

# 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**

**PHA Plan  
Agency Identification**

**PHA Name:** \_\_\_ County Commissioners of Charles County, MD \_\_\_

**PHA Number:** \_\_\_ MD 024 \_\_\_\_\_

**PHA Fiscal Year Beginning: (mm/yyyy)** \_\_\_ 07/2000 \_\_\_\_\_

**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**

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.

The PHA's mission is: (state mission here)

**The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner. To achieve this goal, our government must be operated in an open and accessible atmosphere, be based on comprehensive long- and short-term planning, and have an appropriate managerial organization tempered by fiscal responsibility.**

**Additionally, Charles County strives to effectively administer the tenant-based Section 8 Housing Choice Voucher Program in order to ensure decent safe, and sanitary housing for very low-income families, and to maximize assistance provided using available funds.**

## **B. Goals**

### **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)

### **Issue and lease-up vouchers at the maximum number supported by the ABA, rather than allocated units.**

- 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:  
    Other: (list below)

- X**        PHA Goal: Increase assisted housing choices  
Objectives:  
**X**        Provide voucher mobility counseling:  
**X**        Conduct outreach efforts to potential voucher landlords  
    Increase voucher payment standards  
**X**        Implement voucher homeownership program:  
    Implement public housing or other homeownership programs:  
    Implement public housing site-based waiting lists:  
    Convert public housing to vouchers:  
    Other: (list below)

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

\_\_\_\_ 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)

\_\_\_\_ Other: (list below)

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

\_\_\_\_\_ PHA Goal: Promote self-sufficiency and asset development of assisted households

Objectives:

- \_\_\_\_\_ Increase the number and percentage of employed persons in assisted families:
- \_\_\_\_\_ Provide or attract supportive services to improve assistance recipients' employability:
- \_\_\_\_\_ Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- \_\_\_\_\_ Other: (list below)

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

**X**        PHA Goal: Ensure equal opportunity and affirmatively further fair housing

Objectives:

   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)

- **Ensure PHA policies and procedures are not discriminatory.**
- **Assist citizens with pursuing fair housing complaints, when requested.**

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

**Annual PHA Plan**  
**PHA Fiscal Year 2000**  
[24 CFR Part 903.7]

**Annual Plan Type:**

**Standard Plan**

**Streamlined Plan:**

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

**Troubled Agency Plan**

## **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.

**The Charles County Housing Authority is committed to providing decent, safe, and sanitary housing for low-income residents in a manner that ensures equal opportunity to all and provides for maximum integration with the general community.**

**As a result, the HA's established goals and objectives attempt to balance the significant need for tenant-based subsidized housing among low-income families with the needs of the community to ensure communities are enhanced, property and neighborhood values are maintained, and supportive services are adequate. To this end, the HA not only reviews the number of families requesting assistance who have not yet been served (based on the HA's waiting list), but also whether adequate resources exist in the community to accommodate additional Vouchers. HA policies balance the needs of the participants (rent burdens) with the needs of the owners (comparable rents) when establishing payment standards.**

**Additionally, many of the areas where the HA has discretionary authority to target assistance to specific categories of individuals or to strengthen the federal mandates, the HA has opted to adhere to the mandates and only exceed them when and where the needs of the community naturally result in such, without the HA's having implemented restrictive policies. As a result, the HA has provided only for extremely limited income or special circumstance targeting beyond the federal requirements in its admissions policies.**

**The HA recognizes that the success of the program is based not only on the assistance provided to recipients, but also on the acceptance of the community. To ensure the viability of the Section 8 program in the jurisdiction, the HA endeavors to strengthen partnerships with all affected parties through intensive outreach, participant seminars, and coordination with other service agencies. Additionally, the HA strives to screen applicants with regard to criminal activities to the extent allowable to ensure that families who can jeopardize the community and the program are not admitted or assisted. The policies and procedures developed are framed by a desire to ensure equal treatment and consideration is provided not just for applicants or participants, but also between participants and the community.**

**Although the Section 8 program has primarily been designed to provide rental support to eligible families, Charles County endeavors to increase homeownership to improve the community at large, as well as the circumstances of individual families. As a result, the HA will strive to develop a homeownership in compliance with federal regulations, but will proceed cautiously over the course of the next five years to ensure that families not in a position to take advantage of homeownership provisions are not excluded from the Section 8 program.**

## Table of Contents

	<u>Page #</u>
<b>Annual Plan</b>	
Executive Summary.....	8
Table of Contents.....	9
1. Housing Needs .....	13
2. Financial Resources.....	19
3. Policies on Eligibility, Selection and Admissions.....	20
4. Rent Determination Policies .....	27
5. Operations and Management Policies .....	29
6. Grievance Procedures .....	30
7. Capital Improvement Needs.....	31
8. Demolition and Disposition .....	32
9. Designation of Housing.....	33
10. Conversions of Public Housing .....	34
11. Homeownership .....	35
12. Community Service Programs.....	36
13. Crime and Safety .....	41
14. Pets (Inactive for January 1 PHAs).....	42
15. Civil Rights Certifications (included with PHA Plan Certifications).....	43
16. Audit .....	44
17. Asset Management.....	45
18. Other Information.....	46

## Attachments

### Required Attachments:

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

### Optional Attachments:

- A**   \_\_\_ PHA Management Organizational Chart (**MD024a01.pdf**)
- n/a**   \_\_\_ FY 2000 Capital Fund Program 5 Year Action Plan
- n/a**   \_\_\_ Public Housing Drug Elimination Program (PHDEP) Plan
- B**   \_\_\_ Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)(**MD024b01.wpd**)
- C**   \_\_\_ Other (List below, providing each attachment name)



## Supporting Documents Available for Review

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	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
X	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;
n/a	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
n/a	Public Housing Deconcentration and Income Mixing Documentation: 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 18. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
n/a	Public housing rent determination policies, including the methodology for setting public housing flat rents check here if included in the public housing A & O Policy	Annual Plan: Rent Determination

Applicable & On Display	Supporting Document	Applicable Plan Component
n/a	Schedule of flat rents offered at each public housing development 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
n/a	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
n/a	Public housing grievance procedures 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
n/a	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
n/a	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
n/a	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
n/a	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
n/a	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
n/a	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
n/a	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
n/a	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
n/a	Policies governing any Section 8 Homeownership program check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
n/a	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
n/a	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	Annual Plan: Community

<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
<b>n/a</b>	resident services grant) grant program reports	Service & Self-Sufficiency
<b>n/a</b>	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
<b>X</b>	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
<b>n/a</b>	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
<b>n/a</b>	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

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Location
Income <= 30% of AMI	1542	5	5	3	n/a	n/a	1
Income >30% but <=50% of AMI	1353	5	5	3	n/a	n/a	1
Income >50% but <80% of AMI	911	5	5	3	n/a	n/a	1
Elderly	3217	5	5	3	n/a	n/a	1
Families with Disabilities	5500	5	5	3	n/a	n/a	1
Black	1439	5	5	3	n/a	n/a	1
Native American	80	5	5	3	n/a	n/a	1

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.)

- 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:
- Other sources: (list and indicate year of information)

- 1994 Charles County Community Development Housing Plan
- 1997 Charles County Comprehensive Plan/Housing Chapter
- Senior Housing Survey Chart
- Community Comments



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

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	1,235		
Extremely low income <=30% AMI	811	66%	
Very low income (>30% but <=50% AMI)	unknown	unknown	
Low income (>50% but <80% AMI)	unknown	unknown	
Families with children	601	53%	
Elderly families	50	4%	
Families with Disabilities	391	32%	
Black	584	47%	
Native American	119	10%	
Characteristics by Bedroom Size (Public Housing only)	n/a	n/a	n/a
1BR	n/a	n/a	n/a
2 BR	n/a	n/a	n/a
3 BR	n/a	n/a	n/a
4 BR	n/a	n/a	n/a
5 BR	n/a	n/a	n/a
5+ BR	n/a	n/a	n/a
Is the waiting list closed (select one)? <b>No</b> If yes: <b>B.</b> How long has it been closed (# of months)? Does the PHA expect to reopen the list in the PHA Plan year? No Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? No Yes			

## C. Strategy for Addressing Needs

### (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:**

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

**Improve the image of the Section 8 Program in order to make it more desirable within the community and, therefore, eliminate potential barriers to housing.**

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

- Apply for additional section 8 units should they become available
- Leverage affordable housing resources in the community through the creation of mixed - finance housing
- 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**

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- 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**

- 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:**

- Seek designation of public housing for the elderly
- 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:**

- 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
- Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- 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:**

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

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

- 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)

The HA pro-actively promotes the Section 8 program among area landlords and real estate industry representatives. In addition to periodically publishing display advertisements to entice owners to participate in the program HA staff conduct community meetings and presentations to disseminate appropriate information and answer questions in the community. During FY 2000, more than 10 such meetings were conducted, and more than 50 additional contacts were made with potential new landlords.

While expanding the base of available housing throughout the county remains a primary objective of the HA, the HA has begun developing policies restricting the number of families who can lease a unit in a given community based on the percentage of total assisted units in that area. These policies (still under development) will ensure that the HA does not contribute to the creation of "pockets of poverty" or low-income neighborhoods. Currently one neighborhood has been excluded, temporarily: Huntington Townhomes (Heathcote Road), which consists of 144 total units, with 80% rental and 25% of the rentals receiving federal subsidy. No additional units will be authorized until, through move-outs or other loss of assistance, the percentage of rentals receiving federal subsidy declines to 15% (tentative target) or below.

The HA has combined this approach through the Section 8 program with targeting other resources -- such as exclusively designating State Mortgage Program funding for renters converting to homeowners in this neighborhood -- to revitalize the entire community.

Additionally, the HA actively encourages moves within the jurisdiction and portability to areas outside the jurisdiction to ensure families are locating housing near employment or supportive services.

