date of signature. Applicants, residents and participants must certify that all income and other information is accurate and complete. The RHHA (Rock Hill Housing Authority) will conduct a thorough interview for the purpose of obtaining complete and accurate household income information to properly determine the family's correct amount of subsidy and rent. A family budget or statement of financial responsibility may be required of families reporting zero or extremely low income; RHHA will attempt to determine the source of income when the family's regular expenditures conflict with their claim of zero income, utilizing all means available, including running credit report, using HUD's EIV system, SWICA's, The Work Number, performing home visits and proper interviewing techniques to disclose any unreported source of income.

The PHA will document all sources of income to the household as well as any deductions claimed by the family. Refer to PIH Notice 2010-19 and subsequently released regulations enacted to reduce administrative and subsidy payment errors in accordance with HUD administrative guidance. Refer also to the "Verification Hierarchy" listed above in: VII. Applications, Eligibility, Verification Requirements, and Waiting List Administration:

F. Verification Standards and Procedures and

G. Self-Employed Applicants/Tenants/Participants.

E. Limitations on Household Size

Participant families may only increase household size due to marriage, birth of additional child(ren), custody changes or Legal adoptions involving minor children, or additions through the foster care program. Families with these type of changes in household size that result in the unit no longer being the appropriate size will be issued a voucher according to funding availability, usually at the next annual recertification.

At the PHA's discretion, immediate family members who have been deleted from the household or were never members of the household may not be added as program participants and are not entitled to housing assistance. Such persons will be advised to apply for housing assistance.

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XIX. REPAYMENT AGREEMENTS AND COLLECTIONS

Should the HA determine that a participant has unreported income, that an incorrect amount of rent has been paid, and it has been determined that there was no intentional fraud involved, a repayment agreement may be entered into with the participant. Amounts less than \$100 should be paid in full; Repayment Agreements will not be entered into for amounts less than \$50 without approval by the Executive Director or designee. The Authority retains the sole authority to decide whether a repayment agreement is appropriate and may at its sole discretion decline to enter into an agreement.

If the HA enters into a repayment agreement, the repayment agreement will generally be set up as follows:

Amount of Repayment Agreement	Initial Payment*	Term in Months	Minimum Payment \$
\$100 - \$500	\$50	9	\$50
\$ 501 - \$1000	\$100	12	\$75
\$1001 - \$2000	\$125	15	\$125
\$2001 - \$4000	\$220	18	\$210
\$4001 - \$6000	\$250	24	\$250
\$6001 - \$8000	\$350	30	\$300
\$8001 and up	\$400	36	\$325

* Due at the execution of the repayment agreement.

Deviations from these recommended amounts must be approved by the Executive Director or designee. Repayment agreements will not be entered into if the total amount due exceeds \$2,500.00 without the prior approval of the Executive Director or designee.

In the event of hardship cases, the HA has the right to change and amend the repayment agreement or waive the amount due upon approval by the Executive Director or designee.

Refusal to execute a repayment agreement that is a result of a failure to comply with proper reporting procedures or any of the family obligations will result in termination of assistance and may bring about charges of fraud. In the event of the participant's failure to comply with the terms of the repayment agreement, the HA will terminate assistance for non-payment and/or failure to comply with the terms of the repayment agreement and may initiate charges of fraud.

Any repayment amounts must be paid by personal check or money order. The PHA will not make a practice of accepting cash.

Repayment agreements will not be entered into with owners. In the event that an owner is paid any excess amounts not due by the PHA, then the following are the conditions for repayment: (1) the amount owed will be deducted from any future HAP payments for the same participant family or other participant families in units owned by the owner or (2) the amounts are due to the PHA upon notification in writing to the owner.

Repayment agreements must be in writing, dated and signed by both the tenant and the PHA, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- a. Reference to the paragraphs in the Public Housing lease or Section 8 information packet whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- b. The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.

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- c. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- d. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

PHAs are required to determine retroactive rent amount as far back as the PHA has documentation of family reported income. For example, if the PHA determines that the family has not reported income for a period of five years and only has documentation for the last three years, the PHA is only able determine retroactive rent for the three years for which documentation is available.

The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and generally not exceed 40 percent of the family's monthly adjusted income. However, the Authority has the discretion to establish thresholds and policies for repayment agreements in addition to HUD procedures. If the circumstances warrant, the percentage may exceed 40 percent at the discretion of the Authority.

In instances where the Authority deems it appropriate, repayment agreements will not be used. Some cases (fraud, excessive amounts owed) may be forwarded to the State's Attorney for prosecution under the law for fraud and restitution will be requested through the court system. In situations where the case will be referred to the courts, the Authority will not offer the client or tenant the option of a repayment agreement. The client or tenant will be notified that the full amount of the debt is due and payable and if full payment is not received, the case will be referred to the court system.

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XX. PORTABILITY

(Note: Portability options do not apply to TBRA vouchers.)

The PHA will adhere to portability program requirements in accordance with 24 CFR 982.353 through 982.355 and HUD issued regulations and notices. The Federal Regulations permit portability moves in the Section 8 program to a jurisdiction of a PHA anywhere in the United States that administers a tenant-based program. Under §982.314 (e)(1), the PHA may deny portability moves to higher cost areas if the receiving PHA refuses to absorb.

Participants not having a legal domicile in the jurisdiction of the PHA at the time the family applied for assistance must rent a unit in the PHA's jurisdiction for at least twelve (12) months before being eligible for portability. For admission to the program, a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

Participants who owe a debt to the Authority for failure to adhere to family obligations will not be eligible for portability until the debt to the Authority is paid in full.

A. As an Initial PHA

In portability moves where the PHA is the initial PHA, staff will contact the receiving PHA to inquire whether the receiving PHA will absorb the participant into the receiving PHA's program or administer the initial PHA's voucher. Based on funding availability, if the participant has complied with the program regulations and this Administrative Plan, a new Voucher may be issued to the participant to be given to the receiving PHA. The PHA reserves the right to deny all portability in situations where HUD funding is insufficient to fully operate the HCV program for the fiscal year.

The regulations allow the receiving PHA to administer the initial PHA's voucher or issue one of its own vouchers. The Section 8 staff must send a letter of good standing for the participant family, the completed voucher, the HUD-50058 and worksheet for the family. The Section 8 staff must indicate the date by which the family must submit a Request for Tenancy Approval and maintain close contact with the receiving PHA to determine the HAP Contract execution date should the Receiving PHA decide to administer the PHA's voucher. The PHA will follow the guidelines set forth in this Administrative Plan for allowable extensions.

