

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

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# PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004

Annual Plan for Fiscal Year 2000

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN ACCORDANCE WITH  
INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**

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HUD 50075  
OMB Approval No: 2577-0226  
Expires: 03/31/2002

## PHA Plan Agency Identification

**PHA Name:** Marshalltown Rent Assistance Program

**PHA Number:** IA125

**PHA Fiscal Year Beginning: (mm/yyyy)** 7/1/00

### Public Access to Information

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

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices

### Display Locations For PHA Plans and Supporting Documents

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

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

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

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



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

[24 CFR Part 903.5]

**A. Mission**

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

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

The mission of the Marshalltown Housing Department Rent Assistance Program shall be to:

- Provide services which encourage the placement of qualified persons in safe, decent, sanitary and affordable housing;
- Provide the participants of the program with support services which will improve their skills as renters and as members of the community at large;
- Provide education for participants, landlords and the community on current and changing HUD rules and regulations through periodic instructional meetings and media releases.

## **B. Goals**

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

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

- X PHA Goal: Expand the supply of assisted housing  
Objectives:
- X Apply for additional rental vouchers:
  - Reduce public housing vacancies:
  - Leverage private or other public funds to create additional housing opportunities:
  - Acquire or build units or developments
  - X Other (list below)
    1. Request increased funding for present program.
    2. Investigate application for Iowa Department of Economic Development funds.
    3. Provide continued outreach to encourage new landlords to participate in the rent assistance program.
    4. Encourage the development of affordable housing in the community.
- X PHA Goal: Improve the quality of assisted housing  
Objectives:
- Improve public housing management: (PHAS score)
  - Improve voucher management: (SEMAP score)
  - X Increase customer satisfaction:
  - X Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections)
  - Renovate or modernize public housing units:
  - Demolish or dispose of obsolete public housing:
  - Provide replacement public housing:
  - Provide replacement vouchers:
  - X Other: (list below)
    1. Encourage more housing choices through development and landlord participation.

- X PHA Goal: Increase assisted housing choices
- Objectives:
- X Provide voucher mobility counseling:
  - X Conduct outreach efforts to potential voucher landlords
  - X Increase voucher payment standards, if funding is available
  - Implement voucher homeownership program:
  - Implement public housing or other homeownership programs:
  - Implement public housing site-based waiting lists:
  - Convert public housing to vouchers:
  - X Other: (list below)
    1. Encourage the development of affordable housing in the community through the use of tax/development incentives.

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

- X PHA Goal: Provide an improved living environment
- Objectives:
- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
  - Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
  - Implement public housing security improvements:
  - Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
  - X Other: (list below)
    1. Encourage more choices in affordable housing.
    2. Encourage the institution of a city wide clean up project.
    3. Support better nuisance control enforcement.
    4. apply for any available funding for education/control of drug related activity.
    5. Provide information/instruction on tenant/landlord rights and responsibilities.
    6. Aid in the effort to provide accurate census information by encouraging participants to complete necessary information forms.

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

- X PHA Goal: Promote self-sufficiency and asset development of assisted households
- Objectives:
  - Increase the number and percentage of employed persons in assisted families:
  - X Provide or attract supportive services to improve assistance recipients' employability:
  - X Provide or attract supportive services to increase independence for the elderly or families with disabilities.
  - X Other: (list below)
    1. Investigate implementation of the Home Ownership Program.
    2. Improve staff awareness of supportive services.

**HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans**

- X PHA Goal: Ensure equal opportunity and affirmatively further fair housing
- Objectives:
  - X Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
  - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
  - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
  - X Other: (list below)
    1. Acquire more translated materials.
    2. Encourage development of housing with handicap accessibility.
    3. Plan and prepare for an increasing number of seniors in the community.

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

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

[24 CFR Part 903.7]

**i. Annual Plan Type:**

Select which type of Annual Plan the PHA will submit.

**Standard Plan**

**Streamlined Plan:**

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

**Troubled Agency Plan**

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

[24 CFR Part 903.7 9 (r)]

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

### **iii. Annual Plan Table of Contents**

[24 CFR Part 903.79 (r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

#### **Table of Contents**

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#### **Attachments**

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

#### Required Attachments:

- Admissions Policy for Deconcentration
- FY 2000 Capital Fund Program Annual Statement
- Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

#### Optional Attachments:

- PHA Management Organizational Chart

- FY 2000 Capital Fund Program 5 Year Action Plan
- Public Housing Drug Elimination Program (PHDEP) Plan
- X Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- Other (List below, providing each attachment name)

### Supporting Documents Available for Review

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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and	Annual Plan: Eligibility, Selection, and Admissions Policies

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	income mixing analysis	
	Public housing rent determination policies, including the methodology for setting public housing flat rents <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies X check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
	Public housing grievance procedures <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures X check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

## **1. Statement of Housing Needs**

[24 CFR Part 903.7 9 (a)]

### **A. Housing Needs of Families in the Jurisdiction/s Served by the PHA**

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

<b>Housing Needs of Families in the Jurisdiction by Family Type</b>							
<b>Family Type</b>	<b>Overall</b>	<b>Afford-ability</b>	<b>Supply</b>	<b>Quality</b>	<b>Access-ibility</b>	<b>Size</b>	<b>Loca-tion</b>
Income <= 30% of AMI	67,164	5	4	4	3	4	3
Income >30% but <=50% of AMI	54,459	4	3	3	3	4	3
Income >50% but <80% of AMI	70,331	2	3	2	3	3	3
Elderly	47,826	4	4	3	3	1	3
Families with	N/A						

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Disabilities							
Caucasian	95.5%						
Hispanic	1.6%						
Asian	1.5%						
Other Races	1.4%						

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

- X Consolidated Plan of the Jurisdiction/s  
Indicate year: 1999
- U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset
- American Housing Survey data  
Indicate year:
- Other housing market study  
Indicate year:
- X Other sources: (list and indicate year of information)  
Housing Needs Assessment Study. 1999

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

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

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<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	111		100
Extremely low income <=30% AMI	84	75.7%	
Very low income (>30% but <=50% AMI)	27	24.3%	
Low income (>50% but <80% AMI)	0	0	
Families with children	70	63%	
Elderly families	10	9%	
Families with Disabilities	24	21%	
Caucasian	93	83.7%	
Hispanic	11	9.9%	
Black	7	6.3%	
American Indian	2	1.8%	
Characteristics by			

<b>Housing Needs of Families on the Waiting List</b>			
Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? X No <input type="checkbox"/> Yes If yes: How long has it been closed (# of months)? Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes			

### **C. Strategy for Addressing Needs**

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

Our agency plans to apply for additional vouchers. This appears to be the only opportunity available to us at this time.

#### **(1) Strategies**

**Need: Shortage of affordable housing for all eligible populations**

**Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:**

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed finance development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources

- X Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- X Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- X Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- X Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- X Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other (list below)

**Strategy 2: Increase the number of affordable housing units by:**

Select all that apply

- X Apply for additional section 8 units should they become available
- X Leverage affordable housing resources in the community through the creation of mixed - finance housing
- X Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- Other: (list below)

**Need: Specific Family Types: Families at or below 30% of median**

**Strategy 1: Target available assistance to families at or below 30 % of AMI**

Select all that apply

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- X Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- Employ admissions preferences aimed at families with economic hardships
- Adopt rent policies to support and encourage work
- Other: (list below)

**Need: Specific Family Types: Families at or below 50% of median**

**Strategy 1: Target available assistance to families at or below 50% of AMI**

Select all that apply

- Employ admissions preferences aimed at families who are working
- Adopt rent policies to support and encourage work

Other: (list below)

**Need: Specific Family Types: The Elderly**

**Strategy 1: Target available assistance to the elderly:**

Select all that apply

- Seek designation of public housing for the elderly  
X Apply for special-purpose vouchers targeted to the elderly, should they become available  
 Other: (list below)

**Need: Specific Family Types: Families with Disabilities**

**Strategy 1: Target available assistance to Families with Disabilities:**

Select all that apply

- Seek designation of public housing for families with disabilities  
 Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing  
X Apply for special-purpose vouchers targeted to families with disabilities, should they become available  
X Affirmatively market to local non-profit agencies that assist families with disabilities  
 Other: (list below)

**Need: Specific Family Types: Races or ethnicities with disproportionate housing needs**

**Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:**

Select if applicable

- X Affirmatively market to races/ethnicities shown to have disproportionate housing needs  
 Other: (list below)

**Strategy 2: Conduct activities to affirmatively further fair housing**

Select all that apply

- X Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- X Market the section 8 program to owners outside of areas of poverty /minority concentrations
- Other: (list below)

**Other Housing Needs & Strategies: (list needs and strategies below)**

**(2) Reasons for Selecting Strategies**

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- X Funding constraints
- X Staffing constraints
- Limited availability of sites for assisted housing
- X Extent to which particular housing needs are met by other organizations in the community
- X Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- X Influence of the housing market on PHA programs
- X Community priorities regarding housing assistance
- X Results of consultation with local or state government
- X Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- Other: (list below)

**2. Statement of Financial Resources**

[24 CFR Part 903.79 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2000 grants)</b>		

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
a) Public Housing Operating Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	895,000	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self- Sufficiency Grants		
h) Community Development Block Grant	25,000	Security Deposit/First Month Rent Assistance
i) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>	0	
<b>3. Public Housing Dwelling Rental Income</b>		
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>	0	
<b>Total resources</b>	920,000	

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

[24 CFR Part 903.7 9 (c)]

#### **A. Public Housing**

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

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

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

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

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

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

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

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

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

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

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

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

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

- PHA main administrative office
- PHA development site management office
- Other (list below)

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

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

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

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

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

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

**(3) Assignment**

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

- One
- Two
- Three or More

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

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

**(4) Admissions Preferences**

a. Income targeting:

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

b. Transfer policies:

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

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

c. Preferences

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

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

Former Federal preferences:

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

Other preferences: (select below)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in the jurisdiction

- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

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

Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

4. Relationship of preferences to income targeting requirements:

- The PHA applies preferences within income tiers

- Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

**(5) Occupancy**

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

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

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

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

**(6) Deconcentration and Income Mixing**

a.  Yes  No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b.  Yes  No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply)

- Adoption of site-based waiting lists  
If selected, list targeted developments below:
- Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments  
If selected, list targeted developments below:
- Employing new admission preferences at targeted developments  
If selected, list targeted developments below:
- Other (list policies and developments targeted below)

d.  Yes  No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

- Additional affirmative marketing
- Actions to improve the marketability of certain developments
- Adoption or adjustment of ceiling rents for certain developments
- Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

- Not applicable: results of analysis did not indicate a need for such efforts
- List (any applicable) developments below:

## B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### (1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)

- X Criminal or drug-related activity only to the extent required by law or regulation
- Criminal and drug-related activity, more extensively than required by law or regulation
- More general screening than criminal and drug-related activity (list factors below)
- Other (list below)

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

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

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

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

X Criminal or drug-related activity

X Other (describe below)

1. Current address

2. Names/addresses of prior addresses, if known

**(2) Waiting List Organization**

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)

X None

Federal public housing

Federal moderate rehabilitation

Federal project-based certificate program

Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)

X PHA main administrative office

X Other (list below)

1. Department of Human Services

2. Hispanic Ministries

3. Youth and Violence Office

4. Domestic Violence Center

5. House of Compassion Homeless Center

6. Mental Health Center

**(3) Search Time**

a. X Yes  No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:

If the family has made an effort to obtain housing, or if there are circumstances beyond the family's control (such as illness, death, birth of a child, etc.) or in cases of disability.

**(4) Admissions Preferences**

a. Income targeting

X Yes  No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1.  Yes X No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)
2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

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

Other preferences (select all that apply)

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

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

Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

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

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

- Date and time of application
- Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)

- This preference has previously been reviewed and approved by HUD
- The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

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

**(5) Special Purpose Section 8 Assistance Programs**

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

- X The Section 8 Administrative Plan
- X Briefing sessions and written materials
- X Other (list below)
  1. Landlord Informational Packet
  2. Website

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- Through published notices
- X Other (list below)
  1. Media releases
  2. Letters/contacts with other agencies

#### **4. PHA Rent Determination Policies**

[24 CFR Part 903.79 (d)]

#### **A. Public Housing**

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

#### **(1) Income Based Rent Policies**

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

- The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

- The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

- \$0
- \$1-\$25

\$26-\$50

2.  Yes  No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

c. Rents set at less than 30% than adjusted income

1.  Yes  No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

For the earned income of a previously unemployed household member

For increases in earned income

Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

Fixed percentage (other than general rent-setting policy)

If yes, state percentage/s and circumstances below:

For household heads

For other family members

For transportation expenses

For the non-reimbursed medical expenses of non-disabled or non-elderly families

Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)

Yes for all developments

Yes but only for some developments

No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

- For all developments
- For all general occupancy developments (not elderly or disabled or elderly only)
- For specified general occupancy developments
- For certain parts of developments; e.g., the high-rise portion
- For certain size units; e.g., larger bedroom sizes
- Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

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

f. Rent re-determinations:

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

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

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

**(2) Flat Rents**

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

- The section 8 rent reasonableness study of comparable housing
- Survey of rents listed in local newspaper

- Survey of similar unassisted units in the neighborhood
- Other (list/describe below)

## **B. Section 8 Tenant-Based Assistance**

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### **(1) Payment Standards**

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)

- At or above 90% but below 100% of FMR
- 100% of FMR
- Above 100% but at or below 110% of FMR
- Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

- FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- The PHA has chosen to serve additional families by lowering the payment standard
- Reflects market or submarket
- Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area

- Reflects market or submarket
- To increase housing options for families
- Other (list below)

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

- X Annually
- Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- X Success rates of assisted families
- X Rent burdens of assisted families
- Other (list below)

**(2) Minimum Rent**

a. What amount best reflects the PHA’s minimum rent? (select one)

- X \$0
- \$1-\$25
- \$26-\$50

b.  Yes  No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

**5. Operations and Management**

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

**A. PHA Management Structure**

Describe the PHA’s management structure and organization.

(select one)

- An organization chart showing the PHA’s management structure and organization is attached.
- X A brief description of the management structure and organization of the PHA follows:

The Housing Director is the manager of the program with one additional staff person.

**B. HUD Programs Under PHA Management**

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

<b>Program Name</b>	<b>Units or Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing	NA	
Section 8 Vouchers	108	50
Section 8 Certificates	183	75
Section 8 Mod Rehab	NA	
Special Purpose Section 8 Certificates/Vouchers (list individually)	NA	
Public Housing Drug Elimination Program (PHDEP)	NA	
Other Federal Programs(list individually)	NA	

### **C. Management and Maintenance Policies**

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

- (1) Public Housing Maintenance and Management: (list below)
- (2) Section 8 Management: (list below)

## **6. PHA Grievance Procedures**

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

### **A. Public Housing**

1.  Yes  No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- PHA main administrative office  
 PHA development management offices  
 Other (list below)

### **B. Section 8 Tenant-Based Assistance**

1. X Yes  No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)

- X PHA main administrative office  
 Other (list below)

## **7. Capital Improvement Needs**

[24 CFR Part 903.79 (g)]

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

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

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

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

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

Select one:

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

-or-

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

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

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

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

b. If yes to question a, select one:

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

-or-

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

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

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

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

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

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

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

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

## **8. Demolition and Disposition**

[24 CFR Part 903.7 9 (h)]

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

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

### 2. Activity Description

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

<b>Demolition/Disposition Activity Description</b>
1a. Development name: 1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: <u>(DD/MM/YY)</u>
5. Number of units affected: 6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: b. Projected end date of activity:

## **9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities**

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1.  Yes  No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each

development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

Yes  No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

<b>Designation of Public Housing Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. Designation type:	
	Occupancy by only the elderly <input type="checkbox"/>
	Occupancy by families with disabilities <input type="checkbox"/>
	Occupancy by only elderly families and families with disabilities <input type="checkbox"/>
3. Application status (select one)	
	Approved; included in the PHA’s Designation Plan <input type="checkbox"/>
	Submitted, pending approval <input type="checkbox"/>
	Planned application <input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission: (DD/MM/YY)	
5. If approved, will this designation constitute a (select one)	
	<input type="checkbox"/> New Designation Plan
	<input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected:	
7. Coverage of action (select one)	
	<input type="checkbox"/> Part of the development
	<input type="checkbox"/> Total development

**10. Conversion of Public Housing to Tenant-Based Assistance**

[24 CFR Part 903.7 9 (j)]

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

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

1.  Yes  No: Have any of the PHA’s developments or portions of developments been identified by HUD or the PHA as covered under section 202

of the HUD FY 1996 HUD Appropriations Act? (If “No”, skip to component 11; if “yes”, complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

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

<b>Conversion of Public Housing Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. What is the status of the required assessment?	<input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)
3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)	
4. Status of Conversion Plan (select the statement that best describes the current status)	<input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)	<input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: _____) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: _____) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: _____) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)

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

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

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

[24 CFR Part 903.7 9 (k)]

**A. Public Housing**

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

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

2. Activity Description

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

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>
1a. Development name:
1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)

<p>3. Application status: (select one)</p> <p><input type="checkbox"/> Approved; included in the PHA's Homeownership Plan/Program</p> <p><input type="checkbox"/> Submitted, pending approval</p> <p><input type="checkbox"/> Planned application</p>
<p>4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)</p>
<p>5. Number of units affected:</p> <p>6. Coverage of action: (select one)</p> <p><input type="checkbox"/> Part of the development</p> <p><input type="checkbox"/> Total development</p>

**B. Section 8 Tenant Based Assistance**

We hope to participate but do not have available funds at this time.