**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:

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

## Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
1. Federal Grants (FY 2000 grants)	n/a	n/a
a) Public Housing Operating Fund	n/a	
b) Public Housing Capital Fund	n/a	
c) HOPE VI Revitalization	n/a	
d) HOPE VI Demolition	n/a	
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$4.5 million	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	n/a	
g) Resident Opportunity and Self- Sufficiency Grants	n/a	
h) Community Development Block Grant	n/a	n/a
i) HOME	n/a	n/a
Other Federal Grants (list below)	n/a	n/a
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>	n/a	n/a
<b>3. Public Housing Dwelling Rental Income</b>	n/a	n/a
<b>4. Other income (list below)</b>	n/a	n/a
<b>4. Non-federal sources (list below)</b>	n/a	n/a
<b>Total resources</b>	<b>\$4.5 million</b>	<b>tenant-based assistance</b>

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

[24 CFR Part 903.7 9 (c)]

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

**N/A: The Charles County Section 8 Program is tenant-based only.**

#### **B. Section 8**

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

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

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

**Although the PHA screens, sharing of information with law enforcement agencies currently is problematic due to privacy act requirements. The PHA access information to the degree possible, but obtains only limited information.**

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

**Although the PHA has answered "no", the County would like to and, to the degree that the one-strike rule, if adopted, improves access, will.**

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

**Although the PHA has answered "no", the County would like to and, to the degree that the one-strike rule, if adopted, improves access, will.**

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

Criminal or drug-related activity

Other (describe below)

**Provide names and addresses of previous landlords, to the degree the PHA has such information available.**

**(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)

- \_\_\_\_\_ 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)

- \_\_\_\_\_ PHA main administrative office
- \_\_\_\_\_ Other (list below)

**Applications are available at other locations (and soon will be available through the County's Web Page; however, the applications must be submitted to the main office for processing. Applications are accepted by mail or in-person.**

**(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:

**The PHA may provide two 30-day extensions of the term of a Voucher in order to address extenuating circumstances for an applicants inability to lease-up within the first 60 days. Such circumstances include, but are not limited to:**

- temporary health problems that prevented the applicant from searching for a unit
- lack of available housing based on the unit size required for the family

**Guidelines are detailed in the PHA's Administrative Plan.**

**The PHA will provide extensions beyond 120 days total only if necessary as a reasonable accommodation related to a disability.**

**(4) Admissions Preferences**

a. Income targeting

\_\_\_ 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 \_\_\_ 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)

●Households that contribute to meeting special program requirements, such as Mainstream (targeting)

●2% of the County's allocation (10 Vouchers) are set aside for SAFAH participants.

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.

3      \_\_\_\_\_ 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
- 1      \_\_\_\_\_ 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)
- 1      \_\_\_\_\_ Households that contribute to meeting income requirements (targeting)
- \_\_\_\_\_ Those previously enrolled in educational, training, or upward mobility programs
- \_\_\_\_\_ Victims of reprisals or hate crimes
- 1      \_\_\_\_\_ Other preference(s) (list below)
- **Households that contribute to meeting special program requirements, such as Mainstream (targeting)**
- **2% of the County's allocation, currently equaling no more than 10 Vouchers, are set aside for SAFAH participants**

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

- X      \_\_\_\_\_ 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)

- \_\_\_\_\_ The Section 8 Administrative Plan
- \_\_\_\_\_ Briefing sessions and written materials
- \_\_\_\_\_ Other (list below)

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

- \_\_\_\_\_ Through published notices
- \_\_\_\_\_ Other (list below)
- **Community outreach to relevant agencies**
- **Waiting list mailings**

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

[24 CFR Part 903.7 9 (d)]

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

**N/A: The Charles County Section 8 Program is tenant-based only.**

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

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

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)

- 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)

- Success rates of assisted families  
  Rent burdens of assisted families  
  Other (list below)  
 **Changes in the market**  
 **Available resources to provide subsidies**

**(2) Minimum Rent**

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

**X** \_\_\_\_\_ \$0

\_\_\_\_\_ \$1-\$25

\_\_\_\_\_ \$26-\$50

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

**With \$0 minimum rent, no hardship exemptions required; however, the PHA developed hardship exemption policies to address the existence of \$25 minimum rent charged prior to January 2000. Details are included in the Section 8 Administrative Plan.**

## **5. Operations and Management**

[24 CFR Part 903.7 9 (e)]

### **A. PHA Management Structure**

(select one)

\_\_\_\_\_ An organization chart showing the PHA's management structure and organization is attached.

\_\_\_\_\_ A brief description of the management structure and organization of the PHA follows:

### **B. HUD Programs Under PHA Management**

<b>Program Name</b>	<b>Units or Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing	n/a	n/a
Section 8 Vouchers	480	40
Section 8 Certificates	0	0
Section 8 Mod Rehab	n/a	n/a
Special Purpose Section 8 Certificates/Vouchers (list individually)	100	0
Public Housing Drug Elimination Program (PHDEP)	n/a	n/a
Other Federal Programs(list individually)	n/a	n/a

**Note: the figures reflect Charles County's total allocation; all have been listed as Vouchers, even though some originally were allocated as Certificates and have not yet been converted to Vouchers related to tenant calculations. The FY 2001 budget will be 100% Vouchers due to budgetary conversion.**

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

(1) Public Housing Maintenance and Management: (list below) n/a

(2) Section 8 Management: (list below)

- Federal Rules & Regulations
  - HUD HQS Inspection Handbook
  - Section 8 Administrative Plan
  - NanMcKay Training Manuals
- (● Section 8 Handbook – provides a synopsis for information purposes, but is not a governing document)

## **6. PHA Grievance Procedures**

[24 CFR Part 903.7 9 (f)]

### **A. Public Housing**

**N/A: The Charles County Section 8 Program is tenant-based only.**

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

1.  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:

**Although not specifically required in federal regulations, the HA always provides for an Informal Meeting with HA staff to review the circumstances of an HA decision for which the applicant or participant has a right to appeal. The Informal Meeting affords, prior to the involvement of the independent Hearing Officer, both the applicants/participant and the HA an opportunity for discovery that may result in either the HA modifying its decision or the applicant/participant obtaining a sufficient understanding that may affect their desire to further appeal.**

**Additionally, the HA affords all applicants/participants an opportunity for an Informal Meeting regardless of the applicant's/participant's ability to further appeal the determination or action.**

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

\_\_\_ PHA main administrative office

\_\_\_ Other (list below)

## **7. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

**N/A: The Charles County Section 8 Program is tenant-based only.**

## **8. Demolition and Disposition**

[24 CFR Part 903.7 9 (h)]

**N/A: The Charles County Section 8 Program is tenant-based only.**

**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)]

**N/A: The Charles County Section 8 Program is tenant-based only.**

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

[24 CFR Part 903.7 9 (j)]

**N/A: The Charles County Section 8 Program is tenant-based only.**

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

[24 CFR Part 903.7 9 (k)]

### **A. Public Housing**

**N/A: The Charles County Section 8 Program is tenant-based only.**

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

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.)

**The PHA has identified homeownership as one of its goals in the 5-Year Plan and intends to develop a homeownership program; however, actual development is pending HUD issuance of final rule and is not likely to occur during the course of the year covered by this annual plan.**

#### 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)]

### **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)?

**Although the PHA does not have a formal agreement with the County's Department of Social Services, an informal agreement exists, and the two agencies collaborate as needed and appropriate.**

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 (**SAFAH**)

\_\_\_ Information sharing regarding mutual clients (for rent determinations and otherwise) **as allowable within the privacy act requirements**

\_\_\_ 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 **if funded by HUD**

\_\_\_ Joint administration of other demonstration program

\_\_\_ Other (describe)

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

**(1) General**

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

- Public housing rent determination policies
- Public housing admissions policies
- Section 8 admissions policies
- Preference in admission to section 8 for certain public housing families
- Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- Preference/eligibility for public housing homeownership option participation
- Preference/eligibility for section 8 homeownership option participation
- Other policies (list below)

b. Economic and Social self-sufficiency programs

Yes  No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use. )

<b>Services and Programs</b>				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)


**(2) Family Self Sufficiency program/s**

a. Participation Description

<b>Family Self Sufficiency (FSS) Participation</b>		
<b>Program</b>	<b>Required Number of Participants (start of FY 2000 Estimate)</b>	<b>Actual Number of Participants (As of: DD/MM/YY)</b>
Public Housing	<b>n/a</b>	<b>n/a</b>
Section 8	<b>0</b>	<b>0</b>

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:

**The PHA has never been required to participate in the FSS program based on award of new allocations.**

### 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)]

**N/A: The Charles County Section 8 Program is tenant-based only.**

**14. RESERVED FOR PET POLICY**



## **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)]

**N/A: The Charles County Section 8 Program is tenant-based only.**

## **18. Other Information**

[24 CFR Part 903.7 9 (r)]

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

1.  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 (**MD024b01.wpd**)

Provided below:

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.

**Although no changes were necessary to the PHA Plan, several suggestions have been incorporated in the Section 8 Administrative Plan.**

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

List changes below:

Other: (list below)

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

1.  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)

- 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 Maryland)**

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)

3. \_\_\_\_\_ Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

**D. Other Information Required by HUD**

**N/A: No additional information has been requested by HUD.**

## Attachments

All attachments are separate files.