In the event that the receiving PHA indicates its intention to administer the initial PHA's voucher and the family has not located suitable housing within the sixty (60) days (with no permitted extension of time granted), the receiving PHA and the participant will be notified of the loss of housing assistance by the initial PHA.

The Initial PHA must reimburse the Receiving PHA for the administrative fees, and the hard-to-house fee, if applicable. The Section 8 program staff will notify accounting of the move so that bills from the initial PHA will be anticipated and paid promptly by the receiving PHA. If the initial PHA has not received a billing notice by the deadline, the initial PHA must contact the receiving PHA to determine the status of the family. The initial PHA may decide not to honor a late billing submission by the receiving PHA. If the initial PHA still subsequently receives a late billing notice on behalf of the family, it simply returns the late form HUD-62665 to the receiving PHA, and the receiving PHA must absorb the family.

B. As a Receiving PHA

The Housing Authority of the City of Rock Hill screens Section 8 applicants in accordance with guidelines outlined in the Section 8 Administrative Plan (Section VII. APPLICATIONS, ELIGIBILITY, VERIFICATION REQUIREMENTS, AND WAITING LIST ADMINISTRATION.) In an effort to be consistent in practice and to avoid the appearance of any type discrimination against participants holding vouchers issued by the Housing Authority of the City of Rock Hill, these same screening procedures will apply to any Section 8 participant coming portable from another Housing Authority.

The PHA will determine on a case-by-case basis whether to administer the initial PHA's voucher or issue one of the PHA's vouchers (based upon funding availability). It is the responsibility of the initial PHA to contact the receiving PHA indicating the participant's intent to move, provide a letter of good standing, provide a voucher, provide the HUD-50058 and worksheet for the family, and to monitor and follow-up with the receiving PHA. The receiving PHA will only assist the participant

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if the initial PHA has issued a new Voucher to the participant entitling them to seek another unit. The participant must be re-certified initially and annually for the purposes of determining housing assistance payments.

In the event that the administration of another PHA's Voucher is necessary, Section 8 program staff will provide immediate notice to the accounting staff so that timely billing to and payment from the initial PHA can be accomplished for the administrative fees, preliminary expense, and the hard-to-house fee, if applicable. The Section 8 program staff must notify accounting immediately should the family cease to participate in the program.

C. Subsequent Moves

The PHA, as the initial PHA, limits the portability moves of participants, to not more than one move in any twelve (12) month period (based on funding availability after initial lease-up period of twelve (12) months and after). Portability to another jurisdiction will not be allowed unless all monies owed to this Housing Authority, any other Housing Authority or any landlord of an assisted property are paid in full. This includes any repayment agreements which must be fully paid prior to requesting portability.

D. Income Limits

The applicable income limit for the participant is always the income limit for the area in which the family initially leases a unit and first becomes a Section 8 participant. Any potential program participant who is not a current program participant or is a portable family transferring assistance between programs (certificate to voucher or vice-versa) must be income eligible in the new program area (where they are to be assisted).

Due to the \$7,500 12-month maximum HAP payment in the TBRA program, only families with regular and steady income will be considered for TBRA vouchers.

XXI. COMPLAINTS AND HEARINGS

A. Discrimination Complaints

If there is notification to the PHA that there is reason to believe that there has been any discrimination on the basis of race, color, religion, sex, disability status, familial status, or national origin, the PHA will provide the Fair Housing Complaint Form, HUD-903, and any assistance deemed necessary.

B. Informal Reviews

The PHA will provide applicants with prompt written notice of ineligibility or denials of assistance. The notice must contain the reasons for the PHA decision, a statement that the applicant may request an informal review, and how to obtain an informal review. The PHA will indicate that the PHA must receive requests for informal reviews within ten (10) days from the date of the notification (14 days for Eastside Homes). Failure to request the hearing, in writing, within ten (10) days (14 days for Eastside Homes) from the date of the letter from the PHA will result in forfeiture of this right.

The informal review must be conducted by a person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person. The applicant will be given the opportunity to present written or oral objections to the PHA decision.

A prompt written decision will be provided to the applicant after the informal review.

Informal reviews, upon receipt of a written request, will be conducted for decisions affecting participants to include the following:

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- (1) Determinations of the family's annual or adjusted income and the use of such income to compute the housing assistance payments.
- (2) A decision of denial or termination of a participant's housing assistance in situations involving any drug-related or violent activity or violent criminal activity.
- (3) A determination of the family unit size under the PHA's subsidy and occupancy standards.

Informal reviews **will not** be conducted by the PHA for the following:

- (1) Discretionary administrative determinations by the PHA, general policy issues, or class grievances.
- (2) The PHA's determination of the bedroom size indicated on the Housing Voucher or the participant's occupancy of a unit that is overcrowded or under utilized.
- (3) The PHA's determination that a unit located by an applicant does not comply with the PHA's housing quality standards, the PHA's determination not to approve the lease of a unit, failure of an owner to maintain or operate a contract unit in compliance with the housing quality standards, or because of failure to meet the standards for family size and bedroom size due to changes in the family composition.
- (4) The PHA's decision not to approve a request for an extension or suspension of a voucher term.
- (5) The PHA's decision to exercise any remedy against an owner under contract for fraud or substantial noncompliance with the program requirements, e.g. units failing HQS standard, including the termination of payments for any units that may be under contract with the owner.
- (6) Establishment of the PHA schedule of utility allowances.
- (7) A PHA determination that an assisted unit is not in compliance with HQS (unless terminating assistance because of a family caused breach of the HQS) including a determination that the unit fails HQS because of the family size.
- (8) A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract.

C. Informal Hearing Procedures

The PHA will give participant families an opportunity for an informal hearing under any of the following circumstances:

- 1) Determination of the family's annual or adjusted income or computation of assistance disputes.
- 2) Determination of family's utility allowance disputes.
- 3) Determination of the family's unit size under subsidy standards.
- 4) Determination to terminate assistance except as outlined herein.

Informal hearings must be requested by a family in writing within ten (10) days from the date of the notification. Failure to request the hearing, in writing, within ten (10) days from the date of the letter from the PHA will result in forfeiture of this right.

The family and the PHA must be given the opportunity to examine and copy (at the requesting parties' expense) any PHA or family documents that are directly relevant to the hearing. The family may make an appointment to review the files. A staff member must be present (family will not be left alone with the file at any time) during the review. Family may be charged for any copies made at their request. Family may also be charged for the staff time to monitor the review if an unreasonable amount of time is used (generally any span greater than 30 minutes).

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If the PHA or the family does not make the document available, the PHA or the family may not rely on the document at the hearing.

Either party may, at its own expense, be represented by a lawyer or other representative.