1.  Yes  No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If "No", skip to component 12; if "yes", describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description:

a. Size of Program

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

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants
- 26 - 50 participants
- 51 to 100 participants
- more than 100 participants

b. PHA-established eligibility criteria

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

## **12. PHA Community Service and Self-sufficiency Programs**

[24 CFR Part 903.7 9 (l)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

### **A. PHA Coordination with the Welfare (TANF) Agency**

1. Cooperative agreements:

- Yes  No: Has the PHA has entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

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

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

- Client referrals
- Information sharing regarding mutual clients (for rent determinations and otherwise)
- Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
- Jointly administer programs
- Partner to administer a HUD Welfare-to-Work voucher program
- Joint administration of other demonstration program
- Other (describe)

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

#### **(1) General**

a. Self-Sufficiency Policies



Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8		

- b.  Yes  No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size?  
If no, list steps the PHA will take below:

### C. Welfare Benefit Reductions

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)
- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
  - Informing residents of new policy on admission and reexamination
  - Actively notifying residents of new policy at times in addition to admission and reexamination.
  - Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
  - Establishing a protocol for exchange of information with all appropriate TANF agencies
  - Other: (list below)

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

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

[24 CFR Part 903.7 9 (m)]

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

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

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

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

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

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed "in and around" public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other (describe below)

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

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

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

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

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

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

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

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

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

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

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

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

**14. RESERVED FOR PET POLICY**

[24 CFR Part 903.7 9 (n)]

**15. Civil Rights Certifications**

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

## **16. Fiscal Audit**

[24 CFR Part 903.7 9 (p)]

1.  Yes  No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?  
(If no, skip to component 17.)
2.  Yes  No: Was the most recent fiscal audit submitted to HUD?
3.  Yes  No: Were there any findings as the result of that audit?
4.  Yes  No: If there were any findings, do any remain unresolved?  
If yes, how many unresolved findings remain? \_\_\_\_\_
5.  Yes  No: Have responses to any unresolved findings been submitted to HUD?  
If not, when are they due (state below)?

## **17. PHA Asset Management**

[24 CFR Part 903.7 9 (q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component.  
High performing and small PHAs are not required to complete this component.

1.  Yes  No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)  
 Not applicable  
 Private management  
 Development-based accounting  
 Comprehensive stock assessment  
 Other: (list below)
3.  Yes  No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

## **18. Other Information**

[24 CFR Part 903.7 9 (r)]

### **A. Resident Advisory Board Recommendations**

1.X Yes No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?

2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)

Attached at Attachment (File name)

X Provided below:

Our Resident Advisory Board was involved early in our process. They developed the mission statement and made suggestions regarding goals and objectives. No comments were made once the plan was developed and placed for public review. The comments made during the development of the plan included:

1. An elderly participant would like the HA to help more with job training or employment opportunities for seniors
2. Availability of housing for those who are disabled was mentioned several times.
3. The availability of affordable, quality housing for seniors was also a concern for the Board. The need for more options when selecting housing was also a concern of the Board.
4. The need for more vouchers/funding for full use of vouchers was a concern.

3. In what manner did the PHA address those comments? (select all that apply)

Considered comments, but determined that no changes to the PHA Plan were necessary.

The PHA changed portions of the PHA Plan in response to comments

List changes below:

X Other: (list below)

As stated above, the Resident Advisory Board was involved from the beginning of our process. No comments were made once the plans were finalized by the Board and set for

public hearing. No comments were received from any source during the public hearing process.

## **B. Description of Election process for Residents on the PHA Board**

1. X Yes  No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
2.  Yes  No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

### 3. Description of Resident Election Process

#### a. Nomination of candidates for place on the ballot: (select all that apply)

- Candidates were nominated by resident and assisted family organizations
- Candidates could be nominated by any adult recipient of PHA assistance
- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- Other: (describe)

#### b. Eligible candidates: (select one)

- X Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance
- Any adult member of a resident or assisted family organization
- Other (list)

#### c. Eligible voters: (select all that apply)

- All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- Representatives of all PHA resident and assisted family organizations
- Other (list)

## **C. Statement of Consistency with the Consolidated Plan**

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: State of Iowa
  
2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)
  - The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
  - The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
  - The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
  - Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
  
  - Other: (list below)
  
4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: See letter of certification

**D. Other Information Required by HUD**

Use this section to provide any additional information requested by HUD.

## Attachments

Use this section to provide any additional attachments referenced in the Plans.

# PHA Plan Table Library

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

### Annual Statement

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

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

Original Annual Statement

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

**Annual Statement**

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

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

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

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

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

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

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



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# MARSHALLTOWN

## SECTION 8 ADMINISTRATIVE PLAN

Revised, May, 1999

Amended, October, 1999

Amended, March, 2000

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## INTRODUCTION

The purpose of this Administrative Plan is to:

- Establish policies for issues not covered under Federal regulations for the Section 8 Rental Programs administered by the Marshalltown Housing Authority.
- Establish fair and equitable policies for selecting applicants to participate in Section 8 Rental Programs administered by the Marshalltown Housing Authority (HA);
- Provide fair, equitable and reasonable procedures to govern Section 8 Rental Program participation in accordance with regulations of the U.S. Department of Housing and Urban Development (HUD);
- Permit each applicant and participant the greatest opportunity for the exercise of individual rights.

The provisions of this Administrative Plan govern administration of the Section 8 Rental programs administered by the Marshalltown Housing Authority.

This plan conforms to all current HUD regulations. The Authority will comply with any subsequent changes in HUD regulations pertaining to program administration. If such changes conflict with the provisions of this policy, HUD regulations will have precedence.

The HA administers the Section 8 Rental programs in Marshalltown, Iowa. The primary objective of these programs is to provide decent, safe, sanitary and affordable rental housing for low income households.

**SECTION I  
NONDISCRIMINATION AND PRIVACY POLICY**

The HA will not discriminate against any applicant or resident because of race, color, creed, national or ethnic origin or ancestry, religion, sex, age, disability, military status, source of income, marital status or presence of children in a household; nor will any criteria be applied, nor information be considered, pertaining to attributes or behavior that may be imputed by some to a particular group or category. All criteria applied and information considered in administering this plan shall relate to the attributes and behavior of the individual members of the household.

The HA shall not, on account of race, creed, color, sex, age, class, disability, religion, military status, source of income, marital status or the presence of children deny to any family the opportunity to apply for assistance or deny any eligible applicant the opportunity to lease a housing unit suitable to its needs. (24 CFR 100)

The Marshalltown Housing Authority is fully committed to providing reasonable accommodations to its applicants and participants with handicaps or disabilities.

The HA shall provide Voucher holders information on Federal/State/local laws regarding housing discrimination and any recourse available. Such information will be made available as part of the briefing session, and all applicable Fair Housing Information and Discrimination complaint forms will be made part of the Voucher holders' packet. The HA will provide referrals and information to applicants and participants about local and state organizations which provide assistance in filing discrimination complaints.

Resident complaints of racial, ethnic or sexual harassment will be reviewed by HA staff and referred to appropriate agencies.

It is also the policy of the HA to guard the privacy of individuals in accordance with the Privacy Act of 1974, and to ensure the protection of individuals' records maintained by the PHA. Therefore, the Housing Authority shall not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law. This privacy policy in no way limits the HA's ability to collect such information as it may need to determine eligibility or compute rent.

**SECTION II  
PROGRAM ELIGIBILITY GUIDELINES**

**A. Eligibility Criteria**

To be eligible for admission, an applicant must meet the following criteria:

1. The applicant must qualify as a family. A family is defined as:
  - a. a single person or a group of persons
  - b. An Elderly Household whose head or spouse or sole member is elderly, handicapped or disabled (see Appendix 1, Glossary of Terms, for the definitions of elderly, handicapped and disabled persons). The household may include one or more elderly, handicapped or disabled persons living together or one or more such persons living with one another who is determined to be essential to their care or well being.
  - c. A Near Elderly Family whose head or spouse or sole member is at least 50 years of age but below the age of 62 years; or
  - d. A single adult person who has been displaced by government action or whose unit has been extensively damaged or destroyed as a result of a disaster, declared or otherwise formally recognized pursuant to Federal disaster relief laws; or
  - e. A single adult person, with no other children, who is pregnant or in the process of securing legal custody of any individual under the age of 18 years; or who shares joint custody of any individual under the age of 18 years at least 50% of the time; or
  - f. The remaining adult member of a resident family; or
  - g. Any other single person who is not elderly, displaced or disabled.
2. The applicant must be income eligible. The applicant's total family income must not exceed 80% of area median income as published in the Federal Register for Marshall County. Income limits are generally revised annually by HUD and changes in income limits are incorporated into this policy by reference.
3. The applicant and each family member six (6) years of age or older who has been assigned a Social Security Number (SSN) must disclose the SSNs. These numbers must be verified. If a SSN has not been assigned, certification to that effect must be executed for all family members.
4. The applicant, or any adult family member, must not have committed fraud in connection with any federal housing assistance program. Intentionally providing misleading information on the application form is considered fraud.
5. The applicant and each family member must be a U.S. citizen or noncitizens who have eligible immigration status.
6. The applicant family must not maintain another residence in addition to the HA unit.
7. Outstanding Debts. The family must have paid any outstanding debt owed to the HA or another the HA on any previous tenancy in public housing or Section 8. The HA may require the family to sign a repayment agreement for outstanding debts owed to the HA in order to determine the family eligible.

**B. Ineligibility Because of Prior Eviction for Drug-Related Activity**

1. Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of a controlled substance. Pursuant to federal law, persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for participation in any Section 8 program at HA for a three-year period beginning on the date of such eviction.
2. The HA will waive this restriction if the applicant can demonstrate to the satisfaction of the HA that:
  - a. the person successfully completed a rehabilitation program approved by HA, or
  - b. the circumstance (s) leading to the eviction no longer exists. For example, the person involved in drugs and responsible for the eviction is no longer part of the household.

**C. Screening Out Illegal Drug Users and Alcohol Abusers**

1. The HA will prohibit the admission to Section 8 programs of any person who the HA determines is illegally using a controlled substance.

The HA will also prohibit admitting any person to Section 8 programs in cases where the HA determines that there is reasonable cause to believe that the person abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The HA will prohibit admitting any person to Section 8 programs in cases where the HA determines that there is reasonable cause to believe that the person's pattern of illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

2. The HA may waive the policies prohibiting admission in these circumstances if the person demonstrates to the HA's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:
  - has successfully completed a supervised drug or alcohol rehabilitation program;
  - has otherwise been rehabilitated successfully; or
  - is participating in a supervised drug or alcohol rehabilitation program.

The HA will request a criminal history check to be run by the local law enforcement agency prior to any admission. Persons with a history of violent crimes or drug abuse will be sent letters of denial.

**D. Eligibility Restrictions Regarding Noncitizens**

1. Eligibility for assistance or continued assistance under the Section 8 program, is contingent upon a family's submission of documentation either declaring U.S. citizenship or eligible immigration status. The HA requires both current tenants and applicants to submit the required citizenship or eligible immigration documentation for every household member in order to receive or continue to receive housing assistance. Documentation is required of all new admissions at the time an application is processed by the Housing Authority. Documentation for legal immigrant status must be provided annually. Any current tenant who has not already provided documentation will be required to document citizenship or immigration status at the next reexamination. Whenever a new family member is added, documentation must be provided before the new member can be added to the lease.

2. Proof of citizenship will take the following form:
  - a. For families claiming U.S. citizenship, each applicant or participant family member will sign the citizenship declaration form and present appropriate documentation (such as U.S. passport, resident alien card, social security card or other appropriate documentation), which will become a permanent part of the tenant file. Adults will be required to sign on behalf of all children under the age of eighteen years.
  - b. Non-citizens age 62 years or older who are current participants or applicants will be required to sign a declaration of eligible immigration status and proof of age.
  - c. Participants and applicants who are noncitizens declaring eligible immigration status must:
    - (1) sign a declaration of eligible immigration status;
    - (2) provide the required U.S. Immigration and Naturalization Service documents, such as Alien Registration Receipt Card, Arrival/Departure Record, Temporary Resident Card, Immigration and Naturalization Service (INS) receipt in the event of any lost or missing cards listed above; and
    - (3) sign a verification consent form.

The HA has the right to deny, terminate or adjust housing assistance if members of any household are found to be noncitizens with ineligible immigration status; however, this determination will not take place until all appeal rights requested have been exercised by the household. The HA may grant time extensions to provide appropriate information, provided that the household shows a diligent effort in obtaining immigration status documents.

3. The HA may not make assistance available to a family applying for assistance until at least the eligibility of one family member has been established, and assistance must be prorated based on the number of individuals in the family for whom eligibility has been affirmatively established.
4. The HA may not delay, deny, reduce or terminate eligibility of an individual for assistance on the basis of the immigration status of the individual. The family will not be penalized for delays on the part of those entities which must verify eligible immigration status.
5. Continued assistance provided to an eligible mixed family after November 29, 1996 will be prorated based on the percentage of family members that are eligible for assistance.
6. The HA is required to suspend assistance to a family for a period of at least 24 months upon determining that the family has knowingly permitted an ineligible individual to reside on a permanent basis in the family's unit. This provision does not apply if the ineligible individual has already been considered in calculating any proration of assistance for the family.
7. If the HA discovers that citizenship information provided is expired, fraudulent, or otherwise invalid, it will notify the family or individual of the results of these findings. The family or individual will then have 30 days from the date of the notification to file an appeal with the INS to correct the problem. The family or individual must provide the Housing Authority a copy of the appeal request to the INS, which will become a permanent item in the tenant file. The HA can extend this 30 day appeal period at its sole discretion if good cause is found.
8. Any applicant or participant family affected by these provisions has the right to an informal hearing provided the family notifies the HA within 30 days of the action or decision the family wishes to appeal. All appeals will be conducted in accordance with the provisions of the HA's Informal Hearing Procedures.
9. In accordance with Federal rules, mixed families who were participants in the HA's Section 8 program

on June 19, 1995, are permitted to receive continued assistance provided that either the head of household or spouse have eligible immigration status and any ineligible family members are either the head, spouse, parents, or children of the head or spouse.

10. Families who were participants in the HA's Section 8 program on June 19, 1995 but became ineligible for housing assistance because there are no family members with eligible immigration status may be given a temporary deferral of assistance to transfer to other housing at the discretion of the Housing Authority. If the temporary assistance is provided, it will be offered in six month increments and never for longer than a total of 18 months. The maximum period for deferrals granted prior to November 29, 1996 will be three years.
11. Families that no longer qualify for housing assistance due to their citizenship status may apply for prorated assistance to decrease the level of housing assistance provided to the household based on the ratio of eligible and ineligible persons in the household.
12. Rental housing assistance is prohibited to noncitizen students and their families. None of the provisions of the rules related to prorated assistance, continued assistance, or temporary deferral of termination of assistance applies to noncitizen students. This prohibition does not include citizen spouses and their children.

#### **E. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide**

1. Some applicants/participants who would not otherwise be able to fully discharge the responsibilities of tenancy may be able to do so with the assistance of a live-in aide residing in the unit.

A family may include a live-in aide who:

- a. Has been verified by the HA to be essential to the care and well being of the elderly, handicapped/disabled family member; and
- b. Is not obligated for the support of the elderly, handicapped/disabled member; and
- c. Would not be living in the unit except to provide care of the elderly, handicapped/disabled member; and
- d. Whose income will not be counted for purposes of determining eligibility or rent; and
- e. Who may not be considered the remaining member of the Tenant family.
- f. A live-in aide's family members may also reside in the unit provided it does not increase the subsidy by the cost of an additional bedroom and provided that the presence of the live-in's family members do not overcrowd the unit.