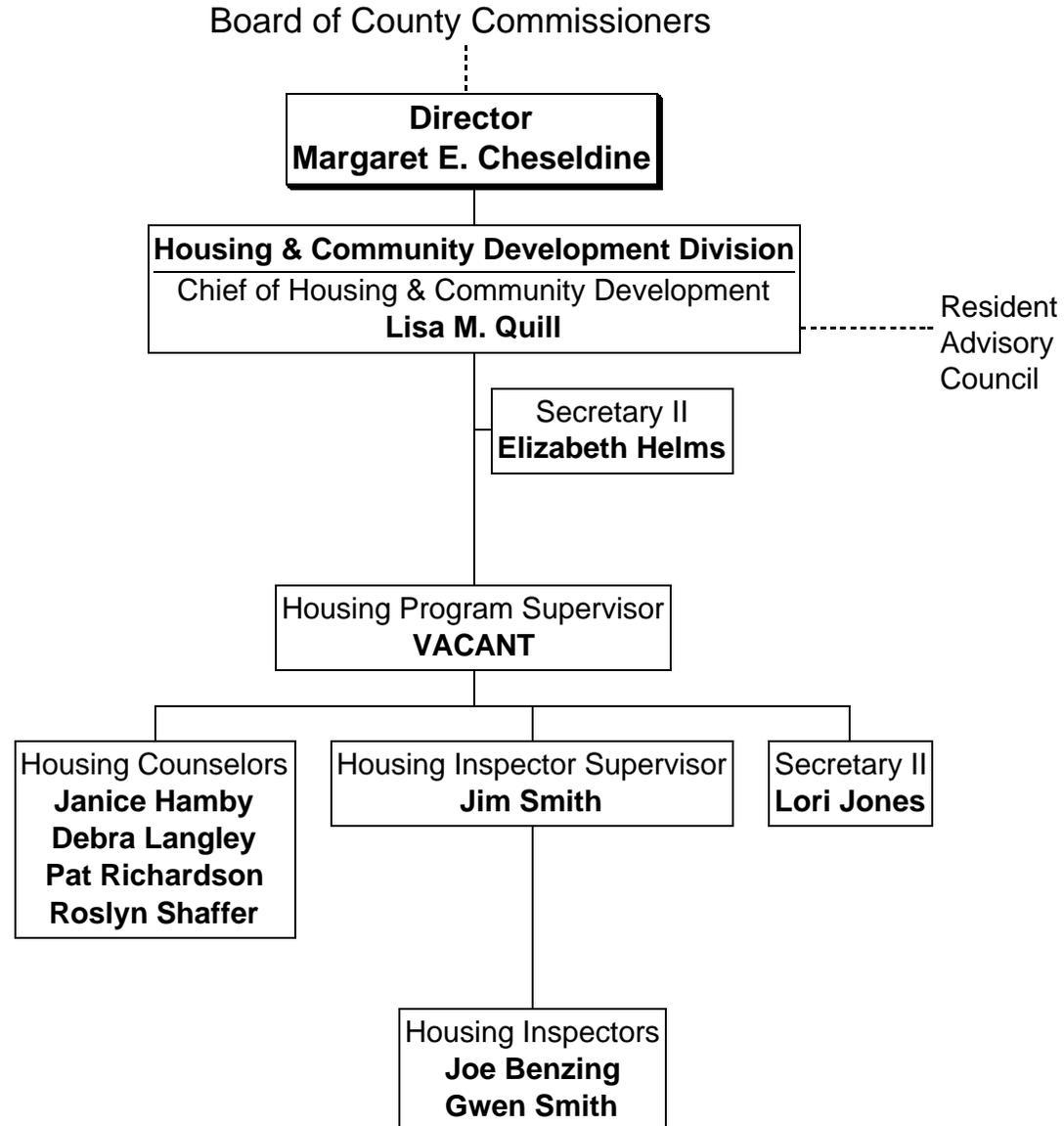
# **PHA Plan Table Library**

**N/A: The Charles County Section 8 Program is tenant-based only.**



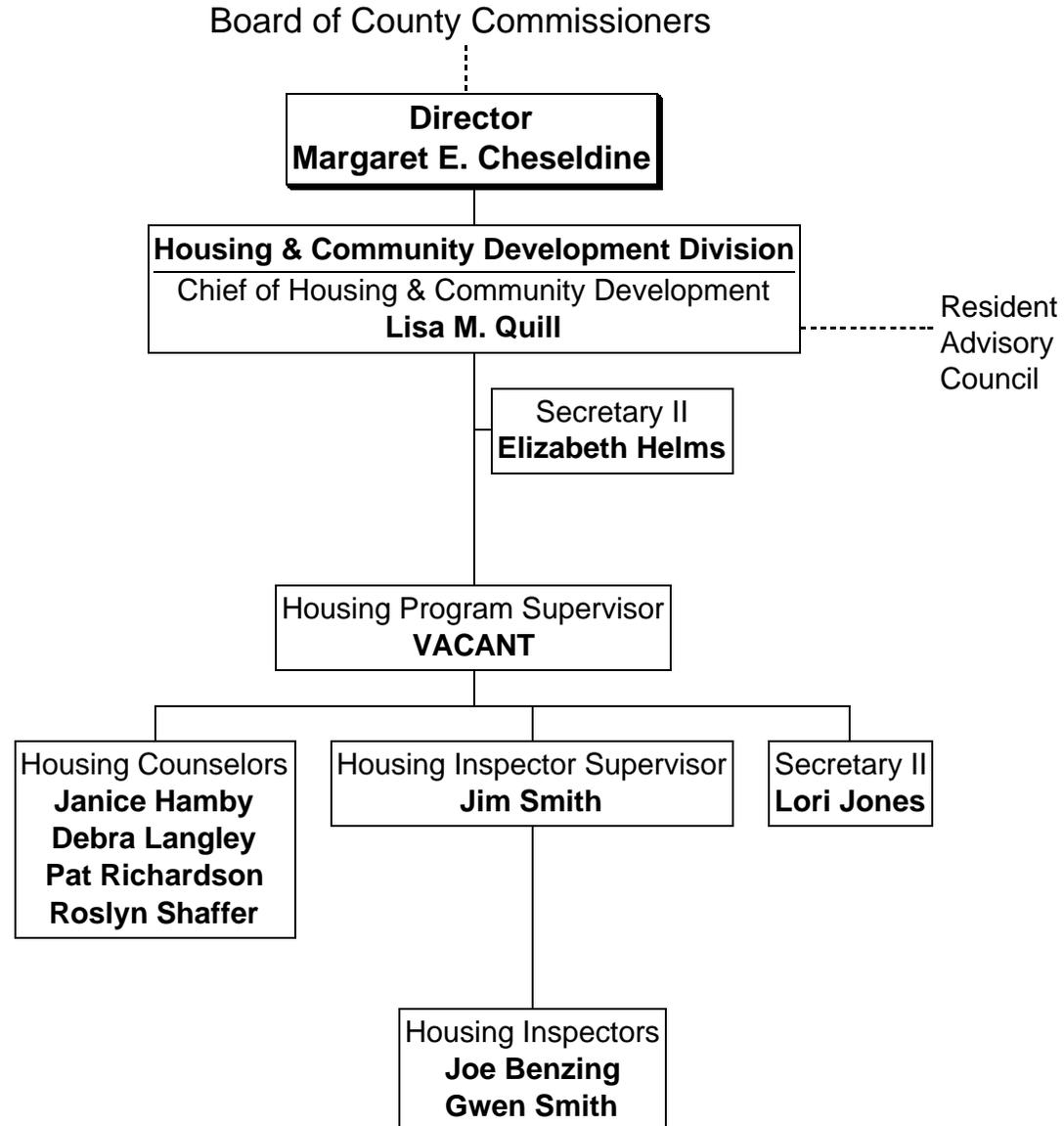


# Charles County Department of Community Services Section 8 Program Housing Authority Organization Chart





# Charles County Department of Community Services Section 8 Program Housing Authority Organization Chart



# Section 8 Administrative Plan

Revised October 1997

Chapter 1	Revised January 1998
Chapter 15	Revised April 1998
Grievance Procedures	Revised September 1998
Chapter 4	Revised June 1999, July 1999
Chapter 5	Revised October 1999
Chapter 4	Revised January 2000
Chapter 9	Revised January 2000

Revised January 2000

Chapter 19	Revised February 2000
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**Ms. Margaret E. Cheseldine**, Director  
Department of Community Services

# Charles County Section 8 Program Administrative Plan Table of Contents

## Acronyms & Definitions

<b>Statement of Policies &amp; Objectives</b> .....	Chapter 1
Purpose of the Plan .....	1-1
Rules & Regulations .....	1-2
Local Objectives .....	1-2
Privacy Rights.....	1-2
Fair Housing Policy .....	1-3
Reasonable Accommodation .....	1-4
References .....	1-5
Communications with the HA.....	1-5

<b>About the Housing Authority</b> .....	Chapter 2
Organizational Setup .....	2-1
Staffing 2-2	
Programs Administered.....	2-4

<b>Outreach Procedures</b> .....	Chapter 3
Family Outreach.....	3-1
Owner Outreach.....	3-1

<b>Applying for Admission/Waiting List Procedures</b> .....	Chapter 4
How to Apply .....	4-1
Pre-Application Procedures .....	4-2
Notification of Pre-Application Status.....	4-2
Preparatory Seminars .....	4-3
Completion of a Full Application.....	4-3
Establishing Ranking Preferences .....	4-4
Special Selection of Applicants.....	4-5
Income Targeting.....	4-5
SAFAH Participation.....	4-6
Final Determination & Notification of Eligibility.....	4-6
Ineligibility.....	4-7
Termination of Applications from the Waiting List.....	4-7
Reinstatement.....	4-7
Chapter 4 Appendix: Federal Preferences .....	4-8

<b>Admission Requirements</b> .....	Chapter 5
Household Composition .....	5-1
Head of Household .....	5-1
Live-In Attendants.....	5-1
Split Households .....	5-2
Multiple Family Households.....	5-3
Joint Custody Children .....	5-3
Income Limitations .....	5-3

Mandatory Provision of Social Security Numbers .....	5-3
Immigration/Citizenship Status .....	5-4
Criminal Activity Screening.....	5-4
Previous Activities in Federally Assisted Housing .....	5-5
Fraud .....	5-5
Outstanding Debts.....	5-5
Eviction .....	5-6
Criminal Activity .....	5-6
Suitability of Family as Tenants .....	5-6
Changes that Occur between Eligibility Determination & Contract Execution.....	5-6
Ineligible Families .....	5-6
<b>Household Composition .....</b>	<b>Chapter 6</b>
Definitions.....	6-1
Joint Custody of Children.....	6-1
Multiple Families in the Same Household .....	6-1
Visitors 6-2	
Special Family Circumstances .....	6-2
Spouse/Adult Family Member.....	6-3
Adult Child Considerations .....	6-3
Sole Member of Household.....	6-4
Temporarily/Permanently Absent .....	6-4
Live-In Attendants.....	6-5
Reporting Requirements.....	6-5
<b>Occupancy Standards .....</b>	<b>Chapter 7</b>
Voucher Size Issued.....	7-1
Changes to Voucher Size.....	7-2
Unit Size Selected.....	7-2
<b>Income Considerations .....</b>	<b>Chapter 8</b>
General Policy .....	8-1
Determining Annual Income.....	8-1
Minimum Income.....	8-2
Temporarily Absent Family Member's Income .....	8-2
Income of Person Permanently Confined to Nursing Home .....	8-2
Regular Contributions & Gifts.....	8-3
Alimony & Child Support .....	8-3
Lump-Sum Receipts .....	8-4
Contributions to Retirement Funds .....	8-5
Grants & Scholarships .....	8-5
Assets Disposed of for Less than Fair Market Value.....	8-6
Child Care Expenses .....	8-6
Medical Expenses .....	8-7
Welfare Assistance .....	8-7
<b>Verification Procedures .....</b>	<b>Chapter 9</b>
General Policy .....	9-1
Release of Information.....	9-1
Methods of Verification.....	9-1
Items to be Verified.....	9-2
Verifying Factors of Eligibility.....	9-3
Minimum Income Verification.....	9-5
Acceptable Forms of Income/Expense Verification .....	9-5
Chapter 9 Appendix: Verification of Federal Preferences.....	9-11