The hearing must allow for due process for the PHA and the family to include presentation of any evidence and/or opportunity to question witnesses, right to retain and have legal representation, rights of discovery for both the family and the PHA (right to examine and photocopy (at tenant or attorney's expense) documents directly relevant to the hearing, and right to a private hearing.

Failure to appear at a scheduled hearing by either the family or the PHA is a waiver of the right to a further informal hearing. Any appointment requested by a participant and not kept or not rescheduled at least twenty-four hours prior to the time of the arranged appointment will waive the right to a hearing, unless it is proven that a verifiable emergency existed at the time of the missed appointment that precluded attendance.

A written decision of the hearing officer or panel will be issued. The determination by the hearing officer or panel does not constitute a waiver of either party's right to appropriate judicial proceedings.

The hearing must be conducted by a person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

The person or panel conducting the hearing must issue a prompt written decision stating the reasons for the decision to the PHA staff and the applicant/participant/owner. The PHA is not bound by a hearing decision concerning a matter for which the PHA is not required to provide informal hearings or that otherwise exceeds the authority of the person conducting the hearing or if such hearing decision is contrary to HUD regulations or State/local law. In such instances, the PHA must notify the family of such determination and the reasons for the determination.

XXII. OTHER ADMINISTRATIVE FUNCTIONS

The PHA will annually review and, where necessary, make changes to utility allowances and policies/procedures.

Fair Market Rent changes as issued by HUD will be put into effect after publication in the Federal Register. Payment Standard changes for the Voucher program will increase or decrease as deemed necessary.

The Housing Authority Executive Director or his/her designee will conduct internal quality reviews on the files for accuracy and completeness of documentation. Staff will be monitored and counseled in any deficient areas.

The PHA will follow-up on any reports of fraudulent activity on the part of Section 8 program staff, applicants, participants, or owners. Documentation, when obtainable, will be compiled and an internal review will be conducted as to credible evidence by the Section 8 staff. In the event that the documentation is sufficient to pursue further action, the Executive Director will be notified to determine the resulting actions by the PHA.

Program accounts and related records and files will be maintained in accordance with HUD regulations for at least three (3) years. All records and files for applicants and participants will be maintained for at least three (3) years to include leases, HAP contracts, applications, records that provide income, racial, ethnic, gender and disability status, HUD-required reports, unit inspection reports, and lead-based paint inspection records. Copies of the Social Security card will be retained in the file until such time as the file is appropriately destroyed.

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A. Total Tenant Payment - Section 8 Program

Total tenant payment (gross family contribution) for rent will be computed in accordance with Federal Regulations, to be the greater of:

30 percent of monthly adjusted income; or

10 percent of monthly income; or

For the Section 8 tenant-based Voucher program, a **minimum rent (*see below)** family contribution of \$50 (includes utility allowance), and if applicable, any difference between the monthly rent to owner and the housing assistance payment.

Maximum family share at initial occupancy: TBRA (HOME) voucher Housing Assistance Payments may not exceed \$7,500.00 in a 12-month period, regardless of the amount of income to the family. After the maximum assistance has been paid in a 12-month period, no further housing assistance payments will be paid by the Housing Authority; the family will be fully responsible for the contract rent payment to the landlord.

B. Minimum Rent Exceptions

Statutory provisions, Section 507:3(a)(3)(B) of the QHWRA, provide the following exceptions to the minimum rent requirements:

1. A family may request an exception (which must include reasonable documentation) to the minimum rent based upon temporary financial hardship due to the following circumstances:

- a. The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program;
- b. The family would be evicted as a result of the imposition of the minimum rent requirement;
- c. The income of the family has decreased because of changed circumstance, including loss of employment;
- d. A death in the family has occurred; and
- e. Other circumstances determined by the HA or HUD.

2. The HA shall immediately suspend or discontinue the family's requirement for payment of a minimum rent upon the family's request for hardship exemption and the suspension shall continue until a determination is made on whether the hardship exists and/or if the hardship is *temporary or long-term*.

3. If the HA determines that the hardship is *temporary*, the minimum rent remains imposed (including back payment for minimum rent from the time of suspension).

4. Should a family request and qualify for such exception after October 21, 1998 and the financial hardship occurred prior to adoption of this policy, the HA will reimburse the resident by providing a refund or otherwise offset future rent payments.

5. Should the HA determine that there is no hardship, a minimum rent is imposed retroactively to the time of the suspension. The HA must offer a reasonable repayment agreement for any back-payment due by the family. The family cannot be evicted for nonpayment during the 90-day period commencing on the date of the family's request for exemption of minimum rent in excess of the tenant rent otherwise payable.

**Note: The Housing Authority's minimum rent effective November 1, 2005 for the Section 8 Program is \$50.00 per month. The minimum rent may be increased up to the maximum or minimum rent allowed by the Department of Housing an Urban Development with the approval of the Executive Director and the provision of required notice to residents.*

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C. Maximum Family Share at Initial Occupancy

At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income. The determination of adjusted monthly income must be based on verification information received by the PHA no earlier than 60 days before the PHA issues a voucher to the family.

D. Use of Administrative Fee Reserves

The PHA's operating (administrative fee) reserve funds may be expended for other housing purposes consistent with the authority of the PHA under Federal, State and local law, and current applicable HUD regulations, provided that the amounts used for other housing purposes are not required for projected administrative expenses through the remaining Annual Contribution Contract terms. Expenditures made for other housing purposes, consistent with Federal and State laws and regulations, must be procured and committed in accordance with the current Procurement Policy adopted by the Board of Commissioners. The threshold for other housing related purposes may not exceed the Executive Director's purchasing threshold established by the Board without further approval by the Board of Commissioners. The Executive Director may use, without further approval, any amount of the administrative fee reserves for direct Section 8 program operational expenses as deemed necessary for the proper administration of the Section 8 program.

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Attachment 1 – Income Inclusions and Exclusions

Regulatory Addendum

Income Inclusions and Exclusions will be administered in accordance with the Code of Federal Regulations and the Section 8 Occupancy Guidebook; the 4350.3 HUD Occupancy Handbook may also be used for reference and clarification.

Interest income will be computed at the rate stated on third-party verifications, with six-month average being used for checking accounts and actual balance for savings accounts; For interest rates not stated on verifications and/or imputed income of \$5,000.00 or more, 2.0% will be used for Eastside Homes and 2.56% will be used for Public Housing and Section 8 programs.