#### **F. Additional Eligibility Factors**

An applicant may be denied assistance by HA for the following reasons: (24 CFR 982.552)

1. If any family member has ever been evicted from public housing.
2. If an HA has ever terminated assistance under the Section 8 Rental program for any member of the family.
3. If the family has engaged in or threatened abusive or violent behavior toward HA personnel.
4. If any family member refuses to sign and submit mandatory consent forms.
5. If evidence of citizenship and eligible immigration status is not submitted by a specified date, or by the expiration of any extension granted.

6. If INS primary and secondary verification does not verify eligible immigration status of at least one family member.
7. If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP Contract for rent, damages to the unit, or other amounts owed by the family under the lease.

### **SECTION III APPLICATION FOR ADMISSION**

#### **A. Introduction**

The HA will accept applications for the Section 8 Programs when the waiting list is open. Interested persons may apply for participation in the HA's Section 8 programs by completing an application form. Anyone may apply; the HA will not deny anyone the right to submit an application when the waiting list is open. However, the application from any applicant who has lost assistance subject to Section II:F will not be actively placed on the waiting list for a period of one year. All applications will be time and date stamped upon receipt and all applicants will receive acknowledgment of receipt by mail. Accommodations will be made for interested, disabled applicants.

Each applicant is responsible for informing the Housing Authority if the family's address or phone number changes or if there are any changes in the members of the household. Failure to do so may result in an application being withdrawn from the active waiting list. Inability of Housing Authority to contact the family will result in withdrawal of the application from the waiting list.

#### **B. Program Outreach**

##### **1. Outreach to Families.**

The HA reserves the right to open or close the waiting list based on the supply of applicants.

The waiting list will be closed when there are not enough Section 8 subsidies to assist all the applicants in a reasonable period of time, such as one or two years. When the HA determines that additional applicants are needed, the waiting list will be reopened. The Authority will publicly advertise the closing and reopening of application intake periods in local newspapers.

When the waiting list is to be reopened, the Housing Authority will clearly state in the public announcement the procedure used to determine the position of each applicant on the waiting list. To reach possible applicants from all backgrounds, the HA will advertise through a wide variety of sources including local and State newspapers, minority media, minority civic clubs, service agencies and broadcast media. An effort will also be made to notify agencies which specifically address the needs of individuals with handicaps. The HA will continuously monitor and evaluate outreach activities to ensure that the widest possible audience is reached.

All notices and advertising announcing the opening of the waiting list will include:

- the dates the list will be open;
- the office hours and location where applications are available and will be accepted;
- the availability of Vouchers;
- eligibility guidelines;
- preferences for the selection of applicants; and

- any limitations which may apply.
- 2. Outreach to Property Owners. Outreach to property owners will be conducted on an ongoing basis to interested property owners to increase the number of units available in low-poverty areas. HA staff will be available to make presentations about the Section 8 Program to these groups. In addition, printed materials which describe the program requirements and opportunities for property owners will be made available. The HA maintains a list of interested property owners and units .. available for the Section 8 Program. As inquiries from prospective new property owners are ..... received, staff record the necessary information about units and make it available to prospective .. tenants upon request.

The HA will make a concerted effort to contact and encourage local property owners with units specially designed or adapted for persons with disabilities, and those who may be willing to adapt units, to participate in the program. Notices shall be sent to landlords presently participating, landlords that have participated in the past, local real estate agencies, and to local social service agencies that specifically address the needs of handicapped clientele.

The HA will make available to property owners information regarding reasonable accommodation and reasonable modification to encourage housing for persons with disabilities.

### **C. Applications/Determination of Eligibility**

1. An application packet (consisting of an application form, an authorization for the Release of Information, a listing of documentation needs, a declaration of citizen and/or eligible non-citizen status form, and a brochure regarding the Marshalltown Rent Assistance Program) will be given to anyone requesting to apply for the rental assistance program. An application packet may be sent by regular first class mail if requested.
2. When the completed application packet is returned it will be date and time stamped, and if the applicant appears to qualify, the applicant will be placed on the waiting list. A letter will be sent to the applicant stating that the applicant has been placed on the waiting list, or that the applicant has been denied. The completed application will include documentation of social security numbers and any necessary proof of alien status. If the application packet is not complete at the time it is submitted, it will be returned to the applicant by regular first class mail to the address given on the application.
3. When an applicant's name is near the top of the waiting list, a meeting will be scheduled with rental assistance staff. A letter will be sent by regular first class mail stating the time of the meeting.
4. Each applicant household shall be required to provide all information and authorizations necessary to enable Section 8 staff to determine program eligibility. The applicant will complete an Income/Asset Form and verification forms will be prepared and signed. Verification shall be from third party sources whenever possible. All verifications must be completed before the leasing procedure is finalized. However, the applicant shall not be penalized either by denial or unreasonable delay of assistance solely because third party sources have failed to respond to requests for information. When the applicant and the Authority have made all reasonable efforts to obtain information and the third party source has failed to respond, the Authority shall proceed with the processing of the application using the best available information.

Third Party Verification. (24 CFR 982.551(a)(b)) A release of information for verification of income (and other information) will be sent through the mail or by FAX directly to the source. The method of verification is third party verification, and is the first method which must be sought.

If, after fifteen (15) days, the verification has not returned to the HA, or if an unusual circumstance prevents this method, then, the following methods may be used:

- a. *Review of Documents:* HA staff may review and verify documents provided by the client. This method of verification must be fully documented. Such documentation may include reports of interviews, letters or telephone conversations with reliable sources. At a minimum, such reports shall indicate the date, the source of information, including the name and title of the individual contacted, and a summary of the information received. The sources of information may include, but are not limited to, the applicant (by means of interviews), landlords, employers, family social workers, clinics or physicians where warranted by the particular circumstances.
  - b. *Family Certification:* When a third party verification or review of documents is not possible, the family may certify to their income. Such certification must be notarized. All information relative to income for eligibility, assets, family composition, preference and non-citizen status will be verified and current for applicants within 60 days prior to issuance of a certificate or voucher and verified and current for participants within 120 days for participants being recertified; all verified findings will be recorded in the applicant/tenant file.
5. The Authority shall require the applicant to:
    - a. Provide verification of income, assets, exclusions and deductions from income; and preferences claimed;
    - b. Provide verification of family size, age and relationships;
    - c. Disclose the Social Security Numbers of all family members six (6) years of age and older;
    - d. Provide certification and/or documentation regarding U.S. citizenship/non-citizenship.
  6. A packet of materials will be presented to the applicant at this meeting, and all the materials will be reviewed with rent assistance staff. A voucher will be assigned to the applicant at this time.
  7. If the applicant is determined to be ineligible after all verification forms are returned and after gross income is calculated, the voucher will be withdrawn.
  8. Failure to appear for any scheduled interview, meeting or appointment without making prior arrangements will result in the removal of the applicant's name from the waiting list. An appointment may be rescheduled up to two (2) times before the applicant's name is removed from the waiting list. The name will be reinstated only after another application is completed.

**\*ANY LETTER RETURNED DUE TO IMPROPER ADDRESS OR FAILURE TO PROVIDE A NEW FORWARDING ADDRESS WILL RESULT IN THE APPLICANT'S NAME BEING REMOVED FROM THE WAITING LIST.**

**D. Informal Review (24 CFR 982.554)**

1. An applicant is a person/family who has made application for rental assistance and has provided all required information. Applicant status begins at the point an action has been taken to either approve or disapprove the application.
2. The Housing Authority shall give an applicant prompt written notice of the decision denying assistance to the applicant, including a decision denying placement on the waiting list and the issuance of a Housing Voucher. The notice shall state that the applicant may request an informal review of the decision and shall describe how to obtain the informal review.
3. No statute, regulation or this document confers any property right to assistance. Further, placement on the waiting list confers no entitlement to assistance.
4. Within ten (10) business days of the receipt of a written request for an Informal Review from an ineligible applicant, the Authority shall notify the ineligible applicant of the time and date of the review.
5. The review is to be conducted by an impartial Review Officer appointed by the Housing Director or the City Administrator. The Review Officer shall be a person who had no part in the determination of the eligibility of the applicant.
6. The review may be rescheduled one time only with 24 hour notice, or, with proven extenuating circumstances, such as illness, birth of a child, a death in the family, up to the time of the review.
7. Any person appearing for a review more than 15 minutes late will be considered to have missed the review and the original decision will stand.
8. The applicant shall be given an opportunity to present written or oral objections to the Housing Authority's decision.
10. The Review Officer will make a determination on the merits of the evidence presented. Within ten (10) business days after the hearing, a written decision will be mailed to the applicant and one (1) copy will be retained in the applicant's file.
11. If the ineligibility determination is overturned and the family otherwise meets eligibility criteria, the family will be issued a subsidy at the next scheduled briefing session. If the decision is upheld the family will be denied assistance and withdrawn from the waiting list.

*An informal review will not be provided for the following:*

1. Review of discretionary administrative determination by the City or to consider policy issues or class grievances;
2. Review of determination of the number of bedrooms entered on the Housing Voucher under the standards of occupancy established by the City;
3. Review of the City determination that a unit does not comply with Housing Quality Standards;
4. Review of decision not to approve a request for an extension of the term of the Housing Voucher.

**SECTION IV**

## APPLICANT SELECTION

### A. Order Of Selection from the Waiting List

1. All eligible applicants will be placed on the waiting list.
2. Not less than 75% of new families admitted to the program must have incomes at or below 30% of the area median income.
3. Other admissions generally must be at or below 80% of the area median income.
4. Other admissions will be assigned according to date and time of application.

### B. Special Admissions (24 CFR 982.203)

1. Some family applicants will be admitted to the HA's Section 8 Program without ever being on the waiting list or without considering the applicant's place on the waiting list. This may occur when HUD has awarded funding to the HA for a targeted group of households living in specified units. This HUD-targeted funding may include (but is not limited to):
  - a. Families displaced because of demolition/disposition of a public or Indian housing project;
  - b. Families residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
  - c. Housing covered by the Low Income Preservation and Resident Homeownership Act/1990;
  - d. Non-purchasing families residing in a project subject to a homeownership program;
  - e. Families displaced because of a mortgage prepayment or voluntary termination of a mortgage insurance contract;
  - f. Families residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and,
  - g. Non-purchasing families residing in a HOPE 1 or HOPE 2 project.

- C. Waiting List Update:** The HA will periodically mail requests to each applicant for updated household information. Each applicant will be required to respond within a special time frame which shall be less than two (2) weeks from the date the request was mailed to the applicant by the HA. The application of any household which fails to respond to the update request by the specified deadline date will be withdrawn. Once an application is withdrawn, it may not be reactivated. To be considered for admission, the applicant will be required to reapply. An applicant may withdraw his/her application at any time. However, a withdrawn application cannot be reactivated. An applicant who has withdrawn an application will be required to reapply.

**SECTION V  
INCOME, ASSETS, AND ALLOWANCES**

**A. Income** Annual income is the gross income anticipated to be received by the family during the 12 months following the effective date of admission or reexamination. (See Definition of Annual Income in Appendix) Annual Income will be used to determine an applicant's initial eligibility. It will also be used to calculate Tenant Payment for initial and continued program participation.

1. Computation of Annual Income.

- a. Use current family circumstances to anticipate income, unless the verification indicates an imminent change.
- b. Annualize all income, including income that may not last the full 12 months (such as unemployment benefits). When circumstances change, an interim reexamination may be processed. Converting income to an annual figure may be achieved by:
  - (i) annualizing current income or
  - (ii) averaging known sources of income that vary to compute an annual income.

2. Calculation Examples.

- a. *Regular Employment:*
  - (i) Hourly wages times number of hours worked per year. (2080 hours for full-time employment with a 40 hour week and no overtime.)
  - (ii) Weekly wages times 52.
  - (iii) Bi-weekly wages times 26.
  - (iv) Semi-monthly wages times 24.
  - (v) Monthly wages times 12.
  - (vi) *Tips:* Average tips per week x 52 = average annual tips.
  - (vii) *Overtime:* Average overtime hours per week x overtime rate x 52 = annual overtime.
- b. *Non-Regular Employment:* Includes employment where wages, hours, and employers worked for are flexible and no business related deductions are claimed. In general, this category applies to those types of employment which do not readily fit in the regular employment category. For example, a person who does yard work for the same employer, same wage, same number of hours per period could and should be verified under the procedures for regular employment. However, if the client's wages, employers, and hours change frequently, their employment would be considered non-regular.
  - (i) Verification: The client must Self-Declare the following information:
    - (a) Type of work or services performed
    - (b) Average amount of income earned per month
    - (c) Signature of client and date prepared
  - (ii) Calculation: Average monthly income times 12 = annual income from non-regular employment.

- c. *Public Assistance:* (Includes but not limited to AFDC, General Assistance, Supplemental Security Benefits, and Unemployment Compensation.)

(i) Calculation:

- (a) Monthly Benefit x 12 = annual benefit  
(b) *Overpayments:* In the case of benefits where a previous overpayment is currently being deducted the gross amount of the benefit minus the deduction for repayment shall be used.

**A resident's monthly contribution to rent will not be decreased where a decrease in income is the result of noncompliance with the conditions of public assistance, or where public assistance is decreased due to an act of fraud by a member of a covered family.**

- d. *Pension/Social Security:* Includes Social Security Benefits, Veterans Benefits, Pension Retirement and Annuity Benefits.

(i) Calculation:

- (a) Monthly benefit x 12 = annual benefit  
(b) *Overpayments:* In the case of benefits where a previous overpayment is currently being deducted, the gross amount of the benefit minus the deduction for repayment shall be used.

(c)

- e. *Child Support, Alimony, and Support Payments Made by Other Individuals:* Includes regular payments made by a parent for the support of a minor child residing in the household, regular payments made by relatives, friends, or other persons to the family, or on behalf of the family for basic rent and utilities.

(i) Calculation:

- (a) Amount of payment x frequency = annual support income  
(b) Frequency =   Monthly           (12)  
                                  Weekly           (52)  
                                  semi-monthly   (24)  
                                  bi-weekly       (26)

- f. *Lump-Sum Payments:* Generally lump-sum amounts received by a family are considered assets, not income, i.e., inheritance, insurance, settlements, proceeds from the sale of property, etc. Deferred payments made because of a delay in processing a periodic payment such as unemployment, welfare benefits, etc., must be counted as income. Lump sum payments caused by delays in processing periodic payments for Social Security or SSI, are not counted as income. If an interim reexamination was not conducted to reduce the Total Tenant Payment, any lump sum amounts received by the family will be treated as an asset. The following example will apply only if an interim reexamination to reduce the Total Tenant Payment is conducted.

- (i) Example: Family member loses her job on October 10, 1997. Unemployment benefits are delayed. On December 10, 1997, family received a lump-sum payment of \$600 for October 21, 1997 through December 7, 1997. Beginning December 8, 1986, the family receives \$100 per week in unemployment benefits.

- (a) Family requests and receives an interim reexamination. The interim reexamination reduces the family's Total Tenant Payment and is effective November 1, 1997, and annual income is computed as shown below. Income is annualized even though unemployment income is not expected to last the full twelve months and family is reminded to come in for an interim when circumstances change.
- (b) Any amounts deducted from lump sum payments for attorney's fees shall be deducted from the lump sum amount which is counted as income.
- (c) Any lump sum amounts, counted as income, shall be included as income for the entire year (until the next annual reexamination), or for 12 months, whichever is greater.

(ii) Calculation:

- (a) \$600 (Lump-sum payment) plus \$5,200 (\$100/week unemployment) = annual income from unemployment.

**B. Assets** Family assets include interest, dividends, and any other net income of any kind from real or personal property, to include any assets disposed of at less than fair market value within the last two years.

1. Total Value of Assets Calculation.

- a. *Savings and Checking Accounts, Certificates of Deposit, IRA and KEOGH Accounts:* Account balance or certificate of deposit value = total asset value of savings and checking accounts/certificates of deposit, IRA and KEOGH accounts.
- b. *Stocks:* Number of shares x current per share value = total asset value of stocks.
- c. *Bonds:* Cash value of bond x number of bonds = total asset value of bonds.
- d. *Notes and Mortgages Held:* Principal amount remaining = total asset value of notes and mortgages held.
- e. *Trusts:*
  - (i) If trust is irrevocable, it is not counted as an asset.
  - (ii) If trust is revocable, current amount of trust = total value of trust.
- f. *Real Property Owned:* Current market value minus amount owed (if any) = total asset value of real property owned.