**Section 8 Administrative Plan (revised January 2000)**

<b>Voucher Issuance</b> .....	Chapter 10
Briefings .....	10-1
Purpose.....	10-1
Attendance Requirement .....	10-1
Voucher Briefing Packet.....	10-1
General Policies Discussed.....	10-2
Voucher Issuance.....	10-3
Duration of Voucher/Expiration.....	10-3
Suspensions .....	10-3
Extensions .....	10-3
HA Assistance to Voucher Recipients.....	10-4
 <b>Participant Responsibilities</b> .....	 Chapter 11
Family Obligations.....	11-1
Owner Obligations .....	11-2
 <b>Locating Suitable Housing</b> .....	 Chapter 12
Responsibility for Locating Housing.....	12-1
Eligible Housing .....	12-1
Ineligible Housing .....	12-1
Ineligible Owners .....	12-2
Request for Tenancy Approval & Lease.....	12-2
Chapter 12 Appendix: Ineligible Areas/Owners .....	12-3

<b>Tenancy &amp; Unit Approval/HAP Contract Execution</b> .....	Chapter 13
Tenancy Approval & Contract Execution Process .....	13-1
Documents Submitted .....	13-1
Separate Agreements .....	13-2
Rent Reasonableness Determination.....	13-2
Tenancy Approval/Disapproval.....	13-3
HAP Contract Execution .....	13-4
<b>Subsidies &amp; Payments</b> .....	Chapter 14
Tenant Rent to Owner & HAP .....	14-1
Utility Allowance & URP .....	14-2
Late Fees .....	14-2
Adjustments .....	14-3
Minimum Tenant Rent.....	14-3
Hardship Exemptions to Minimum Tenant Rent .....	14-3
Security Deposit Requirements.....	14-4
HA Loans to Families .....	14-5
HA Assistance to Owners .....	14-5
<b>Payment Standards &amp; Utility Allowances</b> .....	Chapter 15
Payment Standard.....	15-1
Utility Allowances .....	15-2
<b>Housing Quality Standards Inspections</b> .....	Chapter 16
Responsibility of the Family to Allow Inspection .....	16-1
Acceptability Criteria & Exceptions to HQS .....	16-2
Emergency Repair Items.....	16-2
Initial Inspections.....	16-3
HUD-Mandated 15-Day Timeline .....	16-4
Annual Inspections .....	16-4
Complaint/Random Interim Inspections.....	16-5
Re-Check Inspections .....	16-5
Move-Out Inspections .....	16-5
Sanctions for Non-Compliance with HQS .....	16-6
Disapproval of Tenancy .....	16-6
Owner HAP Abatement.....	16-6
HAP Contract Termination.....	16-6
Family Termination .....	16-7
Chapter 16 Appendix: Move Out Inspections/Owner Claims.....	16-8
<b>Periodic Examinations &amp; Adjustments</b> .....	Chapter 17
Annual Re-Certification.....	17-1
Re-Certification Notice to the Family .....	17-2
Verification of Information Provided .....	17-2
Changes in Tenant Rent to Owner, HAP .....	17-2
Interim Adjustment .....	17-2
Required Changes to Report .....	17-3
Changes in Family Composition.....	17-3
Effective of Changes on Payments.....	17-4
Reporting Timeframe Requirements.....	17-4
Processing Procedures for Changes Reported Timely .....	17-4
Processing Procedures for Changes Not Reported Timely .....	17-5
Processing Procedures for Changes Not Processed Timely by the HA .....	17-6
Rent Increases by Owner .....	17-6
Split Households .....	17-6

<b>Lease/HAP Contract Terminations &amp; Family Moves</b> .....	Chapter 18
Termination of the Lease.....	18-1
By Family or Owner.....	18-1
As a Result of HA Action .....	18-1
Mutual Rescission of Lease.....	18-1
HAP Contract/Payment Termination.....	18-2
Based on Family/Owner Termination.....	18-2
Based on HA or Other Action .....	18-2
Evictions.....	18-3
Family Moves with Section 8 Assistance.....	18-3
Failure to Request a Voucher .....	18-4
Change in Ownership.....	18-4
<b>Portability</b> .....	Chapter 19
Absorption .....	19-1
Initial Lease-Up/Portability.....	19-1
Procedures as Initial HA.....	19-1
Procedures as Receiving HA .....	19-2
Billing Procedures .....	19-3
<b>Termination of Assistance</b> .....	Chapter 20
General Policy .....	20-1
Special Consideration Not to Terminate.....	20-1
Processing Termination.....	20-2
HA Initiated Termination.....	20-2
HA Denial of Voucher to Relocate.....	20-3
Zero Assistance Tenants.....	20-3
<b>Repayment Agreements</b> .....	Chapter 21
Eligibility for Repayment Agreement.....	21-1
Repayment Agreement Guidelines .....	21-2
Legal Considerations .....	21-2
Owner Repayments.....	21-3
<b>Appeals/Grievance Procedures</b> .....	Chapter 22
General Policy .....	22-1
Informal Meetings .....	22-1
Informal Review/Hearing .....	22-2
Decisions that Can Be Appealed.....	22-2
Decisions that Cannot Be Appealed.....	22-3
Selection of Hearing Official or Panel.....	22-3
Review/Hearing Policies .....	22-3
Failure to Request an Informal Review/Hearing .....	22-5
Failure to Appear for an Informal Review/Hearing.....	22-5
Effect of Appeal on Termination of HAP Payments.....	22-6
Family Changes During the Appeals Process.....	22-6
Appendix 22: Informal Review/Hearing Procedures.....	22-7
<b>Resident Advisory Council</b> .....	Chapter 23
<b>Certificate Administration</b> .....	Chapter 24
Occupancy Standards .....	24-1
Briefing Packet.....	24-1
Fair Market Rent Limitations.....	24-1

Tenancy Approval/Disapproval.....	24-2
Owner Payment .....	24-2
Damage Claims.....	24-2
Rent Increases by Owner .....	24-2

# Acronyms & Definitions

**Adjusted Income.** Annual or monthly income, less allowable HUD deductions.

**AAF Annual Adjustment Factor.** A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.

**ACC Annual Contributions Contract.** A written agreement between HUD and an HA to provide annual contributions to cover Housing Assistance Payments and other administrative expenses.

**Annual Income.** The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations. A family's annual income is used to determine income eligibility.

**Applicant.** An individual or family that has submitted a Pre-Application for Section 8 Assistance and whose name has been reached on the waiting list and is undergoing the certification process. This includes Voucher holders who have requested lease approval but have not been authorized by the HA to sign the lease and the HA has not yet signed a HAP Contract with the owner under the Voucher Program.

**Assets.** (See Net Family Assets.)

**BR Bedroom.**

**CFP Certificate of Family Participation.** A Certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

**CFR Code of Federal Regulations.** Commonly referred to as "the regulations." The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.

**Child Care Expenses.** Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for an adult to further his/her education.

**Complainant.** Any tenant or applicant whose grievance is presented to the Housing Agency as part of the informal review/informal hearing process.

**CR Contract Rent.** The total rent paid to the owner, including both the tenant payment and the HAP payment.

**CPI Consumer Price Index.** CPI is published monthly by the Department of Labor as an inflation indicator.

**Credible Evidence.** Credible evidence would be provided by the court system or such sources as police and the court system.

Situations which would add to preponderance of evidence include, but are not limited to, drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, arrest warrant issued, etc.

**Dependent.** A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is

a full-time student 18 years of age or over.

**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 in Section 102 (7)(b) or 6001(7) of the Development Disabilities Assistance and Bill of Rights Act.

**Displaced Person.** A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief laws.

**Drug-Related Criminal Activity.**

■ The manufacture, sale, or distribution, or the possession with intent to manufacture, sell or distribute, a controlled substance (as defined in the Controlled Substance Act).

■ The use or possession (other than with intent to manufacture, sell or distribute), of a controlled substance, except that such use or possession must have occurred within one year before the date that the HA provides notice to an applicant or participant of the HA's determination to deny admission or terminate assistance.

Drug-related criminal activity does not include previous use or possession, if the family member can demonstrate that s/he:

■ Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment, and

■ Has recovered from such addiction by participating in a drug rehabilitation program for 90 days or more and does not currently use or possess controlled substances.

**Elderly Household.** A family whose head or spouse or whose sole member is at least 62 years of age or a Disabled Person as defined in this section or a Handicapped Person as defined in this section. An elderly household may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his/her care and well being.

**Elderly Person.** One who is at least 62 years old.

**Eligible Family (Family).** A family is defined by the HA in the administrative Plan, which is approved by HUD. The terms "family," "participant," "tenant," and "Voucher Recipient" are used interchangeably.

**Eligibility Income.** Annual Income.

**Excess Medical Expenses.** Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

**FMR Fair Market Rent.** The rent limit published in the Federal Register for Section 8 Rental Assistance which includes utilities (except telephone) and ranges and refrigerators. The FMR is used as a standard to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Separate FMRs are established for dwelling units of varying sizes (number of bedrooms) and types.

**Family.** A family consists of:

■ Two or more eligible persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law, or two or more persons who intend to share residency and have an established history of a stable relationship.

■ Eligible single persons.

The terms "family," "participant," "tenant," and "Voucher Recipient" are used interchangeably.

**Foster Child Care Payment.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**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.

**FY Fiscal Year**

**Grievance.** A dispute that a tenant or applicant may have with respect to HA action or regulations which adversely affects the individual tenant's/applicant's status.

**GR Gross Rent.** The sum of the Contract Rent and the utility allowance. If there is no utility allowance, Contract Rent equals Gross Rent.

**Handicap Assistance.** Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members which enable a family member (including the handicapped family member) to work.

**Handicapped Person.** A person having a physical or mental impairment which:

- is expected to be of long-continued and indefinite duration;
- substantially impedes his or her ability to live independently; and
- is of such a nature that such ability could be improved by more suitable housing conditions.

**HOH Head of Household.** The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

**Hearing Officer.** A person selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

**HAP Housing Assistance Payment.** The payment made by the HA to the owner of a unit under lease by an eligible family, as provided in the HAP Contract. The payment is the difference between the Payment Standard and the Tenant Rent to Owner.