Asset Limit and Residency Ownership Prohibition: The PHA does not consider it appropriate to provide assistance to individuals and families who own a habitable dwelling unit. However, a unit placed for sale, in good faith, with a legitimate licensed real estate firm under a legally enforceable contract will be deemed to be eligible if all other criteria is met. For initial eligibility and for ongoing annual recertifications, any family having either (a) more than \$100,000 in net assets or (b) an ownership in a residence suitable for occupancy may be determined ineligible for assistance. PHAs may delay eviction or termination of families not meeting asset and residence restrictions for up to six months. Excluded from Asset Limit and Residency Ownership Prohibition: victims of domestic violence, families making a good faith effort to sell a property, family self-sufficiency accounts, personal property (except for items of significant value), retirement and education savings account assets, and amounts from certain disability lawsuits.

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Attachment 2 - Section 8 HCV Homeownership Program

1. Introduction

The Section 8 Homeownership Program, as approved by HUD, allows an authority at the authority's option to provide tenant based voucher assistance to an eligible family for use in purchasing a dwelling unit that will be occupied by the family.

The Authority plans to initiate a pilot program to explore the feasibility of using the Housing Choice Voucher (HCV) for homeownership opportunities for a maximum of eight families. The program policies and procedures are outlined below. The program will only be implemented if the Authority is successful in satisfactorily obtaining program management and implementation assistance from qualified outside organizations to help fulfill, in a quality manner, the HUD mandated requirements of the program. All items below, and actual implementation of the program, are fully contingent on the implementation of the program with all requirements met.

2. General Employment and Income and Eligibility Requirements,

Participants must meet all HUD established minimum criteria and conditions to obtain a Homeownership Voucher (HOV). Any changes to HUD minimum regulatory criteria will automatically be included in this policy as it pertains to the HOV.

Participation will be limited to current voucher holders. Applicants from the wait list and initial voucher holders who have not yet leased will not be eligible to apply.

The family must meet the HUD definition of a first time homebuyer. Financing for the purchase must meet generally accepted private market underwriting requirements.

The homebuyer must meet employment requirements. To qualify, one or more adult members of the household must be employed on a full time basis, averaging a minimum of 35 hours per week, for 18 or more continuous months prior to applying for the homebuyer program. Any break in employment that exceeds 3 weeks will not meet the continuous employment standard.

The homebuyer must meet income requirements. To qualify, one or more adult members of the household must have an earned income of at least \$25,000.00 per year for in excess of 1 year. (Elderly and Disabled families are exempt from this requirement and may qualify by meeting the income only requirement.

The applicant must have made all rental payments on time for a minimum of 12 months prior to application for an HOV. Welfare income will not be counted as meeting the income requirement except for an elderly or disabled family.

3. Housing Counseling Requirement

A family that has been determined to be eligible to participate in this program must attend and satisfactorily complete a pre-assistance homeownership and housing counseling program provided for or approved by the Authority. The topics to be included in the counseling are:

- Home maintenance
- Budgeting and money management
- Credit counseling and credit repair
- Negotiating the purchase price of a home
- Obtaining homeownership financing and loan pre-approvals
- How to find a home
- Fair Housing information

The counseling requirement must be fully met prior to the issuance of an HOV and the commencement of any homeownership assistance. Additionally, further counseling may be required after the commencement of assistance at the sole discretion of

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the Authority.

4. Inspection Requirements

In accordance with HUD requirements, the home must pass both a Housing Quality Standards (HQS) inspection conducted by the Authority or its designee and an independent professional home inspection prepared by an inspector selected and paid for by the family. The independent inspector, selected by the family, must be qualified to report on the property condition which includes:

- Foundation and structure
- Housing interior and exterior
- Roofing
- Plumbing
- Electrical systems
- Heating and cooling systems

A written copy of the completed inspection must be provided to both the family and the Authority. The Authority will retain the right to disapprove the property due to any information in the report even if the property met HQS requirements. The owner may repair the items in question and have the property pass after repairs.

5. Contract of Sale

A properly completed contract of sale is required prior to the start of any assistance under the program. The contract of sale must include:

- Price and terms
- That the purchaser has the right to have an inspection completed by an independent inspector and that the purchaser may terminate the offer to purchase without penalty unless the inspection is satisfactory to the purchaser
- The purchaser is not obligated to pay for any repairs to the unit.
- A certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

6. Financing

Families selected for the program are required to obtain their own financing for the home purchase. Section 8 funds will not be used for down payment or closing costs. All loans must meet generally accepted underwriting terms and terms acceptable in the reputable secondary markets such as FHA, Fannie Mae, Freddie MAC, etc. Loans must meet the criteria for coverage by private insurers, State or Federal governments when required.

The Authority reserves the right to disapprove a mortgage if the loan is considered by the Authority as unfavorable, predatory, or outside the norm. Only regular amortized, fixed rate, fixed term loans will be acceptable. ARMs or other types of loans will not be considered.

The applicant must obtain a pre-approval letter stating the amount of the loan the applicant is approved for from a reputable lender prior to the issuance of a HOV.

The real estate taxes and property insurance must be escrowed by the mortgage holder.

7. Down Payment and Closing Costs

The homebuyer must contribute a minimum of 3% of the purchase price toward the purchase, and a minimum of \$1,000 or 1%, whichever is greater, must come from the homebuyer's personal funds.

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8. Term of Assistance

HOV assistance will only be provided for the months the family is in residence in the home. The maximum term of assistance is 15 years for a 20 or longer year mortgage and 10 years for mortgages less than 20 years. Elderly families and disabled families may be exempted from this requirement. An elderly or disabled family that loses its elderly or disabled eligibility will be subject to the normal maximums retroactive to the commencement of assistance with a 6-month minimum continued assistance period following the loss of eligibility.

9. Amount of Assistance/Homeownership Expenses

The HOV shall pay a monthly homeownership assistance payment on behalf of the family, while the family resides in the home, complies with program requirements, for the allowed term of assistance in an amount equal to the lower of:

The payment standard minus the total tenant payment; or

The family's monthly homeownership expenses minus the total tenant payment.

The payment standard for the HOV family is the lower of:

The payment standard for the family unit size, or

The payment standard for the size of the home

The payment standard during the term of assistance will never be less than the payment standard in effect at the commencement of the initial HOV assistance. The Authority will use the same payment standards and subsidy standards used for the regular HCV program. The Authority has adopted the following items as allowed for homeownership expenses:

- Principal and interest on the initial mortgage debt
- Principal and interest on the refinancing of the initial mortgage debt
- Mortgage insurance premiums required to finance or refinancing
- The current allowance for utilities
- Real estate taxes on the home
- Public assessments pertaining to the home
- Home insurance costs for the home
- An allowance for repairs of \$50.00 per month
- Principal and interest required to finance major repairs to the home or to add disability access if the costs are approved by the Authority prior to the work performance
- Home Association or Condo Fees if legally required by the association

HOV payments will be made to the lender or to the HOV family at the sole discretion of the Authority. If the HOV payment to the lender exceeds the mortgage payment, the excess will be paid to the family

10. Applications

Annually, the Authority will notify potential current Section 8 participants with 12 or more months in the program with \$25,000 or greater annual income, about the availability of the program. Applicants will then be conditionally accepted up to the program limits, on a first-come, first-served basis based on the date of receipt by the Authority of a written request to be considered for HOV program. Applicants will be screened for the income, work history, rent payment, and credit criteria.