2. Income from Assets Calculation.

- a. *Savings and Checking Accounts, Certificates of Deposit, IRA and KEOGH Accounts:* Account balance x interest rate = annual income from savings/certificates of deposit, IRA and KEOGH accounts.
- b. *Stocks:* Amount of dividends paid x frequency of payment = annual dividend income.
- c. *Notes and Mortgages Held:* Interest portion of the payment x frequency of payment = annual note or mortgage income. (Repayment of principal is not considered income.)
- d. *Trusts:* Use of amount of annual proceeds as determined through verification.

e. *Real Property Owned (if property is income producing)*

- (i) If income tax return for property is available, use the amount of net annual income from tax return.
- (ii) If no income tax return is available, only the following deductions will be allowed:
  - (a) Amount of payments received x frequency of payment = gross annual income, then
  - (b) If balance owed on property, amount of interest portion of payments made x frequency of payment = annual interest deduction.

f. *Assets Disposed of:* Assets disposed of for less than fair market value during the two years preceding effective date of certification or recertification are included as assets. Cash value of the asset, the amount the family would receive if the asset were converted to cash, must be used. Cash value is market value minus reasonable costs that were or would be incurred in selling or converting the asset to cash. Expenses which may be deducted include the following:

- (i) Penalties for withdrawing funds before maturity
- (ii) Brokers/legal fees assessed to sell or convert the asset to cash
- (iii) Settlement cost for real estate transactions: If the fair market value exceeds the gross amount the family received by more than \$1,000 count the whole difference between the cash value and the amounts received. If the difference is less than \$1,000, ignore it.

Assets disposed of for less than fair market value, as a result of a foreclosure, bankruptcy, divorce or separation, are not counted.

Assets put into trust or business assets disposed of for less than fair market value are counted.

- (a) *Calculation:* Include the difference between cash value and the amount received for any asset disposed of at less than fair market value the last two years. (Cash value = the fair market value less costs.)

within  
reasonable

- (b) Calculating Income from Assets:

<u>Type of Asset</u>	<u>Cash Value Per Year</u>	<u>Actual Income from Asset</u>
Checking Account	300	0
Savings Account	2,000	115
Certificates of Deposit	10,000	988
Rental Property	15,000	0
<b>TOTALS</b>	<b>\$27,300</b>	<b>\$1,103</b>

Since total assets exceed \$5,000, imputed income must be calculated: Total Assets multiplied by the passbook rate established by the HA's HUD field office.

3. Overall Asset Calculation. To determine what amount to use for assets in the overall calculation of total annual income for both rent and eligibility, use the following calculations:
  - a. Add total value of all assets = total asset value
  - b. Add total income from all assets = total asset income
  - c. If total asset value is less than \$5,000, use total asset income in determining total annual income
  - d. If total asset value is \$5,000, or more, use the larger of the following:
    - (i) total asset value multiplied by the passbook rate established by the HA's HUD field office.
    - (ii) total asset income.
  
4. Asset Verification Guide.
  - a. *Savings and Checking Accounts, Certificates of Deposit, IRA and KEOGH Accounts:* Statement from the financial institution containing the following:
    - (i) date prepared
    - (ii) account number
    - (iii) account balance
    - (iv) interest rate (if variable, statement must give current applicable rate)
    - (v) name of the account holder(s)
    - (vi) signature of authorized person
  
  - b. *Stocks:* A statement from a broker or a statement from the issuing corporation containing the following information:
    - (i) date prepared
    - (ii) account number
    - (iii) number of shares
    - (iv) current per share value or current total value of shares
    - (v) amount of dividends earned
    - (vi) frequency of payment of dividends
    - (vii) name(s) of shareholders
    - (viii) if a statement from broker, authorized signature
  
  - c. *Bonds:* A copy of the face of the bond showing the following information:
    - (i) face value
    - (ii) maturity date
    - (iii) interest rate (if any)
    - (iv) type of bond
  
  - d. *Trusts:* Client must provide a copy of the trust document or a statement from the trust officer containing the following information:
    - (i) amount of trust
    - (ii) type of trust (revocable or irrevocable)
    - (iii) annual proceeds of trust
    - (iv) beneficiary of trust

**NOTE: Due to type of verification required, the following forms of verification shall be provided by the client.**

- e. *Notes and Mortgages Held:* (This is where the client receives payments.) The client must provide a copy of the note or mortgage containing the following information:
  - (i) date of transaction
  - (ii) amount of transaction
  - (iii) balance owing
  - (iv) amount of payments reflecting the distribution between principal and interest (repayment of principal amount is not considered income)
  - (v) frequency of payments
  - (vi) interest rate
  - (vii) name of person(s) holding the note of mortgage
  
- f. *Real Property Owned: (Includes Mobile Homes):*
  - (i) Client must provide a current appraisal or current market analysis prepared by a licensed real estate agent, broker, or mobile home dealer containing the following information:
    - (a) date prepared
    - (b) current market value of the property
    - (c) authorized signature
  - (ii) Copy of the deed or other title instrument showing the name(s) of the owner(s).
  - (iii) If property is mortgaged, a statement from mortgagor(s) showing:
    - (a) balance
    - (b) amount of payments reflecting distribution between interest and principal
    - (c) frequency of payments
  - (iv) For income-producing property:
    - (a) Copy of lease or rental agreements containing the following information:
      - term
      - amount of payments
      - frequency of payment
    - (b) Copy of rental income schedule from income tax return or copy of property tax statement. This information will be used to determine allowable expenses.

**C. Allowances (24 CFR 5.611)**The following allowances are amounts, as applicable, to be subtracted from the annual income to determine the adjusted income.

1. Dependent Allowance. A \$480 deduction for any family member (excluding foster children, head of household, or spouse) who qualifies as one of the following:
  - a. Under 18 (even if they have children of their own), or
  - b. Handicapped or disabled, or
  - c. A full-time student. (The regulations clarify that an educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.)
  
2. Elderly Household Allowance. A \$400 deduction for families in which the head of household or spouse is at least 62, handicapped, or disabled. Only one deduction per family is permitted even if both the head of household and spouse are elderly.
  
3. Child Care Allowance. Any reasonable child care related expense billed by a care facility or private individual providing child care (only those amounts not reimbursed by an agency or individual outside the family can be counted). This deduction applies to expenses relating to the

care of any children under the age of 13 residing with the family. Such care must be NECESSARY for a family member to be gainfully employed, to actively search for employment or to further his/her education. Child care for the convenience of the family is not an allowable expense. For example, if there is an adult family member, who is capable and available to provide child care residing with the family, who chooses not to care for the child, child care expenses are not deductible. The deduction for child care expenses may not exceed the amount of income earned.

4. Handicap Assistance Allowance.

- a. Anticipated expenses for attendant care and auxiliary apparatus for a handicapped family member may be deducted if such expenses:
  - (i) are needed to enable a family member (including the handicapped member) to be employed, and
  - (ii) exceed three percent of annual income, and
  - (iii) the amount exceeding three percent does not exceed the earned income of the household member enabled to work.
- b. Any family with a handicapped or disabled family member may qualify for this allowance even if neither the head of household nor spouse is handicapped or disabled.
- c. Auxiliary apparatus includes items such as wheelchairs, ramps, adaptations to vehicles, special equipment to enable a blind person to read or type, etc., which directly relates to permitting the handicapped person or other family member to work.

(i) Example

Head	36	Earned Income	\$12,000
Spouse	35	Earned Income	\$10,000
Son	15	Handicapped	
Handicapped Expenses for care of handicapped son \$3,500			
Handicapped Assistance Allowance:			
Annual Income		\$22,000	
		<u>x.03</u>	
3% of Annual Income		\$ 660	
Total Handicap Assistance Expense		\$ 3,500	
		<u>660</u>	
<u>Allowable</u>			
Handicap Expense		\$ 2,840	

(Note: \$2,840 allowable expense is not greater than amount earned by spouse who is enabled to work.)

- d. When a care provider takes care of children under the age of 13 and a handicapped/disabled member 13 or older, expenses must be prorated appropriately since the way in which child care and handicap assistance expenses are computed differ.
- e. A family, whose head of household or spouse is elderly, handicapped, or disabled, is also permitted to deduct medical expenses. If a family has both handicap assistance and medical expenses, a special calculation is required.

5. Medical Expense Allowance.

Medical expense deductions are allowed only for families where the head of household or spouse is at least 62, handicapped or disabled. If the family is eligible for a medical expense deduction:

- a. Count medical expenses of all family members, and,
- b. Include expenses that are not covered by insurance or other sources and that are anticipated to be incurred during the 12 months following the family's examination/reexamination, such as:
  - (i) Services of doctors and health care professionals
  - (ii) Services of health care facilities
  - (iii) Medical insurance premiums
  - (iv) Prescription/non-prescription medicines
  - (v) Transportation to and from treatment facilities
  - (vi) Dental expenses
  - (vii) Eyeglasses, hearing aids, batteries
  - (viii) Live-in attendant or periodic medical assistance
  - (ix) Monthly payment(s) on accumulated medical bills
  - (x) Medical care of a permanently confined family member if his/her income is included in annual income.
- c. Allow only that portion of the total medical expenses exceeding 3% of annual income:

(i)	<u>Example</u>	Head of Household 64, Spouse 63	
		Annual Income	\$12,000
		Total Medical Expenses	\$ 1,500
		Annual Income	12,000
			<u>x .03</u>
		3% of Annual Income	360
		Total Expenses	\$ 1,500
		Minus 3% of Annual Income	<u>-360</u>
		Allowable Medical Expense	\$ 1,140

- d. If an elderly family has both handicap assistance and medical expenses a special calculation is required. The HA will follow steps outlined by form HUD 50058.
  - (i) Example 1: Family has \$1,000 in medical expenses and \$500 in expenses for handicap assistance. Annual income is \$20,000. \$4,000 of annual income is earned because it enables a family member to work. Three percent of annual income is \$600.
 

Total Handicap Assistance Expense	\$500
Minus 3% of Annual Income	<u>\$600</u>
	(100)
Handicap Allowance	000
Total Medical Expense	\$1,000
Minus: Balance of 3% of Annual Income	<u>\$ -100</u>
Allowable Medical Expense:	\$ 900
  - (ii) Example 2: Family has \$2,000 in medical expenses and \$3,500 in expenses for handicap assistance. Annual income is \$20,000. \$2,400 of annual income is earned because the handicap assistance enables a family member to work. Three percent of annual income is \$600.

Total Handicap Assistance Expense	\$3,500
Minus 3% of Annual Income	<u>-600</u>
	\$2,900
Maximum Allowance for Handicap Assistance (cannot exceed income generated)	\$2,400
Total Medical Expense	\$2,000
Allowable Medical Expense (Entire 3% was deducted to compute the handicap allowance)	\$2,000

**SECTION VI  
COMPUTING TOTAL TENANT PAYMENT  
AND TENANT RENT**

**A. Calculation of Total Tenant Payment and HAP Maximum Subsidy**

The HA will compute Annual and Adjusted Income and Total Tenant Payment in accordance with 24 CFR §§5.603, 5.609, 5.613.

1. Certificate. For the Section 8 Certificate, Program Total Tenant Payment will be calculated (using the definitions of annual income and adjustments as defined in 24 CFR 5.603, and 5.609) as the greater of:
  - a. 30% of the family's adjusted monthly income, or
  - b. 10% of the gross monthly family income,

Any allowance for utilities will be deducted from the Total Tenant Payment to determine the Tenant Rent.

All certificates will convert to vouchers at the second annual review after October 1, 1999.

The Housing Assistance Payment paid by the HA will be the difference between the Contract Rent to the owner and the Tenant Rent (plus any Utility Reimbursement).

The Housing Authority may, in order to provide reasonable accommodation for a disabled person, may provide assistance at a rate of 120% of the fair market rent. Reasonable accommodation is determined by HA staff, and an explanation of the determination placed in the tenant file.

2. Voucher Program. Under the Voucher program, the Tenant Rent will vary based upon the Total Tenant Payment and the Contract Rent and its relationship to the Payment Standards. The Maximum Subsidy is the difference between the HA's applicable Payment Standard for the unit size issued and 30% of the family's adjusted income (defined in 24 CFR 5.603 and 5.609). This is the maximum that the HA will pay as subsidy for the household.

Once the unit is selected, the family's portion of the rent is calculated as the difference between the gross rent (Contract Rent plus utilities) and the *appropriate* Payment Standard. The appropriate Payment Standard is the lesser of the standard for the unit size issued, or the unit size selected. The tenant's portion may be more or less than 30% of the family's monthly adjusted income depending on the total rent of the unit selected by the family, except that the family may never pay less than the greater of 10% of monthly gross family income or more than 40% of their adjusted monthly family income at the time of initial rent up.

The Housing Assistance Payment will equal the difference between the Payment Standard and 30% of the family's monthly adjusted income, except that the family must pay the greater of 10% of gross family income. In that case, the HA will pay the difference between the Contract Rent and what the tenant pays to the owner as the Housing Assistance Payment.

**The minimum rent payment for certificates and vouchers shall be \$0**

**B. Utility Allowance**

The utility allowance used is based on the actual size of the unit the family selects regardless of the size authorized on the family's Voucher.

As required by 24 CFR 882.214, the Utility Allowance Schedule will be reviewed on an annual basis and adjusted as needed.

At least annually, the HA shall determine whether there has been a substantial change in utility rates that were used to calculate allowances. If there has been a change of more than 10% individually or cumulatively over the past 10 years, the utility allowance will be adjusted to reflect such increases. Such change shall be processed according to federal regulations.

The HA will give tenants a utility allowance for stoves and refrigerators when these appliances are provided by the tenant. The determination regarding provision of appliances is between the landlord and the tenant; the HA will not be involved.

**C. Payment Standard**

1. At least annually the HA will review and when necessary, revise Payment Standards.
2. The payment standard shall be set by the PHA anywhere between 90% and 110% of the FMR. If the Payment Standard is to be increased, the HA will implement the new Payment Standards at the annual reexamination or when the household moves or household composition changes. If the Payment Standards decrease, the HA will implement the new standards whenever a participant family moves or when the bedroom size, for which the family qualifies, changes.
3. The payment standard for the Marshalltown Rent Assistance program shall be set at 100% of the FMR.

**SECTION VII  
SUBSIDY STANDARDS**

**A. Bedroom Size Assignment** (24 CFR 982.402) Bedroom size assignments on vouchers will be made so that no less than one (1) and no more than two (2) persons will occupy a bedroom. Persons of the opposite sex shall not be required to occupy the same bedroom except for married or cohabiting couples. Two children of the same sex may be required to share a bedroom regardless of age. Children of the opposite sex may be required to share a bedroom if both are under age three. Generally, children shall not be required to share a bedroom with a parent. No assignments of bedroom size on a Voucher will be made which require use of the living room for sleeping.

In the case of a participant who shares custody of a child (or children) at least 50% of time with a parent or guardian residing outside of household, the child shall be included when considering the assignment of bedroom size.

The intent of HUD requirements is that the smallest appropriate bedroom size be assigned to participant families without overcrowding. The HA does not limit or restrict which family members may share bedrooms.

Using the above guidelines, the following subsidy standards will determine the number of bedrooms required.

<u>NUMBER OF BEDROOMS</u>	<u>NUMBER OF PERSONS PER UNIT</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	7	10

A separate bedroom may be provided for an individual family member if the family presents documentation sufficient to convince the HA that the individual's physical or mental health requires separate sleeping quarters.

**SECTION VIII  
ISSUANCE OF VOUCHERS AND BRIEFING OF FAMILIES**

- A. Selection from the Waiting List.** Not less than 75% of new families admitted from the waiting list must have incomes at or below 30% of the area median income. Other admissions will be assigned according to date and time of application. The goal is to serve the lowest income applicants, but units are not required to remain vacant to meet this guideline.
- B. Notification and Response.** Once an applicant has filed a completed application, provided copies of social security cards, verified alien status and provided the HA with a signed copy of the disclosure statement the family will be placed on the waiting list and informed in writing of their eligibility status. All eligible applicants are required to attend a briefing at which the family will be issued the Voucher and will be provided with a detailed overview of the Section 8 Program. The program briefing may be group or individual.

**If an applicant fails to appear, without prior explanation or re-scheduling, for a scheduled appointment to receive a briefing and a Voucher, such failure shall result in removal from the waiting list and the person may reapply provided that applications are being accepted at that time.**

**C. Briefings (24 CFR 982.301)**

1. Briefing Packets.

- a. At the family briefing, the family will receive a Section 8 Voucher briefing packet which will include explanations of applicant and owner responsibilities under the programs.

The briefing packet shall contain:

- Term of Voucher, a description of the HA's Voucher extension or suspension policies and how to request them.
- How HAP is determined, including information of the Payment Standard and Utility Allowances.
- How maximum rent is determined.
- Where family may lease a unit, including information on portability.
- HUD required "lease addendum".
- Request for Lease Approval and explanation of how to request approval to lease a unit.
- HA policy on providing information about family to prospective owners.
- The HA's subsidy standards, including any exceptions to these standards.
- HUD Lead Based Paint brochure.
- Fair Housing Brochure.
- List of landlords/real estate agents willing to lease a unit or to help the family locate a unit.
- Notice that if family includes a disabled person they may request a current listing of available accessible units known to the HA.
- Family Obligations under the Section 8 program.
- Grounds on which the HA may terminate assistance.
- Informal hearing procedures.
- The HA's policy on providing information to owners about a participant's history.
- Additional information as determined by the HA.