**Housing Assistance Payments Contract (HAP Contract).** The contract executed between the HA and Owner pursuant to which the HA makes HAP Payments on behalf of an eligible family paid by the PHA and the Owner agrees to comply with specific Section 8 program criteria.

**HA Housing Agency.** (Also PHA.) Any state, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for low-income families.

The Charles County Department of Community Services currently serves as the Housing Authority for the county's tenant-based Section 8 Program.

**HQS Housing Quality Standards.** The minimum standards that a unit must adhere to in order for an owner to receive subsidy.

**HUD The United States Department of Housing and Urban Development.**

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

**Imputed Income.** HUD passbook rate x total cash value of assets. Calculation used when assets exceed \$5,000.

**Income.** Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

**Income for Eligibility.** Annual Income.

**Informal Hearing.** The grievance procedure available to tenants on the Section 8 program.

**Informal Meeting.** The first appeal offered to applicants or participants. During the Informal Meeting, the affected family meets with HA staff who explains the reason(s) for the decision.

**Informal Review.** The grievance procedure available to applicants.

**IG Inspector General.**

**Involuntarily Displaced Person.** Involuntarily Displaced Applicants are applicants who have or will (within no more than six months from the date of certification or verification) vacate housing as a result of:

■ a disaster (fire, flood, etc.)

■ federal, state or local government action related to code enforcement, or public improvement or development

■ action by a housing owner that results in an applicant's having to vacate his or her unit, which is beyond an applicant's ability to control, occurs despite the applicant's having met all previous conditions of occupancy, and is other than due to a rent increase.

■ actual or threatened physical violence directed against the applicant, or one or more members of the applicant's family, by a spouse or other member of the applicant's household, or the applicant lives in a housing unit with such an individual who engages in such violence. The actual or threatened physical violence must be of a recent or continuing nature.

**LL Landlord** This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner. The terms "landlord" and "owner" are used interchangeably.

**Lease.** A written agreement between an owner and an eligible family for the leasing of a housing unit. The Section 8 program has an Addendum to Lease that has mandatory language which must be incorporated into any lease the HA uses.

**Lease Addendum.** The required HUD form that is incorporated into any executed lease for a unit being subsidized.

**Lower Income Family.** A family whose income does not exceed 80% of the median income for the area as determined by HUD

**Medical Expenses.** Those total medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction is provided for Elderly Households only. Allowances are provided when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

**Minor.** A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

**Monthly Adjusted Income.** 1/12 of the Annual Income after Allowances or Adjusted Income.

**Monthly Income.** 1/12 of the Annual Income.

**Net Family Assets.** Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust.

**PS Payment Standard.** The amount used to calculate the housing assistance a family will receive in the HA's Housing Choice Voucher Program.

**Owner.** Any persons or entity having the legal right to lease or sublease housing. The terms "owner" and "landlord" are used interchangeably.

**Participant.** A family becomes a participant in the HA's Section 8 Rental Assistance Program when there is an effective HAP Contract between the HA and the owner on behalf of the family. The terms "family," "participant," "tenant," and "Voucher Recipient" are used interchangeably.

**Preponderance of Evidence.** Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. With respect to burden of proof in civil actions, means greater weight of evidence, or evidence which is more credible and convincing to the mind. That which best accords with reason and probability. The word "preponderance" means something more than "weight"; it denotes a superiority of weight, or outweighing.

The words are not synonymous, but substantially different. There is generally a "weight" of evidence on each side in case of contested facts. But juries cannot properly act upon the weight of evidence, in favor of the one having the **onus**, unless it overbears, in some degree, the weight upon the other side.

It means that amount of evidence necessary for the plaintiff to win in a civil case. It is that degree of proof which is more probable than not.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence, which does not necessarily mean the greater number of witnesses, but opportunity for knowledge, information possessed, the manner of testifying determines the weight of testimony.

**Public Assistance.** Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

**Recertification/Re-Examination.** The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

**Remaining Member of Household.** Person left in assisted housing who may or may not normally qualify for assistance on own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled or handicapped).

**RA Repayment Agreement** and Promissory Note are synonymous terms.

**RFTA Request for Tenancy Approval.** Formerly Request for Lease Approval (RFLA). The document a Voucher Recipient must submit to initiate review of lease, HQS inspection of a unit, and final approval of tenancy.

**Security Deposit.** A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

**Single Person.** A person living alone or intending to live alone.

**Spouse.** The husband or wife of the head of the household.

**Substandard Unit.** Substandard housing:

- is dilapidated
- does not have operable indoor plumbing;
- does not have usable flush toilet in the unit for the exclusive use of the family;
- does not have usable bathtub or shower in unit for exclusive family use;
- does not have adequate, safe electrical service;
- does not have an adequate, safe source of heat;
- should, but does not, have a kitchen;
- has been declared unfit for habitation by a government agency.
- is overcrowded (if the number of household members living in the housing unit exceeds the number allowed by the HA's occupancy standards).

**SRO Single Room Occupancy**

**Tenant.** a lessee or the remaining head of household of any tenant family residing in housing leased by the HA with assistance under the Section 8 Program. The terms "family," "participant," "tenant," and "Voucher Recipient" are used interchangeably.

**TRO Tenant Rent to Owner.** The total amount of rent payable to the owner by the family for an assisted unit.

**TTP Total Tenant Payment.** The total amount a family pays toward rent and utilities.

**Unit.** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero to six bedrooms.

**Utilities.** Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

**UA Utility Allowance.** The amount the HA estimates for the reasonable consumption of utilities other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

**URP Utility Reimbursement Payment.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. The HA pays the URP to the utility company on behalf of the tenant.

**VLI Very Low Income Family.** A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. This is the income limit for the Section 8 Housing Choice Voucher Program.

**Violent Criminal Activity.** Any 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.** The document issued to an applicant family indicating that the family has been determined eligible to receive assistance through the Section 8 program.

**Welfare Asssitance.** Welfare or other payments to families or individuals, based on need, that are

made under programs funded, separately or jointly, by Federal, state, or local governments.

# Statement of Policies & Objectives

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937 (the Act) and included Section 8 as a substitute for the Section 23 Leased Housing Program. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Housing Choice Voucher Program are described in and implemented through this Administrative Plan.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority staff shall be in compliance with the HA's Personnel Policy, its Equal Housing Opportunity Plan, and HUD regulations and operations/procedures handbooks where available, as well as all federal, state, and local fair housing laws and regulations.

The Charles County Department of Community Services, Housing & Community Development Division, serves as the county's Housing Authority (referred to as either PHA or HA throughout) for administration of the tenant-based Section 8 Program.

The Board of County Commissioners have authorized the Director of the Department of Community Services to revise this Administrative Plan as necessary. The Board of County Commissioners and the Director of the Department of Community Services will authorize expenditures to be funded by the administrative fee reserve through the County's annual budget process and in accordance with county budget policies and procedures.

The HA is responsible for complying with all subsequent changes in HUD regulations pertaining to these programs. If such changes conflict with this plan, HUD regulations will have precedence.

## Purpose of the Plan

The overall plan for the Section 8 Program is designed to achieve five major objectives:

1. To provide improved living conditions for very low-income families while maintaining their rent payments at an affordable level.
2. To promote freedom of housing choice and spatial deconcentration of very low-income and minority families.
3. To provide decent, safe, and sanitary housing for eligible participants.
4. To provide an incentive to private property owners to rent to very low-income families by offering timely assistance payments.
5. To provide guidance in the administration of the programs in compliance with HUD requirements, including maintaining well organized and complete records and facilitating HUD's monitoring and review of the housing.

The purpose of the Administrative Plan is to establish policies where regulatory flexibility exists in administration of the local Section 8 Program in a manner consistent with HUD requirements. Additionally, the Administrative Plan serves as supporting documentation in the development of the Housing Authority's 5-Year and Annual Plans, as required by federal regulation.

The plan covers both admission and continued participation in the Section 8 program.

## Rules & Regulations

All issues related to families that are not addressed in this document are governed by HUD handbooks

(such as 7420.7) where available, federal regulations, HUD Memos and Notices, and guidelines, and any other applicable law.

## **Local Objectives**

There is an undeniable need for very low-income housing assistance within the jurisdiction of the Housing Authority, as evidenced by waiting lists for various housing programs.

The Housing & Community Development Division of the Charles County Department of Community Services is charged with meeting these needs through housing assistance programs available from the U.S. Department of Housing and Urban Development.

There is also a need for decent, safe, and sanitary housing units available for program participants. There is not an abundance of affordable housing for very low-income participants within the jurisdiction without the availability of subsidy.

The Housing Authority approaches the administration of the program with a positive attitude. The Housing Authority establishes realistic and attainable goals, and has given particular thought to the numbers of families who can be expected to need and want to move to better quality and more affordable housing.

In establishing goals, the Housing Authority also has given special consideration to the likely availability of existing housing. By setting attainable goals, the Housing Authority hopes to achieve these by the nature of the goals themselves, not overburdening the market, not forcing the program, but providing a vehicle for those who have a need and those who have the units to come together in a manner beneficial to each.

The strategy is to achieve the attainable goals in the simplest manner possible, at the least expense, while complying with the Section 8 requirements and regulations.

## **Privacy Rights**

Participants and applicants will be required to sign the Federal Privacy Act Statement and HUD Authorization for Release of Information, which states under what conditions HUD/the HA will obtain and release tenant and owner information.

The HA's policy regarding release of information is in accordance with these documents and individual family-authorized verification forms that are not covered under the HUD Authorization for Release of Information.

## **Fair Housing Policy**

It is the policy of the Housing Authority to comply fully with all federal, state, and local nondiscrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

Specifically, the HA shall not, based on race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Program.

To further its commitment to full compliance with applicable civil rights laws, the HA will provide federal/state/local information to Voucher holders regarding discrimination and any recourse available to them should they feel they have been victims of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet.

Posters and housing information that is easily readable from a wheelchair is provided in locations throughout the HA's office. Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no qualified individual with handicaps shall, because an HA's facilities are inaccessible to or unusable by persons with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives federal financial assistance.

The HA's central office is handicap accessible; accessibility for the hearing impaired is provided by the Maryland Relay Service (800-735-2258 or TDD: 711).