11. Contract of Sale

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The sales contract must include:

- Price and other terms
- Provide for the HQS and private pre-inspections with a contingency that the buyer is not obligated unless the inspections are satisfactory to the buyer and the Authority
- Buyer is not obligated to make any repairs to the home
- A certification that the seller is not disbarred, suspended, or subject to a limited denial by HUD
- A reasonable closing date

12. Family Obligations

The family must complete a Statement of Family Obligations form prior to issuance of a HOV and prior to the initiation of any assistance. Family obligations include:

- The HOV assisted unit must be the family's primary and only residence.
- The family must adhere to all required Section 8 family requirements and is subject to HUD's required adherence to the "One Strike" no tolerance policy on criminal drug related violations and other criminal violations.
- The family must comply with the terms of the mortgage
- At any time the family is receiving HOV assistance, the family may not sell or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home.
- A home equity or refinancing loan may not be obtained without the prior written consent of the Authority.
- The family must provide required information regarding income and family composition, including any changes, to the Authority in order to correctly calculate the total tenant payment and the amount of HOV assistance in accordance with current and applicable HUD requirements. The family must provide all information pertaining to the financing, potential transfers of interest, and the family's homeownership expenses.
- The family must notify the Authority if the family defaults on any debt or mortgage pertaining to the HOV assisted home.
- The family must notify the Authority of any changes in family composition and if any person moves out of the home,
- The family must document at annual reexamination time that the family is current with all mortgage, insurance, taxes, and utility payments.
- The family must adhere to Authority requirements prior to moving from the unit. The family may be required to participate in pre and post purchase homeownership counseling prior to rehousing.

While receiving HOV assistance, no family member may have any ownership interest in any other residential property.

The family may not lease or sub-lease the home while receiving HOV assistance.

13. Issuance and Term of HOV

A HOV will only be issued once the family has completed all required items described in this policy and has received a mortgage pre-approval letter. The HOV will be issued for a period of 120 days with up to a 60 extension available. If a HOV voucher is not used at the end of the issue term, the family will be dropped from the HOV program and will revert their regular HCV program status. Family will not be eligible to reapply for HOV status for a period of at least one year from the date their previous eligibility expired.

- HOV assistance will be terminated if the family defaults on the mortgage for the home.
- HOV assistance will be terminated if the family moves from the unit or transfers through sale or other mechanisms the ownership of the home.
- HOV assistance may be terminated for any of the reasons for terminating participation in the standard HCV program.
- HOV participation may also end if the family becomes ineligible for HCV/HOV participation due to income levels.

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If the family satisfactorily ends its participation in the HOV program, the family may remain eligible to continue in the regular HCT rental program. The initial property purchased under the HOV program must be within the Authority's operating jurisdiction.

14. Approval and Denials of Assistance

The Authority reserves the right to approve and deny HOV assistance at its discretion. An informal hearing will be offered to participants who are being terminated from the program at any point due to the family's actions or failure to act. Normal rules for Section 8 informal hearing will apply.

The Authority reserves the right to terminate the program at any point and without notice if HUD rescinds the authority to operate the program or if HUD funding is not provided in a sufficient level to fund the programs.

15. Executive Director Waivers of HA requirements

The Authority reserves the right to make changes in this policy or procedure at any time to comply with HUD requirements, changes in HUD requirements, or to make minor adjustments, refinements, clarifications, or interpretations of the policy or procedure. The Executive Director may at his sole discretion, waive Authority procedures in exceptional cases. The Authority reserves the right to cancel this program at the sole discretion of the Authority. Cancellation would not impact any currently assisted HOV participants.

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DEFINITIONS

Act. Quality Housing & Work Responsibility Act of 1998 (QHWRA) and Housing Act of 1937.

Admission. The point when the family becomes a participant in the program. In a tenant-based program, the date used for this purpose is the effective date of the first HAP contract for a family (first date of initial lease term).

Adult. A household member who is 18 years or older or who is the head of household, or spouse, or co-head.

Adjusted Income. Annual gross income less any adjustments permitted by Federal Regulations. See 24 CFR Part 5, Section 5.611.

Allowances. HUD approved deductions from annual gross income to determine adjusted income.

Annual Contributions Contract (ACC). A contract (in the form prescribed by HUD) for loans and contributions, which may be in the form of grants, whereby HUD agrees to provide financial assistance and the PHA agrees to comply with HUD requirements for the development and operation of a public housing complex, or to cover housing assistance payments and other expenses for tenant-based programs.

Annual Income. See Attachment. Defined in 24 CFR Part 5, Section 5.609.

Applicant or applicant family. A family that has applied for admission to a program, but is not yet a participant in the program.

Assets. See definition for Net Family Assets.

Asset Income. Income received from assets held by family members. If assets total more than \$5,000, income from the asset income and imputed asset income is counted in annual income.

Assisted Lease (or "Lease"). A written agreement between an owner and a family for the leasing of a unit by the owner to the family with assistance payments under a Housing Assistance Payments (HAP) contract between the owner and the PHA.

Assisted Family: A family who is currently living in a HUD-assisted property or leasing a unit wherein rent is reduced by a special program or rent is subsidized by the Department of Housing and Urban Development.

Birth Certificate: A valid birth certificate is defined as one that is issued by an official governmental body, is legible to the Authority, has not been altered or changed, and displays name, date and place of birth.

Childcare deduction: An allowable \$480 annual deduction for the household in which a child under age 18 (or full time student) resides full time; in cases of joint or shared custody, the deduction will be given to the household where the child resides 50% of the year, to the household where the child lives during the normal school year or to the parent who claims the child on income tax records. The deduction will be awarded to only one of the assisted families if both families are receiving housing assistance.

Childcare expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such are necessary to enable a family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (Earned Income Disallowance exclusion.)

Ceiling Rent. Maximum rent determined and set by some PHAs.

Citizen. A citizen (by birth or naturalization) or national of the United States.