2. Briefing Session.

- a. The briefing session will be informal with the opportunity for the applicants to ask questions to ensure that they have an adequate understanding of the program and procedures to be followed.
- b. Briefing session topics will include:
  - Description of how the program works.
  - Family and owner responsibilities.
  - Where the family may lease a unit, including renting a dwelling unit inside or outside the HA's jurisdiction.
  - Portability.
  - Advantages of moving to an area that does not have a high concentration of poor families.

The family will be notified that they must report any changes in family composition and/or income during the period between issuance of the Voucher and execution of the HAP/Voucher Contract. The HA will follow up as necessary before execution of lease and contract.

**D. Voucher Suspensions Extensions (24 CFR 982.303)**

1. Suspensions. The Voucher shall expire at the end of 60 days unless within that time the family submits a Request for Lease Approval (RFLA), at which time a "suspension" may occur. (The time between the date the RFLA is submitted and the date the HA determines whether to lease or deny the RFLA is not counted against the Voucher time limit.)
2. Extensions. If a Voucher expires or is about to expire, a family may submit the Voucher to the HA with a written request for an extension. If the family is unable to locate a unit due to circumstances beyond the family's control (such as, for example, illness, death, birth of a child), the HA may issue one or more extensions not to exceed a total of 60 days.

**SECTION IX  
UNIT SELECTION AND APPROVAL**

**A. Locating a Unit**

It is the responsibility of the Voucher holder to locate a unit suitable to the holder's needs and desires. The holder of a Voucher may select the dwelling unit which the holder already occupies if the unit meets program qualifications.

Information regarding landlords interested in participating in the program will be offered to the Voucher holder. Voucher holders will be encouraged to locate their own housing, but will also be informed that they should periodically contact the HA staff in order to report their progress or request any new information regarding available units. Owners who have committed "fraud, bribery or any other corrupt or criminal act" in connection with a federal housing program may be denied.

Staff will provide a list of accessible units known to the HA and assistance in locating a dwelling unit to those families who, because of age or disability, are unable to find suitable units.

To those applicants reporting apparent discrimination, assistance will be provided in preparing the required HUD Discrimination Complaint Form and in locating available housing elsewhere.

If a Voucher holder elects to move to a different jurisdiction, they must follow HUD's portability guidelines.

**B. Portability** (24 CFR 982.353, 354, 355) Portability is the ability of a family issued a Voucher, to move anywhere within the State of Iowa or anywhere in the United States where a tenant-based program is administered.

If neither household head or spouse had a legal residence in the jurisdiction of the HA at the time of application, the family must lease a unit in the HA jurisdiction for one year before becoming eligible for portability.

If a family's initial lease is outside the jurisdiction of the HA, they must be income eligible for the area in which they will lease.

The receiving HA may offer to absorb families from another HA into their local Voucher Program, according to availability and eligibility.

The amount of housing assistance shall be based on the applicable Payment Standard in effect at the receiving HA at the time the Voucher is received.

The receiving HA will promptly notify the initial HA if the family has submitted a Request for Lease Approval, whether they will absorb or administer the Voucher, if the family ceases to be a current participant in the initial HA's Voucher Program, or has requested to move to another HA jurisdiction.

The receiving HA will perform all functions normally associated with providing assistance to a family in the Voucher Program, including determining unit size, lease approval, annual reexamination of income, annual inspection of the unit to meet Housing Quality Standards, and executing the HAP Contract. If the receiving HA does not absorb the family into its program, they will bill the initial HA for the Housing Assistance Payment on behalf of the family. The receiving HA will be eligible to receive 80% of administrative fees, and all hard-to-house fees associated with the portable Voucher being administered. The initial and receiving HAs must comply with financial procedures and billing and payment deadlines required by HUD. The first bill must be sent from the receiving HA to the initial HA within six (6) months from the date the initial HA issued the voucher to the family (PIH Notice 96-54,7/26/96)

If the family selects an area where more than one Housing Authority may have jurisdiction, then the HA may select which Housing Authority in the new area shall be the receiver.

**C. Applicant Flexibility on Unit Size Selection**

It is emphasized that the unit size listed on the applicant's Voucher does not preclude the family from selecting either a smaller or larger sized unit provided the following requirements are met:

1. Larger-Sized Units.

The family may select a larger-sized unit than listed on its Voucher. The family will be required to pay any additional cost for the larger size unit. (The maximum subsidy will remain based on the Voucher size issued to the family.)

2. Smaller-Sized Units.

The family may select a smaller-sized unit provided there is at least one sleeping room or living/sleeping room of appropriate size for each two persons in the household.

**NOTE:** The unit size designated on the Voucher must remain unchanged, regardless of the actual unit size selected.

**D. Eligible and Ineligible Housing Units (24 CFR 982.352)**

1. Eligible Units.

- a. The types of housing units that are eligible for the Voucher Programs are: apartments, single family homes, townhouses, duplexes, fourplexes, mobile homes, congregate and independent group homes. These may include units owned by a relative only if it is determined that the leasing would accommodate a person with disabilities.
- b. Owners of manufactured homes are not eligible to receive assistance on the Voucher Program.
- c. Single Room Occupancy (SRO) Housing is eligible for assistance on the Voucher Program if:
  - (i) the property is located in an area where there is significant demand for SRO units (as determined by HUD),
  - (ii) the HA approves the use of SRO units for such purposes,
  - (iii) the HA certifies to HUD that the property meets applicable local health and safety standards for SRO housing.
- d. Some units or developments sponsored by the FMHA may be eligible for residency by a voucher holder if occupancy does not create a situation of duplicate subsidy.

2. Ineligible Units.

- a. Any Public Housing or Indian Housing unit.
- b. Units in which the family is being assisted under other Section 8 subsidy programs.
- c. Nursing homes, or facilities providing continual psychiatric, medical or nursing services.
- d. Colleges or other school dormitories.
- e. Units on the grounds of penal, reformatory, medical, mental and similar public or private institutions.
- f. Housing owned in whole or in part, by the family to be assisted, or by a relative of the family to be assisted. (See 1:a)
- g. Units that are owned by landlords that have been barred from participating in the program.

**E. Information Provided to Prospective Landlords About Participants (24 CFR 982.307)**

The HA will provide the following information about program participants to prospective landlords:

- a. current address; and
- b. if known, name and address of owner of participant's current and prior address.

The HA will inform all property owners interested in participating in the Section 8 Program that tenant screening for payment and other lease compliance behavior is the owner's responsibility, and is not performed by the HA.

The HA may offer the owner other information in the HA's possession about the family including information about the tenancy history of family members or about drug trafficking or violent criminal activity by a family member. The same types of information will be provided to all families and all owners.

**F. Security Deposits (24 CFR 982.313)**

Property owners have the right to request security deposits from Section 8 tenants. Security deposits collected by owners cannot be in excess of private market practice or in excess of amounts charged by owners to unassisted tenants.

It is the family's responsibility to pay the security deposit to the owner. The HA will not provide advances to assist families in meeting security deposits, but will provide assistance by referring the family to other potential private or public sources.

After the family moves from the unit, the owner must treat the deposit in accordance with State law. The owner may use the security deposit, including interest earned, as reimbursement for any unpaid Tenant Rent, damages to the unit, or other amounts which the family owes under the lease. The owner must give the family a written statement listing all items charged against the security deposit and the amount charged for each item. The tenant must be notified of the move-out inspection. After deducting the amount used as reimbursement, the owner must promptly refund the full amount of the balance to the family. Any interest earned on a rental deposit during the first five years of a tenancy shall become property of the landlord. The family must provide a forwarding address or delivery instructions to the landlord upon move out. If the family fails to provide a forwarding address within one year from the termination of the tenancy, the rental deposit shall revert to the landlord and the tenant will be deemed to have forfeited all rights to the rental deposit.

For the pre-9/95 Section 8 Certificate/Voucher contracts and Moderate Rehabilitation Units: If at the time of initial execution of the lease the owner wishes to collect a security deposit, the maximum amount shall be the greater of one month's Total Tenant Payment or \$50. However, this amount shall not exceed the maximum amount allowance under Iowa state law--two months' rent.

**G. Approval of Property Owner (24 CFR 982.306)**

The HA will not approve a unit if any one of the following conditions exists:

1. The owner is debarred, suspended or subject to a limited denial of participation by HUD under 24 CFR Part 24.
2. If directed by HUD because the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such action is pending.
3. If directed by HUD because a court or administrative agency has determined that the owner has violated the Fair Housing Act or other Federal equal opportunity requirements.
4. The HA, at its discretion, may deny participation to an owner if any one of the following conditions exists:
  - a. The owner has violated obligations under any Section 8 HAP contract;
  - b. The HA has obtained documentation that the owner has committed fraud, bribery or any other corrupt or criminal action in connection with any Federal housing program;
  - c. The owner has engaged in drug trafficking;
  - d. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
  - e. The owner has a history or practice of renting units that fail to meet state or local housing codes; *or*
  - f. The owner has not paid state or local real estate taxes, fines or assessments.

The individual circumstances and seriousness of such conditions will be considered prior to disapproval of an owner.

If the HA determines that the owner is approvable and that the lease does not violate any program rules, the lease may be approved. If the lease cannot be approved, the owner and subsidy holder will be notified and provided with the reason and an opportunity to correct any deficiencies.

**H. Approval of Owner's Proposed Lease (24 CFR 982.308)**

1. The HA may adopt a model lease for its Section 8 Voucher program and may encourage owners to use it. However, owners may elect to use their own lease. For any new tenants leasing on or after October 2, 1995, all leases must include the Section 8 lease addendum language verbatim or the owner must sign the HUD lease addendum with the prospective tenant. If the owner selects his/her own lease, the Voucher holder must submit a copy for review at the time the RFLA is submitted. The HA will review all leases proposed by property owners to ensure that:

- a. The lease includes the lease addendum language verbatim.
- b. Utilities which must be paid by the tenant, if any, are specified.
- c. The initial lease term is for at least one year and includes a provision for automatic renewals for a definite or indefinite length.

**I. Housing Quality Standards Inspections (24 CFR 882.109, 982.401)**

1. Inspection Procedures.

When a family selects a unit and submits a Request for Lease Approval, the HA will inspect the unit for compliance with HQS. HQS used in the operation of the program will be as set forth in 24 CFR §882.109 (and Subparts J or K, if applicable), or as set forth in specified HUD-approved variations in the acceptability criteria.

The HA will use an approved HUD Housing Quality Standards (HQS) inspection form. The inspection form is maintained in the tenant file. Copies may be sent to both the owner and the tenant on request. In the case of any "fail" items, a reinspection is completed prior to approval of any lease. In the case of any "inconclusive items," further documentation of the acceptability of the items will be required, or a reinspection will be completed to confirm acceptability of the unit.

The various types of inspections include: annual, move-in, move-out, complaint and special. The HA will inspect each dwelling unit leased to an eligible family at least annually and at such other times as may be necessary to insure that the owner is maintaining the unit in accordance with HQS and is providing the agreed upon utilities and other services. The annual inspection will be performed in conjunction with the annual reexamination of family circumstances.

The HA encourages that both the owner and tenant are present during inspections. The HA will send a written notification to the landlord and tenant informing them of the inspection date and time.

The initial HQS inspection shall take place no later than 15 days after the Request for Lease Approval is received by the HA.

When a unit fails the HQS inspection, the HA will notify the owner of the failed item(s) and the required time to repair (24 hours for emergency items, 30 days for other non-emergency items). If the owner fails to take corrective action within the time prescribed in the notice, the HA may exercise any of its rights or remedies under the contract, including abatement of Housing Assistance Payments (even if the family continues in occupancy) and termination of the contract. (See also Section X, E. Rent Abatement and Contract Termination for HQS Violations.) If the family wishes to be rehoused in another dwelling unit with Section 8 assistance and the HA decides to terminate the Housing Assistance Payments Contract, the HA shall issue to the family another contract.

A family's assistance may be terminated if the family has breached its responsibilities under the program and is responsible for HQS failure for the following reasons: failure to pay for tenant supplied utilities and services; failure to provide and maintain tenant-supplied appliances, or; damages caused by guests or family members.

The HA will attempt to obtain annually from local health agencies the names and addresses of children with identified elevated blood levels (EBLs) and match this information with the names and addresses of participants. If a match occurs, the HA will determine whether local health officials have tested the unit for lead-based paint. If the unit has lead-based paint the owner will be required to treat the lead-based paint. If corrective action is not taken the family will be issued a Voucher to move. Copies of the inspection reports will be kept for a period of three (3) years.

2. Quality Control Procedures.

In order to ensure that the inspections are adhering to HQS, and are providing consistent determinations, a random sample of approximately five percent of the approved units are reinspected by housing supervisory personnel. The sample shall reflect equal numbers of both passed and failed units. If inconsistencies are found corrective actions will be taken including additional training, and a larger sample will be used until no inconsistencies are found. A log will be kept of those units surveyed and a copy of the original inspection will be signed and dated by the quality control inspector following his/her re-inspection. Any comments regarding the quality control inspection will be made on the copy of the inspection and filed in the tenant file.

**J. Initial Contract Rents**

1. Fair Market Rent.

a. *Certificates:* (24 CFR 882.106(a)) For the Certificate Program, the Contract Rent plus utilities must be within the Fair Market Rent (FMR) in effect for the appropriate bedroom size or within the 10% exception Fair Market Rent if the unit meets the criteria for an exception. FMRs should be taken from the most recently published FMR schedule published in the Federal Register.

Gross rents up to 10% over the FMR may be allowed for 20 percent of the units approved in the budget. This exception rent authority will be used judiciously. Exceptions may be issued for: A certificate holder who needs a unit with features accessible or adaptable to individuals with disabilities and who can only find such units at rents above the FMR; expansion of housing opportunities; and making available units which because of their size (number of bedrooms), amenities or location, warrant a higher rent.

b. *Vouchers:* For the Voucher Program, the Contract Rent is not limited by the FMR, however at no time may the voucher Contract Rent exceed rent that is paid for comparable, unassisted units.

2. Rent Reasonableness. (25 CFR 882.106(b))

Rent reasonableness will be determined for both Certificate and Voucher holders at initial lease up and each annual certification thereafter. Documentation of reasonable rent will be included in each participant's file. The reasonableness of the rent requested by the owner will be determined on the basis of:

- a. HA market survey information on rents for comparable units in the area;
- b. Factors considered in the determination of rent reasonableness are: location, size, type, quality, age, amenities, housing services, maintenance and utilities.

The HA will collect and maintain substantial data to determine and support rent reasonableness for all program rents. Data will be purged and updated regularly by Section 8 staff.

If the HA determines that the amount of rent requested by the owner is not reasonable, a reasonable rent will be computed, and a counter-offer will be made to the owner. Failure by the owner to lower the rent will result in disapproval of the unit for the program.

## **SECTION X HOUSING ASSISTANCE PAYMENTS CONTRACT**

### **A. HAP Contract Execution** (24 CFR 982.311, 451, 452, 454, 455)

1. Once the owner, lease (if owner elects to use his/her own lease), and unit are approved, and a reasonable rent negotiated, the HA will enter into a HAP contract.

The HAP contract is a contract between the HA and the owner and provides for the HA to make monthly payments to the owner for a specific family in a specific unit. The term of the contract runs concurrently with the lease term. The HAP contract terminates if the lease terminates. No payments may be made after the family moves out or the lease term ends.

2. Current owners under the HA's Section 8 program may continue to use the old HAP contract for current participants until the 2<sup>nd</sup> annual review after the date of October 1, 1999, or at change of unit. At that time, all certificate holders will be issued a Housing Choice Voucher.

The family is not responsible for the HAP payment and cannot be charged late fees if the HA pays late. However, the Conforming Rule, effective October 2, 1995, permits a HA to be charged late fees in accordance with state/local laws. The HA may pay for late fees from administrative fee income or reserves.

3. Once the leasing/contract documents are prepared, HA staff will meet with the owner and family (preferably together) to review documents. (If the landlord is unable to meet in person, the HA can mail the documents to the landlord.) In addition to reviewing the specific terms of the HAP contract and lease, staff will explain:
  - a. Owner requirements to maintain the unit, allow inspections, and inform the HA if the tenant vacates without notice.
  - b. Tenant requirements to pay rent, maintain the unit, allow inspections, cooperate with the HA's recertification requirements, and notify the HA when the family wishes to move.
4. The HA will make their best effort to sign all HAP contracts before lease terms start and will ensure that all contracts are executed within 60 days after the beginning of the lease term.
  - a. If the HAP contract was signed within the 60 day period after the lease term started, housing assistance payments may be made retroactive to the beginning of the lease term.
  - b. If the HAP contract was executed more than 60 days following the beginning of the lease term, the contract is void and no housing assistance payments may be made to the owner.