The Housing Authority works with organizations who assist hearing- and sight-impaired persons to provide assistance where needed, and will coordinate to assist non-English-speaking families as well.

The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the HA's jurisdiction to ensure "greater mobility and housing choice" to very low-income households served by this agency. The Available Units List will be provided at the front desk, for participating families who call in, walk in, or attend briefings.

A list of handicap-accessible units may be provided by local government organizations to assist families in locating housing.

In compliance with Section 147 of the National Affordable Housing Act, no owner who has entered into a contract for housing assistance payments under this section on behalf of any tenant in a multi-family housing project shall refuse:

- To lease any available dwelling unit in any multi-family housing project of such owner that rents for an amount not greater than the fair market rent for a comparable unit to a Voucher holder because of their status as a Voucher holder;
- To lease any available dwelling unit in any multi-family housing project of such owner and enter into a Voucher Contract on the unit because of their status of prospective tenant as a Voucher holder.

For purposes of this section, the term "multi-family housing project" means a residential building containing more than four dwelling units.

## **Reasonable Accommodation**

In compliance with our Fair Housing Policy, as detailed above, the HA will allow variances to its administrative policies and procedures, as detailed in this Administrative Plan, when necessary to provide a reasonable accommodation for individuals with disabilities to ensure that individuals with disabilities are able to fully access HA programs and services. Reasonable accommodations will only be provided to ensure equal opportunity for individuals with disabilities; accommodations will not be provided in order to confer special treatment or advantage to individuals with disabilities.

The HA will include information in all its correspondence and informational materials to advise individuals who have special needs how to obtain needed services, as well as information pertaining to requesting accommodations. Individuals requiring either special services or an accommodation must initiate such request with the HA, either through an independent written request or using the standard form developed by the HA. The HA will only initiate an inquiry regarding whether an individual requires an accommodation when staff is aware of the existence of a disability (such as with an individual participating in the Mainstream Program) and has reason to believe the individual is not aware of, despite standard HA efforts to disseminate information, the effect of certain policies and procedures or the process/ procedures regarding requesting an accommodation.

## **Review of Accommodation Requests**

Once the HA has received a request to provide an accommodation, the HA will first determine whether a disability exists. If the disability exists, the HA then will determine whether the accommodation is related to the existing disability. (Verification methods are documented in Chapter 9.)

If the accommodation requested is related to the existing disability, the HA must then determine whether the accommodation is reasonable. In order to determine whether the requested accommodation is reasonable, the HA will consider:

- whether the accommodation will constitute a fundamental alteration of the HA policy or procedure in question.
- whether the accommodation would create an undue financial hardship or administrative burden.

If the accommodation would result in a fundamental alteration of the HA policy, the accommodation will be denied.

If the accommodation is neither a fundamental alteration nor an undue financial or administrative burden, the accommodation will be provided.

If the accommodation is not a fundamental alteration, but would result in undue financial or administrative burden, the HA will negotiate with the individual to provide an alternate, but equally effective, accommodation.

The HA generally will defer to the affected individual if the requested accommodation is determined reasonable based on the criteria above; however, if several equally effective alternatives exist, the HA reserves the right to select the accommodation to be provided based on the needs and circumstances of the HA.

The HA does not have responsibility for accommodations requested related to a unit or other issue outside the HA policies and procedures; however, the HA will assist an individual with pursuing such accommodations, if necessary.

No accommodation will be provided that permits an individual to violate family obligations.

## **References**

- The Charles County Department of Community Services is referred to as "Housing Authority" or "HA" throughout this document.
- "Landlord" and "owner" are used interchangeably throughout this Administrative Plan.
- "Family," "tenant," "participant," and "Voucher recipient" are also used interchangeably.

## **Communications with the HA**

All determinations, changes, and communications between the HA and an applicant, participant, or owner, must be documented in writing. When information is providing orally in order to improve customer service or processing timelines, required written documentation must be provided subsequently.

No oral communication related to applicant changes will be documented by the HA; all such communication must be provided to the HA in writing by the applicant.

# About the Housing Authority

On December 15, 1978, the HA entered into an Annual Contributions Contract with HUD and received its first allocation of Section 8 funding (Certificates, at the time). Periodically, the HA receives additional funding increments, primarily through competitive grant applications, to increase its Section 8 allocation. Currently, the HA administers 480 "regular" Vouchers and 100 Mainstream Vouchers (for individuals/family members with disabilities).

## Organizational Setup

Under the direction of the County Commissioners of Charles County, Maryland, the Section 8 Program's day-to-day operations are administered by staff of the HA.

Section 8/Rental Subsidy is a function within the Department of Community Services. Ms. Margaret E. Cheseldine, Director, and Ms. Lisa M. Quill, Chief of Housing & Community Development, serve as administrators of the housing agency and are responsible for administering the Section 8 Program, beginning with responding to HUD's Notice of Funding Availability (NOFA), through identifying owners and families eligible to participate in the program, to termination of participation by owners and families and program monitoring/audit review and compliance.

Activities of the Section 8 Program include:

- Program descriptions
- Initial marketing and outreach
- Applicant eligibility/ineligibility determinations
- Applicant preference determinations
- Initial certification
- Providing notifications to applicants
- Issuing Vouchers
- Conducting individual/group briefings
- Monitoring success of Voucher holders in finding suitable housing
- Processing Requests for Tenancy Approval (RFTA)
- Conducting and enforcing HQS dwelling unit inspections
- Negotiating rents and preparing contract and lease documents
- Maintaining active leases and contracts during year
- Completing annual/interim recertification of tenant income
- Completing annual/interim HQS inspection of units
- Facilitating resolution of tenant/owner disputes
- Conducting move-out inspections
- Investigating possible program fraud
- Reviewing and processing special claims
- Conducting informal reviews and hearings
- Coordinating/preparing funding applications
- Addressing and preparing budgets, financial reports, policies and procedures
- Controlling and monitoring program allocations
- Preparing correspondence
- Developing partnerships
- Developing program enhancements

Section 8 staff are assigned to perform such duties as intake, outreach to owners and families, eligibility, leasing/contracting, inspections, and income verification including reexamination and computation of tenant

rent.

The HA uses a case management system. Housing Counselors are assigned caseloads distributed among the Housing Counselors alphabetically by participant last name. Assigned caseloads are rotated at least bi-annually (every two years). The Section 8 Housing Counselors determine eligibility, complete briefings and lease up, and perform related processing. Housing Inspectors are responsible for all HQS program components and for rent reasonableness documentation and review. In some cases, inspections may be performed by Housing Counselors.

## Staffing

### ■ Chief of Housing & Community Development

This position has the primary responsibility for ensuring quality policy development and program management of the programs administered by the Housing & Community Development Division in compliance with federal, state, and local law and HUD requirements.

This involves overseeing staff functions and dealing indirectly or directly with tenants and owners when there are problems to be resolved. The Chief of Housing & Community Development will assist in contacts with elected officials, special interest groups, and property owners.

#### The Chief of Housing & Community Development

... participates in developing and monitoring the financial management activities under control of this office, including the budget.

... conducts long- and short-range planning functions. It is her responsibility to develop, implement, and maintain a quality, responsive customer service program.

Under the direction of the Chief of Housing & Community Development, the staff are responsible for all activities involving families from preapplication through termination.

### ■ Housing Program Supervisor ...

... ensures the efficient quality operation of the Section 8 Rental Assistance Program by overseeing all intake and initial leasing duties associated with the program.

... interprets program regulations and monitors compliance with those regulations.

... supervises Section 8 personnel in the operation of the programs, develops and implements internal programmatic procedures, ensures leasing schedules are met, prepares correspondence and reports for submission to HUD.

... also reviews recommendations for terminations of assistance and coordinates with the Chief of Housing & Community Development for decisions related to terminations.

... assists the Chief of Housing & Community Development in the preparation and the monitoring of the administrative budgets.

... coordinates quarterly newsletter for landlords and tenants.

... coordinates and conducts quarterly seminars for landlords and/or tenants.

### ■ Housing Counselor ...

... interviews applicants, receives and verifies documentation that supports the information contained in the client's application.

... determines initial eligibility.

... establishes contacts with local private sources, federal/state/local government agencies, and maintains contact with certified families to assist in finding units, and performs follow-up income verifications.

... conducts briefings with tenants and landlords and assists in monitoring the housing market.

... assists families/landlords in completing official forms, as necessary, and provides guidance to eligible families on what to look for in a safe, sanitary, decent home.

- ... completes annual recertifications and requests for annual contract rent increases as well as the lease up functions for families moving to other units.
- ... recommends to the Housing Program Supervisor terminations of assistance due to fraud or program non-compliance and processes terminations once decisions have been rendered.
- ... performs the role of a principal advisor and investigator for the Voucher holder to achieve lease up and continued certification.
- ... facilitates resolution of disputes between tenants and owners.
- ... assists in the development and preparation of Section 8 newsletters and seminars.

■ Housing Inspector Supervisor...

- ... develops and maintains rent reasonableness methodology and program.
- ... directs and supervises work of Housing Inspectors
- ... analyzes Section 8 impacts on the community (and vice versa) and recommends program enhancements or revisions accordingly
- ... provides quality control for all HQS-related program components
- ... facilitates resolution of disputes between tenants and owners.
- ... ensures consistent and appropriate interpretation of federal regulations by inspection staff.
- ... makes recommendations for local enhancements to HQS and researches to provide supporting documentation.
- ... coordinates landlord/owner-related newsletters and seminars.

■ Housing Inspector ...

- ... works directly with landlords in inspecting housing to determine whether it meets program requirements and whether the family can be assisted in that location.
- ... provides input on suitable housing quality standards that meet HUD requirements.
- ... performs the move-out inspections and, when appropriate, assists in the processing of damage claims.
- ... performs inspections to determine federal preference verification of substandard housing claimed by program applicants.

■ Housing & Community Development Division Secretary ...

- ... accepts pre-applications of persons and/or families wishing to apply for the Section 8 Rental Assistance Programs.
- ... places the applicant families on a waiting list in chronological order by date and time.
- ... maintains the waiting list updates and purges the list on a regular basis.
- ... assists in files maintenance and management.
- ... conducts file review related to annual and interim re-examinations.
- ... assists with Internet processing as dictated by HUD (including MTCS and TEVS)
- ... prepares Section 8 mailings.