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Complex for elderly families. A complex for elderly families is a complex or portion of a complex to which regulations for housing assistance apply that was designated for occupancy by the elderly at its inception (and that has retained that character) or, although not so designated, for which the PHA gives preference in tenant selection (with HUD approval) for all units in the complex (or for a portion of the units in the complex) to elderly families.

Continuously assisted. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

Contract Rent. The total amount of rent specified in the Housing Assistance Payment Contract as payable to the owner by the family and/or by the PHA on the family's behalf.

Cooperation Agreement. An agreement between a PHA and the applicable local governing body or bodies which assures exemption from real and personal property taxes, provides for local support and services for the development and operation of a public housing complex, and provides for PHA payments in lieu of taxes.

Covered Families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Covered Housing. Public housing, project-based assistance under section 8 (including new construction and substantial rehabilitation projects), and tenant-based assistance under section 8.

Covered Person. A tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Credible Evidence. Evidence of drugs found in the dwelling unit, evidence, which is tied to the drug activity, arrest, warrants issued, drug raids, or arrest, or conviction for such activity.

Decent, safe and sanitary. Housing is decent, safe, sanitary and in good repair if the requirements of the federal regulations are met.

Deductions. Federally mandated allowable deductions from annual gross income. See Attachment.

Dependent. A member of the family household (excluding foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is person with a disability, or is a full-time student.

Designated Voucher: Tenancy under the Designated Section 8 voucher HAP contract must be treated as tenancy under the HCV program except for the option of portability. Participants with a designated voucher cannot exercise portability to another PHA's jurisdiction. The voucher has been designated for a specific complex so move would be limited to transfer within the confines of that complex.

Disability Assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. See Attachment.

Disabled person. See Person with Disabilities.

Disabled family. A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disallowance: Exclusion from annual income.

Displaced Person. A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized under federal disaster relief laws.

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Documentation: The Authority retains the right to determine the acceptability of documentation presented to the Authority to substantiate eligibility and continued eligibility. Documentation must be original (or certified as a copy of the original by the appropriate governmental agency), must be in reasonable condition, must be legible to the Authority, must not be altered or appear to be altered or changed in any way, and must be directly from an acceptable third party when so required.

Domicile. The legal residence of the household head or spouse as determined in accordance with State and local law.

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

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

EO Plan. Equal Opportunity Housing Plan. The EO plan establishes PHA policies for implementing civil rights requirements.

Earned Income. Income derived from wages from employment or self-employment. Self employment is income derived from the sale of merchandise or a service.

Economic Self-sufficiency Program. Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Effective date. The effective date of an examination or reexamination refers to (a) in case of an examination for admission, the effective date of initial occupancy, and (b) in the case of reexamination of an existing resident, the effective date of the redetermined total tenant payment or tenant rent.

EIV System: Earned Income Verification System provided by HUD for use in verifying household income, preventing fraud and misuse of government subsidy by program participants.

Elderly family. A family whose head or spouse (or sole member) is an elderly or disabled person. It may include two or more elderly or disabled persons living together, or one or more of these persons living with one or more live-in aides.

Elderly person. A person who is at least 62 years of age.

Elderly family. A family whose head or spouse (or sole member) is an elderly or disabled person. It may include two or more elderly or disabled persons living together, or one or more of these persons living with one or more live-in aides.

Extremely Low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Eviction. The dispossession of the tenant from the leased unit, as a result of the termination of the tenancy, including a termination prior to the end of a term or at the end of a term.

FMR. The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publication in the Federal Register in accordance with 24 CFR 888.

Family. Defined in 24 CFR 5. Family includes but is not limited to: (a) a family with or without children; (b) an elderly family; (c) a near-elderly family; (d) a disabled family; (e) a displaced family; (f) the remaining member of a tenant family; and (g) a single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. See 24 CFR 5.403.

Family members. Any household members except live-in aides, foster children and foster adults. All family members

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permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD 50058.

Family Self-Sufficiency (FSS) Program. A program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the U.S. Housing Act of 1937.

Family unit size. The appropriate number of bedrooms for a family. Family unit size is determined by the PHA under the PHA occupancy standards or subsidy standards.

Flat Rent. A rent for Public Housing units as determined and set by PHAs that a family may choose to pay in lieu of an income-based rental amount.

Fraud. Intentionally providing false, incomplete or inaccurate information on an application, recertification form, or failure to report all sources of income received by the family.

Full-time student. A person who is carrying a subject load that is considered full-time under the standards and practices of the educational institution attended. An education institution includes a vocational training school with a diploma or certificate program, as well as an institution offering a college degree.

Gross rent. The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance.

Guest. 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.

Handicapped person (This definition is to be used for purposes of maintaining nondiscrimination practices (see 24 CFR 8.3); see Person with Disability definition for purposes of defining disability).

Includes any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. This term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(a) Physical or mental impairment includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genito-urinary, hemic and lymphatic skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(C) Has a record of such means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation.

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

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(3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

(See also definition for "Qualified individual with Handicap").

Harassment. A wide spectrum of offensive behavior; behavior intended to disturb or upset, and when the term is used in a legal sense, refers to behaviors which are found threatening or disturbing.

Head of Household. The head of household is the person who assumes legal and moral responsibility for the household.

Household. Head of household and PHA-approved household members, which may include a PHA-approved live-in aide.

Housing Assistance Payment ("HAP"). The payment made by the PHA to the owner of a unit under lease by an eligible family, as provided in the contract, in accordance with Federal Regulations. The payment is the difference between the contract rent and the tenant rent. An additional payment is made by the PHA to the family when the utility allowance is greater than the total tenant payment. In the case of a family renting only a manufactured home space, the HAP is determined in accordance with the Federal Regulations.

Housing Assistance Payment Contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

Housing Assistance Plan. A local housing assistance plan approved by the field office meeting the requirements of the community development block grant regulation (24 CFR 570) whether or not the unit of general local government submitting the plan is a participant in the block grant program.

Housing Choice Voucher. A document issued by a PHA to a family selected for admission to the rental Housing Choice Voucher program. The Housing Choice Voucher (HCV) describes the program, and the procedures for PHA approval of a unit selected by the family. The HCV also describes the obligations of the family under the program.

Housing Choice Voucher or Voucher holder. A family holding a voucher with unexpired search time.

Housing Quality Standards "HQS". Program requirements for housing standards established by HUD and any variations established by the PHA and approved by HUD.

Imputed Asset. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Imputed Income. Calculation used when assets exceed \$5,000.00, e.g., HUD passbook rate x total cash value of assets.