5. A new HAP contract will be required for new and revised leases. Changing the security deposit, family members, utilities furnished by owner, or acceptability of pets will require execution of a new HAP contract. A new contract will be required when a resident is required to move due to termination not connected with eligibility (damage to the unit, i.e. fire, sale of the residence, etc.). In the case of such a termination, the resident has 180 days to submit a new request to lease form.

**B. Payments to Owners (24 CFR 982.311)**

Housing Assistance Payment, (the difference between the contract rent and the portion of the rent payable by the family) shall be paid to the owner in accordance with the contract.

No payments will be made on behalf of an assisted family until the lease and the Housing Assistance Payments Contract have been signed by all appropriate parties.

The HA will maintain an internal control system which will ensure the accurate posting and tracking of Housing Assistance Payments to owners.

**C. Contract Rent Adjustments - Certificate Program (24 CFR 882.108)**

1. Before the initial contract is executed, owners are informed of program regulations regarding both annual adjustments and special adjustments. They are also made aware of the HA's review process regarding contract rent adjustments.
  - a. Upon receipt of an owner's written request for an Annual Rent Adjustment, the following will be reviewed:
    - (i) The limitation of the appropriate Annual Adjustment Factor.
    - (ii) The timeliness of the owner's request.
    - (iii) The current Housing Quality Standards inspection.
    - (iv) The reasonableness of the requested rent in respect to property improvements completed.
    - (v) Ongoing property maintenance.

For the Certificate Program, any adjustment cannot exceed the amount determined to be reasonable under rent reasonableness comparability. Authorization is required for all rent increases. The HA must implement annual contract rent increases effect the later of:

- (i) the anniversary date of the HAP contract, or
    - (ii) the first day of the month following the owner's request for an increase.
  - b. Annual Adjustment to rents for assisted units will be limited to the lesser of
    - (i) The maximum amount allowable by application of the Annual Adjustment Factor, or
    - (ii) The amount determined to be Rent Reasonable, or
    - (iii) The rent charged for comparable unassisted units owned by the same owner.
2. Special Contract Rent Adjustments-Certificate Program (24 CFR 882.108(a))

Owners may submit a request for a special rent adjustment (over and above the annual adjustment) but must document the following:

- (i) the costs of owning and maintaining the unit have increased;
  - (ii) the increase is a result of substantial general increases in real property tax rates, utility rates or similar costs (i.e., assessments and utilities not covered by regulated rates); and
  - (iii) the annual contract rent adjustment does not compensate the owner for the increases.

- D. Contract Rent Adjustment - Voucher Program** The Contract Rent may not be increased during the first year of the lease. After the initial year, owners may request an increase at any time, but must provide written notice of any proposed increase to the HA family sixty (60) days in advance of the increase,

Families who wish to move because of the owner's rent increase will be required to give the owner proper notice and notify the HA at least thirty (30) days in advance.

- E. Rent Abatement and Contract Terminations for HQS Violations** (24 CFR 982.404) When an owner fails to correct cited repairs within the specified time frame, housing assistance payments will be abated at the end of the month in which the failed reinspection occurred, and will continue until such time when:

The owner corrects the deficiencies, in which case the housing assistance payments may be resumed as of that date; or

The HAP contract expires or is terminated.

The HA will not resume HAP payments until the owner has corrected the deficiencies. No retroactive payments will be made for the period during which the rent abatement occurred. When the deficiencies are corrected, however, a prorated housing assistance payment may be provided to the owner for the period commencing with the date a HA inspector certified the required work was completed.

The HA will send the owner advance written notification, in accordance with the HAP contract, when the HA plans to abate payments. The HA will also notify the family of this action and apprise the family of its responsibility, based on applicable State or local law, for the payment of the tenant share of rent to the owner.

The HA will terminate HAP contracts which are under abatement at the earlier of:

- a) the month the family living in the unit has moved, or
- b) six months after the last payment was made.

HAP contracts will be terminated immediately, without application of the rent abatement process described above, in cases of owner failure to repair life-threatening conditions within the required 24 hour time period. This applies only to cases in which the owner is responsible for the situation not when the tenant has caused the violation. Life-threatening conditions include but are not limited to:

1. No heat between October 1 and May 1.
2. No electricity.
3. No gas.
4. No running water.
5. Natural gas leak or fumes.
6. Major plumbing leaks or flooding (such as sewer backup or stoppage).
7. Any electrical outlet, switch, stationary light fixture, fuse box or circuit breaker that smokes, sparks or short circuits, creating a fire hazard.

8. Broken or missing lock on any dwelling unit doors accessible to the outside of the dwelling unit.
9. Uninhabitable units due to fire, tornadoes, destroyed or vandalized property that prevent a tenant from using the bathroom or kitchen or from entering the dwelling unit.

## SECTION XI ONGOING ACTIVITIES

### A. Annual Reexaminations (24 CFR 882.515)

1. The HA will re-examine the income, assets, expenses and family composition of all families at least annually. Reexaminations determine the participant's monthly TTP and rent to owner (Tenant Rent), eligibility for continued occupancy, and required unit size.

The HA follows all pertinent HUD regulations in its completion of reexaminations. Approximately ninety (90) days prior to the family's reexamination effective date, the family will be notified of a scheduled reexamination interview. If the family is unable to attend the scheduled interview, another appointment will be scheduled. If the family fails to keep the second appointment, the HA may send the family a notice terminating assistance under the Section 8 program effective on the family's reexamination effective date.

Employment and income data, assets, full-time student status, medical expenses (elderly families only), child care expense, and handicapped assistance expenses will be verified, documented and placed in the participant's folder.

Third party written verifications are the preferred kind of verifications. However, oral third party verifications are acceptable, if properly documented. When such documents cannot be photocopied, Housing Authority staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. All verifications will be maintained in the participant's folder. Verified information will be analyzed to determine TTP and the appropriate unit size.

2. Tenants requiring larger or smaller units are issued a Voucher for the appropriate bedroom size dwelling unit at the annual reexamination, or at such other times necessary, depending on availability. However, if the family size exceeds the maximum subsidy standard for continued occupancy, the family must be immediately issued the appropriate size Voucher.
3. Tenants whose Total Tenant Payment equals or exceeds the gross rent for their dwelling unit, will be notified of their responsibility for the entire contract rent amount.
  - a. Housing Assistance Payments shall be terminated with proper notice to both the tenant and owner.
  - b. Suspension of Housing Assistance Payments shall not affect the tenant's other rights under the lease, nor shall suspension preclude the resumption of payments as a result of loss of income or other relevant circumstances.
  - c. For 9/95 versions of HAP contracts the HA will terminate the contract if six (6) months have passed since the date of the last Housing Assistance Payment. For pre 9/95 HAP contracts the HA will terminate the contract if twelve (12) months have passed since the date of the last Housing Assistance Payment.

4. Increases in the participant's portion of the rent to owner (Tenant Rent) will be effective on the scheduled reexamination effective date, with reasonable advance notice (30 days) provided the participant has complied with all reporting requirements. When the participant has failed to do so, the participant's portion will increase retroactive to the reexamination effective date. Retroactive changes in participant's rent share will not be made when delays are solely the fault of the Authority or a verification source.
5. Decreases in participant's portion of rent shall take effect on the reexamination effective date.

**B. Interim Reexaminations** Changes in family income or composition may result in an interim recertification. An interim reexamination does not change the anniversary date for the annual reexamination.

1. Income/Family Composition Changes.

The resident must report within 14 days:

- a. All changes in the household composition; and
- b. Any of the following facts which would result in an increase in rent:  
an increase in per month gross household income that would result in a 10% or greater increase in rent;  
receipt of a deferred payment in a lump sum (such as unemployment benefits).

The resident may report any of the following changes which would result in a decrease in rent:

- a. Decrease in income expected to last at least 60 days; and
- b. Increase in allowances or deductions.

2. Zero Income.

The HA will schedule special reexaminations every 90 days for families reporting \$0 income. Families reporting \$0 income will be required to have all adult household members sign a certification of \$0 income and a release allowing the HA to obtain a certified copy of any tax return submitted to IRS by all adults residing in the household. Failure to comply with these reexamination requirements will be considered grounds for termination of assistance.

3. Effective Date of Rent Changes Due to Interim Recertifications.

- a. *Tenant Rent Decreases:* If a change in family circumstances or income results in a decrease in Tenant Rent, the adjustment in rent will be effective the first day of the month, following verification of reported change. Decrease in Tenant Rent will not be granted without verification of the decrease in income.
- b. *Tenant Rent Increases:* If a change in family circumstances or income results in an increase in Tenant Rent the adjustment in rent will be made effective the first day of the second month following that in which the change in family circumstances or income is verified and written notice of new rent is sent to the tenant (thereby giving a 30-day notice to the tenant).
- c. Tenant and owner will be notified as to any changes in the Housing Assistance Payment or Tenant Rent.

4. Errors. If an error in Tenant Rent is revealed at any time during the income year, proper adjustment will be made to correct the error as follows:
  - a. If the error is the fault of the tenant, and results in the tenant owing additional rent, such rent shall be repaid by the family within a reasonable period of time. Failure to repay may result in termination.
  - b. If the error is not the fault of the tenant and it results in increased Tenant Rent, such rent shall be made effective the first day the change is corrected. If a refund is necessary, because of a decrease in rent, it shall be processed immediately.
  - c. If the error is not the fault of the tenant, and corrective action results in a decreased rent, such rent shall be made effective as of the date the error was made.

### **C. Changes in Household Composition**

All participants are required to report any change in household composition within 14 days of the change to the Authority and to the landlord. New household members may be added to the resident's lease if the new family member has been added as the result of birth, marriage, reconciliation with a spouse, legal adoption, award of custody to or by a member of a household on the lease and award of a foster child. All new adult household members shall complete an application form and provide necessary income information. New adult household members must provide documentation from the landlord allowing the additional person to be added to the lease. No new household member over the age of five years may be added unless and until that person has provided the required information to the Section 8 Department and been determined eligible for admission according to the guidelines specified in Section II of this policy. The Housing Authority has the right to deny admission to any person found to be ineligible. All new household member over the age of five years shall be approved prior to residence in the assisted unit.

Participants must provide documentation as required by the Authority when reporting that a family member has left the household. In the case of an income producing household member, the Authority will require at least two documents verifying the new address or other evidence deemed acceptable by the Authority. Utility bills, a driver's license, an automobile registration, voter registration, an employer's verification, or a lease or a rent receipt bearing the family member's name, new address and a date are examples of acceptable evidence. Court papers indicating that a family member has left the household such as a Petition for Dissolution of Marriage, a Petition for an Order of Protection, or a Petition for Legal Separation may also be acceptable.

### **D. Family Moves with Continued Assistance** (24 CFR 982.314; See also Section XII, Terminations)

1. If the tenant desires to relocate, they may do so freely upon completion of the first year's term of the lease. However, the tenant must first submit a 30 day written notice, but not more than a 60 day notice, to the landlord stating his/her intention to vacate. A copy of this notice, signed by the tenant, must be provided to the HA.
2. If the tenant desires to relocate, but has not completed the initial year's term of the lease, the transfer will not be granted by the HA unless both tenant and landlord mutually agree to rescind the lease. If both the landlord and tenant do so agree, they must both sign a mutual rescission form supplied by the HA. A copy of the rescission must be provided to the HA.
3. (For pre 9/95 HAP Contracts) If, after the move-out inspection, it is determined that the final assessment of damages is in excess of the security deposit, the tenant will be offered a repayment arrangement in the form of a promissory note. However, the tenant is not obligated to sign a promissory note as a condition of continued assistance.

4. Participants are limited to one move in any 12 month period.
5. If the family wants to move to a new unit that is located in another jurisdiction, the family must provide notice to the HA and must specify the area where the family wants to move. (See also Section IX, B. Portability.)
6. The HA may deny a participant family's request to move if the family has not complied with a Repayment Agreement executed with the current or another HA, or if the HA does not have sufficient funding for continued assistance. (See also Section XI, Ongoing Activities, H. Repayment Agreements.)

**E. Assistance for Families Under Lease**

The HA will plan, develop and coordinate working relationships with human services and social service agencies that can be of help to tenants. The HA staff will assist in providing information and referral service to tenants. Families who have questions regarding their participation in the Voucher Program, may request assistance from the HA.

**F. Family Break-Up (24 CFR 982.315)**

In the case of family break-up, the HA has the discretion to decide which members of an assisted family will continue to receive the housing assistance. In making such a determination, the factors to be considered may include: whether the assistance should remain with family members remaining in the original assisted unit; the interest of minor children or of ill, elderly or disabled family members; and whether family members are forced to leave the unit as a result of actual or threatened physical violence against family members by a spouse or other member of the household.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under the settlement or judicial decree, the HA will follow the court's determination of which family members continue to receive assistance in the program.

In the case where there is no adult remaining family member and there are minors still living in the unit, the Authority will accept proof of legal guardianship of remaining minors and will grant remaining member status subject to all program eligibility considerations.

**G. Family Absence From Unit (24 CFR 982.312)**

The family may be absent from the unit for brief periods of time. In cases where no member of the assisted family is present due to acknowledged vacation, hospitalization or imprisonment, the absence may not exceed 180 days. If it does, housing assistance will be terminated and the family must reapply for the program.

The family must supply information and certification to the HA to verify that the family is residing in the unit. The family must also promptly notify the HA of the absence from the unit, including any information requested about the purpose of the family absence(s).

## H. Repayment Agreements

If a participant owes money to the HA, the HA may require the participant to enter into a repayment agreement or may require repayment on demand. If the participant does not comply with the repayment agreement, the HA may terminate the participant from the program. However, the HA will consider extenuating circumstances on a case-by-case basis.

If the HA determines that the family committed fraud or was grossly irresponsible, the HA may require the family to repay the entire amount in full or have its assistance terminated, since fraud or gross irresponsibility are considered a violation of a family obligation.

In no case does the HA have a responsibility to enter into a repayment agreement. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed and the HA may still take action to collect the amounts owed. (See also Section II, A. (9) Eligibility Criteria, Section XI, D. (6) Family Moves with Continued Assistance and Section XII, B. Housing Assistance Terminations, 1.f.)

## SECTION XII TERMINATION, CLAIMS AND COMPLAINTS AND APPEALS

### A. Termination of Tenancy By Owner or Participant

1. Owner Initiated Lease Terminations. (24 CFR 982.310, 311) During the term of the lease, the owner may terminate tenancy on the following grounds:
  - a. Serious or repeated violation of the terms and conditions of the lease;
  - b. Violation of Federal, State or local law that imposes obligations on a tenant in connection with the occupancy or use of the premises; or
  - c. Other good cause. However, during the first year of the lease, the owner may not terminate for "other good cause" unless the termination is based on something the family did or failed to do. The following are some examples of "other good cause" for termination of tenancy by the landlord:
    - (i) Failure by the Tenant Family to accept the offer of a new or revised lease.
    - (ii) Tenant Family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or property.
    - (iii) Criminal activity by Tenant, any member of the household, a guest or another person under the tenant's control, that threatens the health and safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity of the premises.
    - (iv) Any drug related criminal activity on or near the premises.
    - (v) The landlord's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit; or
    - (vi) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit at a higher rental).

The owner may only evict the tenant from the unit by instituting a court action.

NOTE: This list of examples is intended as a non-exclusive statement of some situations included in "other good cause," but shall in no way be construed as a limitation on the application of "other good cause" to situations not included in the list. The owner may not terminate the tenancy during the first year of the term of the lease, for example, for reasons (i), (v) or (vi) of "other good cause."

If termination is due to a "business or economic reason" (i.e., the HA is unable to approve the amount of rent you are currently charging), or "expiration" of the HAP contract, a written notice must be sent the tenant family in accordance with the lease and state and local law.

- d. If owner initiates an eviction action in accordance with the lease and the family continues to live in the unit, the HA will continue to make payments until the family moves or is evicted.
  - e. The owner will keep the full payment for the month in which the family moves out in "skip" cases. If the family does not skip and the lease is scheduled to terminate during the month, then the owner keeps a prorated payment for the last month.
2. Participant Initiated Lease Terminations.
- a. If a tenant wishes to move, they may do so at any time after the first year of the term of the lease. The tenant must submit a 30 day written notice, but not more than a 60 day notice, to the landlord. A copy of this notice, signed by the tenant, must be provided to the HA.
  - b. If a family desires to be released prematurely from a lease in effect at the time, such tenant shall first obtain a Mutual Recision form from the HA. This form must be filled out, in full, by the landlord and tenant.
  - c. If a family moves with continued assistance, the term of the lease for the new unit may begin during the month in which the family moves from the old unit, and payment may overlap for the old and new units. This is not considered a duplicative housing subsidy. The HA may deny permission to move if there is insufficient funding for continued assistance.
  - d. If the family wishes to terminate assistance voluntarily and remain in the unit, the family and owner must execute a new lease.