## Programs Administered

The HA administers the following Section 8 programs:

- Housing Choice Voucher Program
- Mainstream Voucher Program

# Outreach Procedures

## Family Outreach

The HA continues to publicize and disseminate information, as needed, concerning the status and nature of housing assistance for very low-income families. Should the HA's waiting list indicate a need for additional families, the HA will increase efforts to make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the availability and nature of housing assistance for very low-income families.

The public notice must:

- Advise families that applications will be taken at the Department of Community Services.
- Briefly describe the Section 8 Program.

To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcast media. Personal contacts with the news media and with community service personnel and public service announcements will be made to facilitate notice distribution.

Although the number of individuals requesting assistance far exceeds the HA's funding resources to provide assistance, informational activities are on-going and include fact sheets, community presentations, annual reports, department brochures, and Internet Web Page information.

## Owner Outreach

The HA issues continuing invitations to owners as needed to make dwelling units available for leasing by eligible families. Since the Section 8 Program is a scattered site program, units are available in all areas of Charles County, preventing a concentration in low-income or minority areas. On a continuing basis, the HA will welcome the participation of eligible owners of decent, safe, and sanitary housing units.

Staff of the HA continue to make personal contact through formal or informal discussions or meetings with private property owners. Program requirements are explained, and printed material is offered to acquaint the owner/manager with the opportunities available under the program.

The HA maintains a list of interested landlords and their property available for the Section 8 Program. The HA updates this list at least monthly.

As inquiries from prospective new owners are received, HA staff record the necessary information on units and make it available to prospective families upon request.

# Applying For Admission/ Waiting List Procedures

## How to Apply

The policy of the HA is to ensure that applicants are treated in a fair and consistent manner. Families wishing to apply for any of the HA's programs are to complete a pre-application.

The application process will be undertaken in two phases: a preliminary application (referred to as a pre-application) will be taken first. When the family comes to the top of the waiting list and the PHA is ready to schedule an enrollment interview for final eligibility determination, the PHA will take a formal application (referred to as a full application) and verify all of the information provided or claimed by the applicant.

### Acceptance of Pre-applications:

Interested persons may apply at the Department of Community Services at any time. An applicant must be at least 18 years of age or older to apply or otherwise be a legal adult recognized by the courts. In this case legal documentation of such must be submitted with the application. The Department's policy is to never close the waiting list; therefore, the waiting list is always open.

Any family asking to be placed on the waiting list for Section 8 rental assistance will be given a pre-application to be completed. When the application is returned to the HA, the date posted as received establishes the family's date of application for placement on the waiting list.

Pre-applications are dated and stamped when they are received by the HA. Duplicative active pre-applications and/or full applications will not be honored except as noted in Section H below.

Individuals who have a physical impairment that would prevent them from making application in person may mail their pre-application or may call the HA to make special arrangements to complete their pre-application.

Pre-applications do not require an interview, but the HA will provide an interview for full applications for eligibility when the family's name reaches the top of the waiting list.

## Pre-Application Procedures

The HA will use a basic pre-application form, based on the Personal Declaration Form recommended by the Inspector General's office. The information is to be completed directly by the client. The purpose of the pre-application is to place the applicant on the waiting list and to obtain sufficient data to provide necessary waiting list reports to HUD and to enable HA analysis of housing needs for purposes of policy development.

The pre-application will contain this basic type of information:

- Names and ages of all household members
- Sex and relationship of members
- Address(es) and telephone number(s)
- Amount and source of all income (including income from assets held such as interest on Certificates of Deposit or savings accounts)
- Information on handicaps and disabilities of family members
- Information related to potential preferences (though preferences will not be verified or assigned until completion of a full application)
- Marital Status

## ■ Social Security Number

All pre-applicants are assigned a ranking status Rating 2.

The information on the form will not be verified until the client has been selected from the application pool for final processing. Final eligibility will be determined when the full application process is completed and the information verified.

Applicants are responsible for informing the HA, in writing, of changes in family circumstances (including place of residence and mailing address) and are responsible for responding to requests from the HA. No changes will be accepted by telephone or via third parties.

Failure to provide information, as requested, will result in the applicant being removed from the waiting list. When pre-applications are removed from the waiting list, the HA will maintain a log of applications removed. No additional notification will be sent to the applicant.

## **Notification of Pre-Application Status**

When the pre-application is received, the applicant will be informed of the date recorded on the application and the waiting list position number at that point in time. The information with respect to eligibility criteria (and current date being processed) will be placed in writing and mailed to the applicant to the last reported address.

## **Pre-Enrollment Briefing**

At least twice each year (more frequently if necessary), the HA will conduct pre-enrollment briefings. The top 25-50 category 2 applicants on the waiting list will be advised of the briefing and will be required to attend a briefing session prior to completion of a full application (as detailed below).

During the briefing, Section 8 Program rules and regulations, HA policies and procedures, and Waiting List processing will be reviewed. Applicants will be provided several opportunities to attend a pre-enrollment briefing. Failure to attend a briefing prior to scheduling of an enrollment interview will result in removal of the applicant from the waiting list.

## **Completion of a Full Application**

When the HA anticipates that a Voucher is available to be issued, category 2 applicants on the waiting list will be scheduled for an enrollment interview, based first on ranking category, then date and time of pre-application. During the enrollment interview, the applicant will complete a full application. The family will be asked to complete the Personal Declaration Form prior to the enrollment interview. The HA will interview the applicant by asking questions and completing the full application.

Based on the full application, ranking preferences will be assigned.

It is the responsibility of the applicant to attend the scheduled enrollment interview. It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule and/or misses the scheduled meetings, the HA has the right to reject the application. Applicants will be notified in writing that the appointment was missed and they will be advised that they have five days to contact the HA regarding the appointment or their name will be removed from the waiting list.

The head of household and spouse and any family members 18 years of age or older, (or family representative) are required to attend the interview and sign the housing application and related required forms. Exceptions are made for the severely handicapped.

All adult household members must sign the HUD Release of Information Form and Applicant Certification Form in order for the application to be considered complete.

Verifications will be conducted in accordance with Chapter 8 Verification Procedures.

If the HA determines at the interview that more information or verification is needed, the applicant will be given or sent a request for information letter, requesting that the applicant provide the requested information within 15 days of the date of the notice.

If there is no response after 15 days, a second request for information letter will be sent with a response requested within an additional 15 days from the date of the second notice.

If there is no response to the second request for information letter, the applicant will be removed from the waiting list. If the applicant later wishes to have consideration, the individual must reapply.

## **Establishing Ranking Preferences**

At the enrollment interview, ranking of applications occurs, based on the following criteria:

- Rating 1a = applicants who live and/or work in Charles County and who are eligible for targeted assistance when specialized allocations are available (see Section F below).
- Rating 1b = applicants who live and/or work in Charles County but are not eligible for targeted assistance.
- Rating 3 = all other applicants.

[Note: Rating 2 = all pre-applicants prior to enrollment interview.]

In order to receive a rating of 1a or 1b, the applicant must be a bona fide Charles County resident, have a demonstrated history of Charles County residency if not residing in the county at the time of the enrollment interview, or be employed in Charles County.

Bona fide residency must be substantiated to the satisfaction of the HA. Examples of suitable documentation include verification that a family member, prior to the date of the enrollment interview letter, was:

- enrolled in a Charles County school
- registered to vote

or during the past 24 months has:

- paid taxes in Charles County
- executed a previous lease in Charles County

Applicants receiving a rating of 1a or 1b may then be offered assistance following the enrollment interview based on eligibility criteria and in accordance with targeted assistance and program eligibility requirements (see Sections F and G below).

Applicants receiving a rating of 3 will be returned to the appropriate ranking section of the waiting list. Once ranking is established, ratings may be changed only as follows:

- Applicants whose circumstances change after assignment of ranking preferences and wish to have their rating reviewed based on changed circumstances will be requested to submit a new pre-application, which automatically will update their ranking to rating 2; however, a new processing date is then established based on submission of the new pre-application.
- Should policies or regulations regarding ranking preferences be modified, applications assigned ratings of 3 or 4 will then be eligible for reconsideration of the full application. Applicants still bear the responsibility of notifying the HA of changes.

The HA will maintain both pre-applications and full applications for any applicants who received a rating of 3 at the enrollment interview, should an applicant wish to submit a second pre-application in accordance with

the above.

Rating category 3 applicants may be offered a second enrollment interview only when all category 1 and 2 applicants have been considered. Should category 3 applicants receive another opportunity for an enrollment interview based on such waiting list movement, the targeting provisions applicable to Rating category 1 and detailed in Section F below will be evaluated and applied at that time.

## **Special Selection of Applicants**

Should the HA be provided an allocation of Section 8 Vouchers targeted to assist a particular population, such as the disabled, only those applicants meeting the qualifications for the special allocation will be issued the corresponding vouchers. Accordingly, those persons on the waiting list who do not qualify for the special allocation may be bypassed in order to reach those who do qualify.

The HA currently administers the following special allocations:

- Mainstream Voucher Program-Section 8 Vouchers for applicants with a disabled family member.

### **Income Targeting**

As defined in the Quality Housing & Work Responsibility Act of 1998 (QHWRA), no less than 75% of new participants in a fiscal year may have incomes that exceed 30% of the area median income. Therefore, at least 75% of new enrollees must have incomes that fall at or below this amount. Traditionally, Charles County has met this requirement.

Issuance of new Vouchers however, will be monitored so as to ensure the above requirement continues to be met. In order to ensure compliance, the HA may periodically implement a temporary preference system for very low income applicants. As a result, those persons on the waiting list who do not meet the preference may be bypassed in order to reach those who do fall within the applicable income limit of making no more than 30% of the area median income. Once the Housing Authority has met the requirement for the year, other applicants will then be considered.

### **SAFAH Participation**

Charles County maintains a set-aside preference for Charles County residents who are eligible for assistance under the Section 8/SAFAH (Supplemental Assistance for Facilities that Assist the Homeless) Program. No more than 2% of the current allocation, at any given time, will be designated to assist those classified as homeless families under the SAFAH Program. The 2% is calculated based on non-targeted allocations. Currently, the HA administers an allocation of 480 general Vouchers and 100 Mainstream Vouchers. As a result, 10 Vouchers will be available for use by participants qualifying under SAFAH.

If at any time there are insufficient eligible families for the program, Vouchers will be given to the next otherwise qualified person/family on the waiting list.