Imputed Welfare Income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent. (See HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Inactive Status. Inactive means that an applicant is removed from the wait list. The applicant would need to reapply, if the wait list is open to regain entry onto to the wait list and the applicant would start over as a new applicant.

Income Based Rent. An income-based rent is a tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

Incremental Units. The number of budgeted units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance.

INS. The U.S. Immigration and Naturalization Service.

Income Deductions. See Deductions Attachment.

Income limits. HUD established extremely low, very low-income and low-income limits that are used to determine if assisted

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housing program applicants qualify for admission to HUD-assisted programs. These income limits are based on HUD estimates for area median family income (using Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas as defined by the Office of Management and Budget (OMB), and the Bureau of the Census definition of family) with specific statutorily permissible adjustments. If the income limits based on this approach would be less than if based on the relevant State non-metropolitan median family income level, income limits are based on the State non-metropolitan family income level.

Landlord. Either the owner of the property or his/her representative or the managing agent as shall be designated by the owner.

Law Enforcement Agency. The National Crime Information Center (NCIC), police department and other law enforcement agencies that hold criminal conviction records.

Lease. A written agreement between an owner (including a PHA) and a family for the leasing of a housing unit. Section 8 programs require an Addendum to the Lease (that contains mandatory language) if an owner's lease is used which must be incorporated into any lease or attached to the lease.

Live-in aide. (24 CFR 5.403) A person who resides with one or more elderly, near-elderly or disabled persons or disabled person and who:

(1) Is determined to be essential to the care and well being of the persons; a health care provider must document the need for a live-in aide.

(2) Is not obligated for the support of the persons and whose income is not considered in calculating the resident's rent.

(3) Would not be living in the unit except to provide necessary supportive services. (Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide.)

(4) is not a member of the assisted family and is not entitled to the voucher as the remaining member of the tenant family.

(5) has been approved by the PHA. The PHA may disapprove a person if who has: (1) committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; or (3) currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act. (24 CFR 982.316)

Local preference. A preference used by the PHA to select among applicant families. Local is defined as the operating jurisdiction of the Rock Hill Housing Authority.

Low-income family. A family whose annual incomes do not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

Major Life Activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Maximum Family Share (at initial occupancy): At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income. The determination of adjusted monthly income must be based on verification information received by the PHA no earlier than 60 days before the PHA issues a voucher to the family.

Medical expenses. Allowable deductions from annual gross income for certain types of program participants. See Attachment.

Mixed Family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One-twelfth of adjusted annual income.

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Monthly income. One-twelfth of annual income.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Near elderly family. A family whose head or spouse (or sole member) is at least 50 years of age but below the age of 62 years.

Net family assets. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and the equity in a housing cooperative unit or in a manufactured home in which the family resides. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under 24 CFR 5, Subpart F.) In determining net family assets, PHAs and Owners shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. See also definition for Imputed Asset and Imputed Income.

Noncitizen. A person who is neither a citizen nor a national of the United States, and is not eligible for housing assistance unless eligible immigration status has been provided (evidenced by supporting documentation) in one of the following categories:

(1) A noncitizen who has been lawfully admitted to the U.S. for permanent residence, as defined by the Immigration and Nationality Act as an immigrant (includes special agricultural workers who have been granted lawful temporary resident status).

(2) A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as an exercise of discretion by the U.S. Attorney General.

(3) A noncitizen who is lawfully present in the U.S. pursuant to an admission under refugee status, asylum status, or as a result of being granted conditional entry because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity.

(4) A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the U.S. Attorney General for emergent reasons or for reasons deemed strictly in the public interest under parole status.

(5) A noncitizen that is lawfully present in the U.S. as result of the Attorney General's withholding deportation for threat of life or freedom.

(6) A noncitizen lawfully admitted for temporary or permanent residence under amnesty (Section 245A of the INA).

Noncitizen Student. Housing Assistance (including continued assistance, prorated assistance or temporary deferral of termination of assistance) is prohibited to all noncitizen students (including spouses or minor children) who have a residence in a foreign country that the person has no intention of abandoning; are a bona fide student qualified to pursue a full course of study; and are admitted to the U.S. temporarily and solely for purposes of pursuing such a course of study, particularly designated by such person and continually approved by the U. S. Attorney General.

Notification from the Authority. Notification is defined as a written correspondence dispatched through the U.S. mail system or a telephone notification that is documented by the Authority as to the name, date, and time the individual or family was contacted by telephone. The Authority is not responsible for an individual or families failure to pick up, receive, or respond to a

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mailed notification. The Authority is not responsible when a family or individual fails to maintain a correct address with the Authority or with the postal system.

Occupancy standards. Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions. See definition of "family unit size."

Other Person Under Tenant's Control. A person, although not staying as a guest (see definition of guest) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Owner. Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing. See the Annual Contributions Contract for the types of prohibited or conflict of interest owners.

PHA. Public housing agency or authority. Also referred to as HA. A State, county, municipality or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). "PHA" and "HA" mean the same thing.

PHA jurisdiction. The area in which the PHA is not barred and is legally permitted to operate under State law.

Participant. A family that has been admitted to the PHA's certificate or voucher program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment standard. The payment standard will be established at an amount between 90% and 110% of the HUD published annual Fair Market Rents, depending on the availability of funding and the availability of units to program participants. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the PHA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

Person with Disabilities. 1. Means a person who:

- (i) Has a disability, as defined in 42 U.S.C. 423;
- (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - (A) Is expected to be of long-continued and indefinite duration;
 - (B) Substantially impedes his or her ability to live independently; and
 - (C) Is of such a nature that ability to live independently could be improved by more suitable housing conditions; or
- (iii) has developmental disability as defined in 42 U.S.C. 6001.

2. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

3. For purposes of qualifying for low income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and

4. Means "individual with handicaps", as defined in Section 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Permanent Replacement Housing. Housing that is decent, safe, and sanitary; that is adequate for the family size; and that the family is occupying pursuant to a lease or occupancy agreement. (This term is used in defining eligibility for involuntarily

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displaced persons who may have received shelter after being displaced and before receiving rental assistance).

Pre-adjustment Rent. Rent to an owner that does not include any previously approved special adjustments.

Preponderance of Evidence. 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.

Previously Unemployed. Includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Probation: A period of leniency in lieu of termination extended to a resident/participant after lease or HAP violations have occurred or the preponderance of evidence indicates that violations have occurred during which time the resident/participant is put on notice that additional violations can bring about termination of assistance.

Processing Entity: the person or entity that that is responsible for making eligibility and related determinations and an income reexamination. (In the Section 8 and public housing programs, the "processing entity" is the "responsible entity.")