**B. Housing Assistance Termination (24 CFR 982.552)**

Program participants in the Section 8 programs will continue to receive assistance as long as they comply with program obligations. If a participant family fails to abide by the program obligations, they may be terminated from the Section 8 Program which will result in the discontinuation of the housing assistance in the family's current unit and in all future units.

All participants for whom the HA intends to terminate assistance will be provided a written notification informing them of the reason for the termination determination and the right to request an Informal Hearing. (See Section F for further discussion of informal hearings.)

1. The HA may terminate housing assistance for the following reasons:
  - a. If the family violates any family obligations under the program. (24 CFR 982.551)
  - b. If any member of the family has been evicted from public housing.
  - c. If the HA has ever terminated assistance under the certificate or voucher program for any member of the family.
  - d. If any member, guest, or visitor of the family commits drug-related criminal activity, or any criminal activity. (24 CFR 982.553)
  - e. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
  - f. If the family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
  - g. If the family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
  - h. If the family breaches an agreement with the HA to pay amounts owed to an HA, or amounts paid to an owner by an HA.
  - i. If a family has engaged in or threatened abusive or violent behavior toward HA personnel.

- j. If any family member fails to sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 5.
- k. Evidence of citizenship (i.e., the declaration) and eligible immigration status is not submitted by date specified by the HA.
- l. Evidence of citizenship or eligible immigration status is submitted in a timely manner, but INS primary and secondary verification does not verify eligible status of any family member and:
  - (i) Family does not pursue INS appeal or HA informal hearing rights or
  - (ii) INS appeal and informal hearing rights are pursued but final appeal and/or hearing is decided against family member.
- m. The tenant has failed to meet his/her HQS obligation in cases where they are responsible for tenant supplied appliances or utilities and/or the activities of their guests.
- n. The tenant has failed to promptly notify the HA if any family member no longer resides in the unit.
- o. The family fails to promptly inform the HA of birth, adoption, or custody of a child and request approval to add any other family member.
- p. The family fails to promptly notify the HA of any absence from the unit.
- q. The family has committed fraud, bribery or any other corrupt or criminal act in connection with a Section 8 Rental Assistance programs.
- r. If any family member illegally uses, or possesses for personal use, a controlled substance. Such use or possession must have occurred within one year before the date the housing authority provides notice to the family of its decision to terminate assistance. The housing authority will not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:
  - (i) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
  - (ii) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. As a condition of being allowed to reside in the unit, the HA will require evidence of participation in, or successful completion of, a treatment program from the family member who has engaged in the illegal use of drugs.
- s. If a family signed a statement certifying that a person who engaged in domestic violence against the household would not be allowed to reside in the household, breach of this certification may be grounds for termination of assistance. [5.420(b)(4)(iii)(B)]
- t. The housing authority determines that there is reasonable cause to believe that the participant abuses alcohol in a way that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this provision if the participant demonstrates to the HA's satisfaction that the participant is no longer engaging in abuse of alcohol and:
  - (i) has successfully completed a supervised drug or alcohol rehabilitation program;
  - (ii) has otherwise been rehabilitated successfully; or
  - (iii) is participating in a supervised drug or alcohol rehabilitation program.

- u. The tenant has a total tenant payment equal to or greater than the gross rent for the unit for six (6) months for HAP contracts dated 9/95 or after and twelve (12) months for HAP contracts dated prior to 9/95.

### C. Contract Termination

1. September 95 versions of HAP contracts terminate automatically 180 calendar days after the last housing assistance payment to the owner. Pre 9/95 version of HAP contracts terminate automatically one year after the last housing assistance payment to owner. The HA may terminate, with a 30 day written notice, a contract with a landlord for the following reasons:
  - a. The unit is not in compliance with Housing Quality Standards because the owner has refused, or failed to correct the HQS deficiencies after proper notice by the HA.
  - b. The tenant has moved.
  - c. The tenant has been notified by the HA to move because the unit is either overcrowded or under occupied.
  - d. The owner has committed any fraud or made any false statement to the HA or HUD in connection with the contract, or has committed fraud or made any false statement in connection with any federal housing assistance program.
  - e. The unit is determined by the HA and/or owner to be abandoned or unoccupied.
  - f. Lease is terminated by mutual agreement of the owner and tenant, then the HAP contract automatically terminates in accordance with the contract terms.
  - g. The HA cannot approve the new rent requested by the owner, and the owner will not accept a lower rent.
  - h. The HA has found it necessary to terminate the tenant's assistance for documented good cause.
  - i. Owner has decided to terminate tenancy for "other good cause" that is a business or economic.
  - j. If the owner has violated any obligation under this Contract or under any other Housing Assistance Payments contract under Section 8 of the U.S. Housing Act of 1937.
  - k. If the owner has demonstrated any intention to violate any obligation under this Contract or under any other Housing Assistance Payments contract under Section 8 of the U.S. Housing Act of 1937.
  - l. For projects with mortgages insured by HUD, or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the Regulatory Agreement; or if the owner has filed any false statement or misrepresentation with HUD in connection with the mortgage or loan.
  - m. If the owner has engaged in drug trafficking.

**NOTE:** If the HA determines that a breach has occurred, the HA may exercise any of its rights or remedies under the Contract. The HA shall notify the Owner in writing of such determination, including a brief statement of the reasons for the determination. The notice by the HA to the owner may require the owner to take corrective action (as verified by the HA) by a time prescribed in the notice. The HA's rights and remedies under the Contract include recovery of overpayments, termination or reduction of Housing Assistance Payments, and termination of the Contract.

## D. Claims

Claims will be paid only for pre 9/95 versions of the HAP contract, and only in cases when the requirements specified below are met. No claims will be honored for owners under the HAP contract edition dated 9/95 or after.

### 1. General Conditions.

Both the tenant and landlord must be notified of, and given the opportunity to be present at, the move-out inspection. The HA will notify the tenant by sending notification to the last known address. Completion of the move-out inspection and damage report or notification that the parties have waived the move-out inspection, initiates the final claim for payment or the closing of the file.

### 2. Eligible Expenses and Maximum Amounts for Unpaid Rent and Damages.

- a. *Certificate Program:* On the Certificate Program, claims can be paid for actual amounts due to the owner for unpaid rent and damages, (up to two months contract rent minus the security deposit the owner could collect or actually collected).
- b. *Voucher Program:* On the Voucher Program, claims can be paid for actual amounts due the owner for unpaid rent and damages, (up to one month's contract rent, minus the security deposit the owner could collect or actually collected).

### 3. Unpaid Rent.

- a. Under the lease and contract, it is a tenant's responsibility to pay his portion of the rent every month and an owner's responsibility to collect the tenant's portion of rent every month. It is an owner's responsibility to evict on grounds of non-payment of rent if a tenant does not pay his rent. Late charges may not be included in a claim for unpaid rent. An owner must demonstrate that a good faith effort was made to collect the rent during the tenant's occupancy.
- b. Claims for unpaid rent must be supported by a dated copy of a bill(s) or notice(s) which the owner sent to tenants, or other documentation showing that the owner took all reasonable steps to collect the debt at the time that it occurred. Claims for unpaid tenant rent will be authorized only for the time in which the tenant occupied the unit.

### 4. Damages.

- a. A move-out inspection will not be made unless the landlord intends to file a damage claim. All damage claims must be submitted within 30 days of the date of move-out.
- b. The extent of damages will be determined by all parties attending the move-out inspection. No move out inspection will be performed until the family has actually vacated the unit and their belongings have been removed.
- c. All claims must be submitted with documentation that the landlord has complied with State law. The letter requesting payment must be sent to the tenant's last known address by certified mail. If the letter is returned because the tenant did not leave a forwarding address, or it was unclaimed, it must be submitted along with the claim. Final responsibility for determining the reasonableness of the claim rests with the HA.
- d. Claims must be submitted with PAID, ITEMIZED receipts for materials and labor. The HA will not accept cash register receipts unless accompanied by a detailed invoice from the vendor. Bids and estimates will not be accepted. All labor costs must be itemized and must include the hourly rate and the time spent on cleaning and/or repair of each job.

- e. Cost of filing eviction and forcible detainer to remove tenant from premises when they have violated their lease shall not be considered a "damage" to said unit and should not be included in the listing of said damages for reimbursement.
- f. The final responsibility for determining that the amount paid for a claim for damages is reasonable and properly supported rests with the HA. A move-in inspection report clearly documenting conditions at the time of admission is essential to this determination.

5. Final Processing of Claims.

- a. If the Security Deposit is insufficient to reimburse the owner for unpaid Tenant Rent or other amounts which the family owes under the lease, or if the owner did not collect a security deposit, the owner may claim reimbursement from the HA for an amount not to exceed the lesser of:
  - (i) The amount owed to the owner, or:
  - (ii) Two month's contract rent (Certificate Program) or one month's contract rent (Voucher Program), minus, in either case, the greater of the security deposit actually collected, or the amount of security the owner could have collected under the program. Any reimbursement must be applied first toward any unpaid rent for the period after the family vacates.
- b. The HA must give written notice to both the landlord and tenant advising of the HA's determination of amounts to be paid and allowing ten (10) days for dispute. In addition, the tenant must be advised of their right to an informal hearing.
- c. Owners and tenants are notified of the results of the claim in writing including the amount of liability to the HA. The completed claim forms are submitted to accounting for final payment.
- d. All tenants who remain in the program and have incurred a liability are requested to execute a payment agreement to reimburse the HA. A tenant shall be required to sign a payment agreement as a condition of continued assistance.

6. Vacancy Loss.

- a. *Voucher Program:* No vacancy loss will be paid to a property owner participating in the Voucher Program.
- b. *Certificate Program:* Owners are required to submit the following information to receive a vacancy loss payment (Certificate Program only):
  - (i) The date the unit was vacated, and
  - (ii) The date the unit was re-rented, and
  - (iii) The efforts made to re-rent the unit during the vacancy period.

**E. Complaints and Appeals**

1. Complaints.

- a. *Discrimination:* If a person encounters discrimination from an owner in obtaining a unit, the HA will refer them to the local fair housing office or will assist the person in filing a complaint with the Department of Housing and Urban Development with a review of the specific circumstances.
- b. *Tenant/Landlord Complaint Regarding HA Decision:* If a tenant or landlord disagrees with a decision by a Section 8 staff person, the following procedure is available:
  - (i) Contact the Section 8 Coordinator and discuss the problem. If a settlement cannot be reached, then
  - (ii) Contact the Executive Director or his/her representative. If a settlement cannot be reached, then

2. Appeals.

- a. *Participants:* The HA has established an informal hearing procedure which is in accordance with federal regulations. All participant appeals will be handled as specified by these procedures. (See F. Informal Hearing.)
- b. *Applicants:* The HA has established an informal review procedure which is in accordance with federal regulations. All applicant appeals will be handled as specified by these procedures. (See Section III, D. Informal Review.)

**F. Informal Hearing** (24 CFR 982.555)

1. The City of Marshalltown will provide an opportunity for an informal hearing to review certain City Determinations relating to the individual circumstances of the participant. The purpose of the Informal Hearing is to consider whether a decision is in accordance with the law, the City's administrative rules and HUD regulations. The right to an informal hearing applies only when the participant claims that the rules(s) or law(s) have been incorrectly applied. An informal hearing may be requested by the participant for the following types of decisions:
  - a. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
  - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
  - c. A determination of the family unit size under the HA subsidy standards.
  - d. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.
  - e. A determination to terminate assistance for a participant family because of the family's action or failure to act in violation of any applicable law or regulation.
  - f. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules.

In the cases described above, the HA must give the opportunity for an informal hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

2. An informal hearing will not be provided for the following:
  - a. To review discretionary administrative determinations by the City of Marshalltown or to consider general policy issues or class grievances;
  - b. To review the City's determination that a dwelling unit does not comply with Housing Quality Standards, that the owner has failed to maintain or operate a contracted unit to provide decent, safe and sanitary housing, or that the unit does not comply with Housing Occupancy Standards because of an increase in family size or change in family composition;
  - c. To review a decision by the City to exercise any remedy against the owner under an outstanding contract including the termination of housing assistance payments to the owner;
  - d. To review the City of Marshalltown schedule of utility allowances;
  - e. To review the City's decision not to approve a family's request for an extension of the term of the Voucher/Certificate issued to an assisted family who wants to move to another dwelling unit with continued program participation.

3. Procedures for obtaining and conducting an Informal Hearing for Participants:

The City of Marshalltown will provide prompt written notice of a decision relating to the individual circumstances described above. The notice will provide a statement of the reasons for the decision. The notice shall state that if the participant does not agree with the decision, the participant may request an informal hearing on the decision. The request must be made in written form, and be received by the Housing Authority within ten (10) days of the mailing of the notice of decision to the participant. Upon the timely request for an informal hearing, the Housing Authority shall inform the participant of the date, time and place of the hearing and the rights and regulations herein below enumerated. The rights and regulations pertaining to all informal hearings, shall be as follows:

- a. The family must be given the opportunity to examine before the HA hearing any HA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the HA does not make the document available for examination on request of the family, the HA may not rely on the document at the hearing.
- b. The HA hearing procedures may provide that the HA must be given the opportunity to examine at HA offices before the HA hearing any family documents that are directly relevant to the hearing. The HA must be allowed to copy any such document at the HA's expense. If the family does not make the document available for examination on request of the HA, the family may not rely on the document at the hearing.
- c. The Housing Director or City Administrator shall designate a person, other than the person who made or approved the decision under review or a subordinate of said person, to conduct the informal hearing.
- d. The person who conducts the hearing shall regulate the conduct of the hearing in accordance with these procedures.
- e. At his/her own expense, the participant may be represented by a lawyer or other representative.
- f. The participant and the Housing Authority shall have the right and opportunity to present evidence and witnesses on their own behalf, and to cross-examine the other party's witnesses who testify. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- g. The hearing may be rescheduled one time only with 24 hour advance notice, or, with proven extenuating circumstances such as illness, birth of a child, or a death in the family, up to the time of the hearing.
- h. Any person appearing for a hearing more than 15 minutes late without prior notification to the HA will be considered to have missed the hearing and the original decision will stand.
- i. The Hearing Officer shall issue a written decision within twenty (20) days of completion of the hearing. This written decision shall briefly state the reason(s) for the decision. The participant shall have the burden of proving the Housing Authority erred in its decision by a preponderance of the evidence. Factual determination(s) relating to the individual circumstances of the participant shall be based solely upon evidence presented at the informal hearing.

- j. The Hearing Officer may render any reasonable decision based upon the evidence, including, but not limited to, the following: (1) terminating the participant's eligibility to participate in the program; (2) suspending the participant's eligibility to participate in the program for a certain period of time, or until a certain condition(s) is met, or both; (3) permitting the participant's eligibility in the program to continue if certain condition(s) is met, and providing for automatic termination if the certain condition(s) is not met; or (4) permitting the participant's eligibility in the program to continue.
- k. At his/her own expense, the participant upon request shall be tendered a transcript of the hearing.
- l. The informal hearing may be re-scheduled one (1) time, with twenty-four (24) hours advance notice.

### **SECTION XIII ADDITIONAL ITEMS**

#### **A. Misrepresentation**

The resident is to be notified in writing if the Authority finds evidence that the resident or any adult member of the resident family has misrepresented facts affecting the family's eligibility or rent. Willful misrepresentation of facts may result in retroactive rent charges, termination of assistance, and/or criminal prosecution.

Section 1001 of Title 18 of the United States Code makes it a criminal offense to knowingly make a false statement to any department or agency of the United States as to any matter within its jurisdiction and establishes penalties of fines up to \$10,000 and/or imprisonment not to exceed five years.

#### **B. Monitoring Program Performance**

The HA places strong emphasis on staff communication in regular staff meetings. Staff meetings will be scheduled on a monthly basis and shall include the HQS inspectors. Problems and potential problems are investigated, discussed and handled using team effort. The HA management policy is formulated accordingly. Internal policies and procedures, as required for the implementation of the Administrative Plan, shall be developed as necessary.

A monitoring and evaluation system has been developed to include major program areas. This system is designed to ensure that regulations are followed and program goals are met. Changes in approach are initiated on an as-needed basis, subject to program regulations and funding limitations. Annual and interim reexaminations, leases, contracts, and supporting documents are checked by appropriate staff for accuracy, completion, and program compliance. An annual financial audit will be conducted on an annual basis by an independent public accountant.