Proper Reporting Methods: Tenant/participant reporting in writing by signed documentation to the Housing Authority any change in income within ten days of the change (including but not limited to income that may be exempted or excluded from rent calculation) or any change in family composition within ten days of the actual change and by providing all requested or required documentation (birth certificates, social security numbers, mailing addresses etc.) or any other documentation needed by HA staff to accurately determine the proper amount of rent and subsidy.

Public Housing: Housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating assistance.

Rental Agreement. All agreements, written or oral, between the landlord and tenant (and valid rules and regulations adopted by the landlord pursuant to a written agreement) relating to the use and occupancy of a dwelling unit and surrounding premises.

Resident Advisory Board: Board of Public Housing residents and Section 8 participants formed to assist the PHA in operational and policy changes.

Residency preference. A preference for admission of persons who reside in a specified geographic area.

Qualified Family. A family residing in public housing: (i) Whose annual income increases as a result of employment of a family member who was unemployed for once or more years previous to employment; (ii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or (iii) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded by TANF, as determined by the PHA in consultation with the local agencies administering TANF and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.

Qualified Individual with Handicap. (See 24 CFR Part 8.3). With respect to any non-employment program or activity which requires a person to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Housing Authority can demonstrate would result in a fundamental alteration in its nature; or with respect to any other non-employment program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

Ranking preference. A preference used by the PHA to select among applicant families that qualify for a preference.

Reasonable Rent. A rent to owner that is not more than either:

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- (1) Rent charged for comparable units in the private unassisted market; or
- (2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

Remaining Family Member. A member of a family listed on the lease who continues to live in an assisted unit after all other family members have left. Live-in-aid is specifically excluded from qualifying as a remaining member of the family unless their name has been included on the lease and any income included for rent calculation purposes.

Rent. See Tenant Rent and Total Tenant Payment.

Rental voucher. See Housing Choice Voucher.

Rental voucher program. See Housing Choice Voucher program.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area.

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible Entity: (1) For the public housing program, the Section 8 tenant-based assistance program and the Section 8 project-based certificate or voucher programs and the Section 8 moderate rehabilitation program, responsible entity means the PHA administering the program under an ACC with HUD; (2) For all other Section 8 programs, responsible entity means the Section 8 project owner.

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

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Specified Welfare Benefit Reduction. (1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. (2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency: (i) at expiration of a lifetime or other time limit on the payment of welfare benefits; (ii) because a family member is not able to obtain employment, even though the family member has complied with welfare economic self-sufficiency or work activities requirements; or (iii) because a family member has not complied with other welfare agency requirements. (See Imputed welfare income and HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Spouse. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

Standard, permanent replacement housing. Decent, safe and sanitary housing, adequate for the family size, and housing that the family is occupying pursuant to a lease or occupancy agreement. Standard, permanent replacement housing does not include transient facilities (such as motels, hotels, or temporary shelters); or in cases of domestic violence, the housing unit in which the applicant, and the applicant's spouse or other member of the household who engages in such violence, live.

State Landlord and Tenant Act. Any state statute or local ordinance which imposes obligations on a landlord and tenant in connection with the occupancy of a dwelling unit and surrounding premises and which provides that violations of such obligations by the tenant constitute grounds for eviction.

Specified Welfare Benefit Reduction. (1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family

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member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. (2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency: (i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare economic self-sufficiency or work activities requirements; or (iii) because a family member has not complied with other welfare agency requirements. (See Imputed welfare income and HUD regulations Section 5.615 (c) for determination requirements for imputed welfare income.)

Subsidy Standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SWICA. State Wage Income Collection Agency.

TBRA. Tenant Based Rental Assistance.

Tenant-based. Rental assistance that is not attached to the structure.

Tenant rent. The amount payable monthly by the family as rent to an owner (including a PHA). Where all utilities (except telephone) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the PHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the utility allowance. Total tenant payment does not include charges for excess utility consumption or other miscellaneous charges.

Total Tenant Payment. Total income-based tenant payment shall be **the highest** of the following, rounded to the nearest dollar:

- (1) Thirty percent (30%) of the monthly adjusted income;
- (2) Ten percent (10%) of monthly income;
- (3) Minimum rent as set by PHA from \$0 to \$50.00;
- (4) Ceiling rent as set by PHA for Public Housing;

OR

- (5) Flat rent as set by PHA for Public Housing.

Unit. Dwelling unit.

United States Housing Act of 1937. (1937 Housing Act). The basic law that authorizes the public and Indian housing programs, and the Section 8 programs. (42 U.S.C. 1437 et seq.).

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Tenant Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, under 24 CFR 5, of the monthly cost of a reasonable consumption of such utilities and other services (excluding any allowance for air-conditioning as required by HUD) for the unit by an energy-conservation household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. The amount, if any, by which the utility for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, as

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determined by HUD, with adjustments for smaller and larger families. HUD may establish very low-income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

Veteran. An honorably discharged veteran of the US military services (DD Form 214 as supporting documentation).

Violent Activity. Any behavior or activity exerted or displayed so as to cause damage, abuse, intimidation or injury; vehemence of feeling or expression or rough, aggressive action.

Violent Criminal Activity. 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.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

Welfare assistance. (for purposes of the FSS program only) income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance **does not include:** (1) Nonrecurrent, short-term benefits that: (i) Are designed to deal with a specific crisis situation or episode of need; (ii) Are not intended to meet recurrent or ongoing needs; and (iii) Will not extend beyond four months. (2) Work subsidies {i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training}; (3) Supportive services such as child care and transportation provided to families who are employed; (4) Refundable earned income tax credits; (5) Contributions to, and distributions from, Individual Development Accounts under TANF; (6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; (7) Transportation benefits provided under a Job Access or Reverse Commute project to an individual who is not otherwise receiving assistance; (8) Amounts solely directed to meeting housing expenses; (9) Amounts for health care; (10) Food stamps and emergency rental and utilities assistance; and (11) SSI, SSDI, or Social Security.

Working Family: Working, in this definition, will include head of household or spouse who is working a minimum of 15 hours per week at no less than minimum wage (or has the equivalent **earned** gross monthly income to the household) (i.e., Minimum wage x 15 x 52 = annual gross income divided by 12 = monthly gross income). Working preference benefit is also given to those unable to work due to age or disability, i.e., if the head or spouse or sole member is age 62 or older or is a person with disabilities. Working preference will not be given unless appropriate verification can be obtained.

Work Activities. See definition at section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

Additional definitions may also be found in the Public Housing Occupancy Guidebook, HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, the Housing Choice Voucher Program Guidebook and the Code of Federal Regulations, Title 24: Housing and Urban Development.