The HA will maintain records of applications, eligibility and ineligibility determinations, verifications, HQS inspections, leases, contracts and payment information in applicant and participant files. Inactive files will be maintained for a minimum of three years.

Applicable records related to immigration status will be maintained for a minimum of five years. All other aspects of monitoring program performance will be performed in accordance with HUD requirements and the HA's policies.

#### **C. Resident Advisory Board**

A Resident Advisory Board shall be established to review the Annual and Five Year Plans for the HA. All residents shall be contacted on an annual basis to request their participation on the Board. Board members shall be selected to be a representative sample of program participants. The Resident Advisory Board shall meet at least annually at a time established by the HA Director.

**D. Interpretation and Amendment**

*Interpretation*

The policies set forth herein shall be interpreted, implemented and acted upon in relation to the laws of the United States and the State of Iowa, and all rules, regulations and policies enacted, enforced or promulgated by the United States Department of Housing and Urban Development, all of which shall take precedence over the Policies and Procedures described in this Administrative Plan and all of which are incorporated herein by reference and all current rules, regulations and policies, including but not limited to Income Limits, Utility Schedules and Fair Market Rents, shall be in accordance with Federal law.

*Amendment*

The policies outlined herein shall be amended only by resolution adopted by the affirmative vote of the HA Board upon recommendation by the HA, except that no action shall be required to make changes required by laws of the United States or the State of Iowa or any rules, regulations and policies enacted, enforced or promulgated by the United States Department of Housing and Urban Development, all of which shall take precedence over the herein expressed Policies, and all of which are incorporated herein by reference. The HA Board of Commissioners will be notified of any subsequent changes that may be effective through new Federal regulations.

## APPENDIX 1

### SECTION 8 ADMINISTRATIVE PLAN GLOSSARY OF TERMS

#### ABSORPTION

In portability, the point at which a receiving HA chooses not to bill or stops billing the initial HA for assistance on behalf of a family and issues assistance from its own allocation.

#### ADJUSTED INCOME

Annual income less the following allowances determined in accordance with HUD instructions:

1. \$480 for each Dependent;  
  
**Note:** The head, co-head, spouse, foster child or live-in aide are never counted as dependents.
2. \$400 for each family whose head or spouse is at least 62 years of age or disabled;
3. For any family that is not an elderly family or a disabled family but has a handicapped or disabled member other than the head of household or spouse, handicapped assistance expenses in excess of three percent of annual income, but this allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of assistance to the person with disabilities;
4. For any elderly family or disabled family: (i) that does not have handicapped assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent of annual income; (ii) that has disability assistance expenses greater than or equal to three percent of annual income, an allowance for disability assistance expenses computed in accordance with paragraph 3 of this section, plus an allowance for medical expenses that is equal to family's medical expenses; (iii) that has disability assistance expenses that are less than three percent of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent of annual income; and
5. Child care expenses (see Section V for detail).

#### ADMISSION

The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

#### ADULT

A person who is eighteen (18) years of age or older, or a person of less than eighteen (18) years of age who meets the qualifications of an emancipated minor.

#### ANNUAL INCOME

1. Annual income is the anticipated total income from all sources (monetary or not) received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporarily non-recurring or sporadic. Annual income includes, but is not limited to:

- a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- b. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family.
- c. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. All allowance for depreciation is permitted only as authorized in paragraph 1b of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets in excess of excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate, as determined by HUD.
- d. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amount for the delayed start of a periodic payment (except as provided in 2n below).
- e. Payments in lieu of earnings such as unemployment and disability compensation, worker's compensation and severance pay.
- f. Periodic and determinable allowances, such as alimony and child support payments and regular contributions or gifts received from persons not residing in the dwelling.
- g. All regular pay, special pay allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family or spouse (but see 2g below).

2. Income Exclusions

Annual income does not include the following:

- a. Income from employment of children (including foster children) under the age of 18 years;
- b. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
- c. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in 1e above);
- d. Amounts received by the Family that are specifically for, or in reimbursement of, the cost of Medical Expenses for any Family member;
- e. Income of a live-in aide as defined in 24 CFR 5.403;
- f. The full amount of student financial assistance paid directly to the student or to the educational institution;
- g. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
- h.
  - (i) Amounts received under training programs funded by HUD;
  - (ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - (iii) Amounts received by a tenant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to

- allow participation in a specific program;
- (iv) A resident service stipend: this is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in public housing. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; or
- (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with the local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
- i. Temporary, nonrecurring or sporadic income (including gifts);
- j. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- k. Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- l. Adoption assistance payments in excess of \$480.00 per adopted child;
- m. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- n. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- o. Amounts paid by a State Agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- p. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following is a list of incomes that qualify for that exclusion:
  - (i) The value of the allotment provided to an eligible household under Food Stamp Act of 1977;
  - (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);
  - (iii) Payments received under Alaska Native Claims Settlement Act;
  - (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes;
  - (v) Payments or allowances made under department of Health and Human Services' Low-Income Energy Assistance Program;
  - (vi) Payments received under programs funded in whole or in part under the Job Training Partnership Act;
  - (vii) Income derived from the disposition of funds of Grant River Band of Ottawa Indians;
  - (viii) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Grant of Claims or from funds held in trust for an Indian tribe by the Secretary of Interior;
  - (ix) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the BIA student assistance programs. These are made available to cover the cost of tuition, fees, books, equipment, materials, supplies, transportation and

- (x) miscellaneous personal expenses of a student or an educational institution;
  - (x) Payments received from programs funded under Title V of the Older Americans Act of 1965;
  - (xi) Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, MDL No. 381 (E.D.N.Y.);
  - (xii) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-426, 94 Stat. 1785).
  - (xiii) The value of any childcare provided or reimbursed for under the Child Care and Development Block Grant Act of 1990.
  - (xiv) Earned income tax credit.
3. If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for shorter periods may be annualized, subject to redetermination at the end of the shorter period.
  4. Any family receiving the reparation payments referred to in paragraph 2j of this section that has been requested to repay assistance under this chapter as a result of receipt of such payments shall not be required to make further repayments on or after April 23, 1993.

APPLICANT (applicant family)

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

AREA OF OPERATION

The recognized City of Marshalltown which shall not conflict with any other area of jurisdiction.

ASSETS

The values of (or equity) in the real property, stocks, bonds, savings accounts or certificates, stocks or merchandise or valuables and other forms of capital investments. (Does not include personal and household belongings and automobiles.) Assets shall include any asset disposed of at less than fair market value within the last two years.

CHILD

A member of the family, other than the family head or spouse, who is under 18 years of age.

CHILD CARE EXPENSES

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period of which annual income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his/her education. A child care deduction will not be allowed if an adult family member is capable and available to provide the child care. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment and only to the extent such amounts are not reimbursed.

CITIZEN

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

CONTIGUOUS MSA

In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

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 Payments Contract as payable by the HA and the tenant to the owner for an assisted unit. In the case of the rental of only a manufactured home space, Contract Rent is the total rent specified in the HAP Contract as payable by the HA and the tenant to the owner for the rental of the space, including fees or charges for management and maintenance services with respect to the space, but excluding utility charges for the manufactured home.

DECENT, SAFE AND SANITARY HOUSING

Housing that meets the Housing Quality Standards contained in the federal regulations or the requirements for Single Room Occupancy (SRO) Housing.

DEPENDENT

A member of the family household (excluding foster children, head of household, or spouse) who is under 18 years of age or is a disabled person or handicapped person or is a full-time student.

DISABILITY

1. Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
2. Blind and unable by reason for such blindness, to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.
3. No person shall be considered disabled solely on the basis of any drug or alcohol addiction.

DISABLED PERSON

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) which defines a developmental disability as:

"Severe chronic disability that (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age twenty-two; (c) is likely to continue indefinitely; (d) results in substantial functional limitations in three or more of the following areas of major life activity: (1) self-care, (2) receptive and responsive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and (e) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong extended duration and are individually planned and coordinated."

DISPLACED FAMILY

A family in which each member, or whose sole member, is a person displaced by governmental action (this includes physical displacement from a unit under construction and funded by the rental rehabilitation program), 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. This definition is used to determine general program eligibility and eligibility for certain allowances when rent is calculated.

DOMICILE

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

DRUG-RELATED CRIMINAL ACTIVITY

Term means:

1. Drug-trafficking; or
2. Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802.))

DRUG-TRAFFICKING

The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute,

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

ELDERLY FAMILY

A family whose head or spouse or whose sole member is an elderly, disabled or handicapped person. It may include two or more elderly, disabled, or handicapped 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 sixty-two (62) years of age.

EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

The documents which must be submitted to prove citizenship or eligible immigration status.

EXCEPTION RENT

In the certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. The HA may approve exception rents up to 110% of the published FMR for no more than 20% of units. HUD may approve on a case-by-case or community wide exception up to 120% of the published FMRs for all or some Bedroom sizes for all or part of the community. The HA approved exception rents must be monitored so as not to exceed approval authority. In the voucher program, the HA may adopt a payment standard between 90%-110% of the published FMR.

EXCESS MEDICAL EXPENSES

Any medical expenses incurred by elderly families in excess of 3% of annual income which are not reimbursable from any other source.

FAIR MARKET RENT

The rent, including utilities (except telephone), ranges, refrigerators, and all maintenance, management, and other services, which as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, existing decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Separate Fair Market Rents shall be established for dwelling units of varying sizes (number of bedrooms).

FAIR MARKET RENT (MOBILE HOMES)

The rent which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, decent, safe, and sanitary mobile home spaces of modest nature. This rent includes certain maintenance and management services. Rents for double-wide spaces will be permitted for assisted families of 5 or more persons so long as mobile home meets the minimum occupancy standards for families in accordance with federal regulations

FAMILY

An eligible head of household with a group of persons regularly living together, related by blood, marriage, adoption or guardianship, or operation of law, or a displaced person as defined in this policy. Other persons, including foster children and members temporarily absent, may be considered part of the family group if they are living or will live regularly with the family. Also included are those who have evidence of a stable family relationship which has existed over a period of time, provided there is no violation of local laws. Family includes, but is not limited to (a) an elderly family or single person as defined here; (b) the remaining member of a tenant family and (c) a displaced person; (d) additionally, a single person who is in the process of securing legal custody of any individual who has not attained the legal age of 18 years, or other single person (under limited circumstances, with prior HUD approval); (e) a single pregnant woman

with no other family members.

1. Related by blood or marriage means a person who is related to the head of household as follows:
  - a. Spouse
  - b. Parent
  - c. Child
  - d. Niece
  - e. Nephew
  - f. Grandchild
  - g. Grandparent
  - h. Brother
  - i. Sister
2. Operation of Law means legally adopted children, wards.

FAMILY SELF-SUFFICIENCY (FSS Program)

The program established by an HA to promote self-sufficiency of assisted families, the provision of supportive services (42 U.S.C. 1437u).

FAMILY UNIT SIZE

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

FULL-TIME STUDENT

A person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational 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 for the assisted unit. In the case of rental of only manufactured home space, gross rent also includes the family's monthly payment to amortize the purchase price of the manufactured home.

HANDICAPPED ASSISTANCE EXPENSES

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

HANDICAPPED PERSON

Handicapped with a physical impairment which is expected to be of long continued and indefinite duration, which substantially impedes but does not prohibit his ability to live independently, and is of such nature that such ability could be improved by more suitable housing conditions.

HEAD OF HOUSEHOLD

The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

HOUSING AGENCY (HA)

A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

HOUSING ASSISTANCE PAYMENT (HAP)

The monthly assistance payment by an HA. The total assistance payment consists of:

1. A payment to the owner for rent to owner under the family's lease.
2. An additional payment to the family if the total assistance payment exceeds the rent to owner. In the certificate program, the additional payment is called a "utility reimbursement".

HOUSING QUALITY STANDARDS (HQS)

The HUD minimum quality standards for housing assisted under the tenant-based program.

INITIAL HA

In portability, the term refers to both:

1. A HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.
2. A HA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing HA.

INITIAL LEASE TERM

The initial term of the assisted lease. The initial lease term must be for at least one year.

INS

The U.S. Immigration & Naturalization Service.

JURISDICTION

The area in which the HA has authority under State and local law to administer the program.

LEASE

1. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the HA.
2. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA.

LIVE-IN AIDE

A person residing with an elderly, handicapped, disabled person or persons solely for the purpose of providing medical care. The need for such care must be medically verified. Live-in aides are not counted as family members and their income is not included in the calculation of family income. The name of a live-in aide will not be listed on the lease, calculation sheet, or 50058. The notation "live-in aide" will be made on the calculation sheet for bedroom size determination purposes only. The name of a live-in aide shall be noted on comment sheet. Tenant must request and receive approval for each and any live-in aide.

LOCAL PREFERENCE

A preference used by the HA to select among applicant families without regard to their federal preference status.

LOW-INCOME FAMILY

A family whose Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families.

LUMP-SUM BENEFIT

A payment of monthly benefits for a previous period which may be included as income (except such lump sums of Social Security shall not be counted as income). Only that portion of the payment attributable to the time the tenant resided continuously under the Section 8 Program may be counted as income.

MEDICAL EXPENSES

For purposes of income determination for elderly persons or families, medical expense in excess of 3% of total family income, where these expenses are not compensated for, or are covered by insurance. Medical expenses include such items as medical insurance premiums, dental expenses, prescription and

nonprescription medicines, etc.

MINOR

A person less than eighteen years of age (Head of household, spouse, or an unborn child may not be counted as a minor.)

MIXED FAMILY

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

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.

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.

NONCITIZEN

A person who is neither a citizen or national of the United States.

OWNER

Any person or entity with the legal right to lease or sublease a unit to a participant.

PARTICIPANT (participant family)

A family that has been admitted to the HA 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 HA for the family (first day of initial lease term).

PAYMENT STANDARD

In the voucher program, an amount used by the HA to calculate the housing assistance payment for a family. Each payment standard amount is based on the fair market rent and must be between 80 and 100% of the currently published FMR. The HA adopts a payment standard for each bedroom size and for each fair market rent area in the HA jurisdiction. The payment standard for a family is the maximum monthly subsidy payment.

PORTABILITY

Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.

PREMISES

The building or complex in which the dwelling unit is located, including common areas and grounds.

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.

RECEIVING HA

In portability, an HA that received a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher, and provides program assistance to the family.

REMAINING FAMILY MEMBERS

The sole remaining family member after a reduction in family size shall be permitted to remain in housing if over the age of 18 and able to live independently.

RENT REASONABLENESS LIMITATION

The HA is required to certify for each Section 8 Existing unit assisted that the Contract Rent is reasonable in relation to comparable units on the private unassisted market and not in excess of rents currently being charged for comparable unassisted units owned by the same landlord.

RENT TO OWNER

The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance and utilities to be provided by the owner in accordance with the lease.

RESIDENCY PREFERENCE

An HA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

RESIDENT OF AREA

A family living in the HA's jurisdiction, working in the HA's jurisdiction or notified that they are hired to work in the HA's jurisdiction. The length of time the family has lived or worked in the jurisdiction may not be considered.

RESPONSIBLE ENTITY

The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status.

SECURITY DEPOSIT

An amount deposited by the tenant, with the owner, which is not in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

SINGLE PERSON

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

SPECIAL ADMISSION

Admission of an applicant that is not on the HA waiting list, or without considering the applicants waiting list position.

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".

SUBSIDY STANDARDS

Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. See definition of "family unit size".

SUSPENSION

Stopping the clock on the term of a family's certificate of voucher, for such period as determined by the HA, from the time when the family submits a Request for Lease Approval to the HA, until the time when the HA approves or denies the request.

TENANT

The person or persons (other than a live-in aide) who execute the lease as lessee of the dwelling unit.

TENANT RENT

Total tenant payment minus the utility allowance.

TOTAL TENANT PAYMENT

The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UTILITY ALLOWANCE

The HA's estimate of the average monthly utilities (except telephone) for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. Utility allowances vary by unit type and bedroom size.

UTILITY REIMBURSEMENT

In the certificate program, the amount, if any, by which any utility allowance for family-paid utilities or other housing services exceeds the total tenant payment.

VERY-LOW INCOME FAMILY

A Low-Income 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.

VICTIM WITNESS

1. A family who has:
  - a. Critical knowledge of a felonious crime.
  - b. The protection and sanction of the local authority.
  - c. Has been determined eligible for relocation costs and other benefits provided by the local authority.

VIOLENT CRIMINAL ACTIVITY

Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

VOUCHER (rental voucher)

A document issued by an HA to a family selected for admission to the voucher program. The voucher describes the program, and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.