Preference for the SAFAH Program will be given to families meeting the following:

- Homeless families with children who are residents of a shelter or transitional housing program that offers services beyond one-night stays; and
- Who are working on goals established with professional case managers in the shelter and/or transitional housing program; and
- Who are willing to work with housing counselors/case managers over a period of time sufficient to accomplish the established goals within a program; and
- Can be certified as meeting this definition by an agency within Charles County; and
- Are on the Section 8 Waiting List. (Potential SAFAH participants who are not on the waiting list at the time of referral must complete a pre-application before an enrollment interview will be scheduled.)

## **Final Determination & Notification of Eligibility**

Only one Voucher will be issued per application. After the verification process is completed, the HA will make the final determinations regarding ranking preferences and program eligibility.

Because HUD can make changes in rules and regulations during the review process that affect an applicant's eligibility, it is necessary to make a final eligibility determination. Also, family circumstances may have changed between initial interview and final eligibility determination.

The household is not actually eligible for a Voucher issuance until this final determination has been made. The regulations and/or policies in effect at the time of final eligibility determination will be used in making the determination.

If an applicant is determined ineligible, an opportunity for an Informal Review will be provided in accordance with federal regulations and Chapter 21 of this Administrative Plan.

## **Ineligibility**

If an applicant is determined ineligible as a result of program criteria (e.g.: over income limits), no assistance will be provided through Section 8. Such applicant will be removed from the waiting list and will not be eligible for reconsideration. Applicants wishing further consideration will be required to complete and submit a new preliminary application, which will be placed on the waiting list with an assigned rating of 2.

## **Termination of Applications from the Waiting List**

When a person's pre-application reaches the top of the waiting list, the applicant will be contacted by mail as to a date and time to come to the Department to complete a full application to determine their eligibility for the program.

Applicants who do not attend the scheduled enrollment interview and do not call to reschedule will be sent another letter advising them they have **5** days from the date of the notice to contact the HA regarding the appointment or their name will be removed from the waiting list. If there is no response from the applicant with the time period, the application is then purged (removed from the waiting list).

If the appointment letter for the enrollment interview is returned by the post office, as it is unable to be delivered for any reason, and further checking again verifies the letter was sent to the last known mailing address, the application will then be purged and the next applicant on the waiting list will be contacted.

## **Reinstatement**

If a person whose application has been purged prior to the offer of an enrollment interview wishes to have that application reconsidered and returned to the waiting list, the person must submit a request in writing to The Department of Community Services, Housing & Community Development Division. The request will be reviewed and if it is determined the person would have been contacted for an enrollment interview or was contacted for an enrollment interview within the **2** years prior to the request, the pre-application will be returned to its original place on the waiting list.

If a person whose application has been purged based on failure to attend the scheduled enrollment interview or to contact the Housing Authority (as detailed in Section I above) wishes to have that application reconsidered and returned to the waiting list, the person must submit a request in writing to The Department of Community Services, Housing & Community Development Division. The request will be reviewed and if it is determined by the Chief of Housing & Community Development that the reason for non-response could be justified or eliminated based on reasonable accommodation, the pre-application will be processed based on its original place on the waiting list.

# Chapter 4 Appendix: Federal Preferences

Currently, federal preferences have been eliminated by QHWRA and are not used by the HA. They are detailed below for historical reference and in the event that federal legislation later requires.

During the eligibility process, all applicants will be given the opportunity to show that they qualify for a federal preference.

## Mandatory Preference

Elderly families (including disabled persons and handicapped persons) and persons displaced by disaster shall be given a preference over other single persons.

## Federal Preference Categories

Families who are made eligible for a preference by federal regulations include:

- Families involuntarily displaced
- Families currently living in substandard housing
- Families who are currently paying more than 50% of their income for rent and utilities

### 1. Involuntary Displacement

Involuntarily displaced applicants are applicants who have or will (within no more than six months from the date of certification or verification) vacate housing as a result of:

- a. A natural disaster (fire, flood, etc.).
- b. No-fault eviction due to Federal, state or local government action related to code enforcement, or public improvement or development.
- c. Action by a housing owner that is beyond an applicant's ability to control, that occurs despite the applicant's having met all previous conditions of occupancy, and is other than a rent increase. If the owner is a parent and there has been no previous rental agreement and the applicant has been part of the owner's family immediately prior to initial application, the applicant will not be considered involuntarily displaced, unless the family is living in overcrowded conditions when the HA's Section 8 occupancy standards are applied.
- d. Victim of hate crime.
- e. Threat of reprisal.
- f. Handicap inaccessibility and the applicant qualifies as disabled/handicapped. For purposes of this section, reasons for an applicant's having to vacate a housing unit include but are not limited to:
  - Conversion of an applicant's housing unit to non-rental or non-residential use;
  - Closure of an applicant's housing unit for rehabilitation or non-residential use;
  - Notice to an applicant that s/he must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy. Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred.
  - Any other legally authorized act that results, or will result, in the withdrawal by the owner of the unit or structure from the rental market.
- g. Actual or threatened domestic abuse directed against the applicant or the applicant's family by a spouse or other household member.

Such "actual" or "threatened" abuse must have occurred within the last 24 months or be of a continuing nature and be verified by a professional outside source.

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.

## **2. Standard Replacement Housing**

Applicants who have actually been displaced must not be living in "standard, permanent replacement housing," which is defined as housing that is decent, safe, and sanitary, that is adequate for the family size (according to Housing Quality Standards), and that the family is occupying pursuant to a lease or occupancy agreement.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of Victims of Domestic Violence) does not include housing in which the applicant lives with the individual who engages in such violence.

## **3. Substandard Housing**

a. Is dilapidated (does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of family).

[A unit is dilapidated if the Inspector for the Department of Community Services determines that the unit does not provide safe and adequate shelter and, in its present condition, endangers the health, safety, or well being of a family, or it has one or more critical defects or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction or they may result from continued neglect or lack of repair or from serious damage to the structure.]

b. Does not have operable indoor plumbing.

c. Does not have usable flush toilet in the unit for the exclusive use of the family.

d. Does not have usable bathtub or shower in unit for exclusive family use.

e. Does not have adequate, safe electrical service.

f. Does not have an adequate, safe source of heat.

g. Should, but does not, have a kitchen.

h. Has been declared unfit for habitation by a government agency.

Single Room Occupancy (SRO) Housing is not substandard solely because it does not contain sanitary and/or food preparation facilities in the unit.

An applicant who is a "Homeless Family" is considered to be living in substandard housing. "Homeless Families":

a. Lack a fixed, regular, adequate nighttime residence, AND

b. Have a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations, or an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not ordinarily used as a sleeping accommodation for human beings.

"Homeless Family" does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress.

## **4. 50% of Income for Rent**

### **Section 8 Administrative Plan (revised January 2000)**

Families paying more than 50% of their income for rent and utilities will receive this preference.

The definition of this preference involves definition of two terms: "family income" and "rent."

For purposes of the Preference Rule, "family income" is monthly income as defined in 24 CFR 813.102.

"Rent" is defined as:

a. The actual amount due under a lease or written occupancy agreement (calculated on a monthly basis), plus, if the family is subletting, the lessor must have the legal right to sublease.

If the owner is a parent and there has been no previous rental agreement and the applicant has been part of the owner's family immediately prior to initial application, the living arrangement is ineligible to be considered for the rent burden.

b. The monthly amount of tenant-supplied utilities in the tenant's name (or any household name), which can be either:

(1) The HA's reasonable estimate of the cost of such utilities, using the Section 8 Utility Allowance Schedule, or

(2) The average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of the past six months will be used.

An applicant family may choose which method it desires to be used to calculate utilities.

Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable rent amount, to the extent that these amounts are not included in family income.

If an applicant owns a mobile home, but rents the space upon which it is located, then rent must include the monthly payment made to amortize the purchase price of the home.

Members of a cooperative are "renters" for the purposes of qualifying for the preference. In this case, rent would mean the charges under the occupancy agreement.

# Admission Requirements

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

HUD's factors for eligibility:

- Household Composition
- Income Limits
- Provision of Social Security Numbers
- Immigration Status/Citizenship
- Other Criteria for Admission that Relate to Prior History such as:
  - Participation in Federal Subsidized Programs
  - Drug Related Activity or Violent Criminal Activity

The family's initial eligibility will be made in accordance with the following factors and will be verified before final eligibility for a Voucher is determined.

## Household Composition

The applicant must qualify as a family. A family consists of:

- Two or more eligible persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law, or two or more persons who intend to share residency and have an established history of a stable relationship.
- Eligible single persons.

### Head of Household

The head of household is the person who assumes financial responsibility for the household and is designated on the application as head.

### Live-In Attendants

A family may include a live-in attendant who:

- Based on medical statement(s) provided by the attending physician, required by the HA, which allows the HA to determine what is essential to the care and well being of the elderly, handicapped or disabled family member; and
- Is not obligated for the support of the elderly, handicapped or disabled member; and
- Would not be living in the unit except to provide care of the elderly, handicapped or disabled family member; and
- Whose income will not be counted for purposes of determining eligibility or rent; and
- Who may not be considered the remaining member of the tenant family.

Relatives are excluded from being care attendants.

Live-in attendants will not qualify as the remaining member of the tenant family if the person they are attending is no longer a participant on the Section 8 Rental Assistance Program.

Family members of a live-in attendant may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and further provided that the presence of the live-in's family members do not overcrowd the unit.

To determine whether a live-in attendant is "essential to the care and well being of the elderly, handicapped or disabled person," the HA will request third-party verification from the attending physician. The request will

seek precise information as to the services and time required by the applicant from the live-in attendant in order to enable the applicant to meet the lease requirements.

Reasonable accommodation will be made in the verification process for handicapped and disabled persons. (Reasonable accommodation is detailed in Chapter 1; Verification procedures in Chapter 9.)

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

Families who are on the HA's waiting list may have a change in family composition where two parties split up and each want to retain their status (date/time) on the waiting list.

The waiting list position may be retained by either of the two new family units where there is mutual consent of the heads of the two new family units or there is a determination by a Court (for example, divorce, separation conditions) as to which new family unit is to retain the position on the HA's waiting list. Otherwise, the HA will determine which of the two new family units will continue to retain the place on the waiting list. In making this decision, the HA shall consider which family member has physical custody of the children and/or whether domestic violence was involved in the breakup.

If there are no children in the household and the parties remain eligible and cannot make a decision as to who remains the applicant, the Housing Authority will hold the application for ninety days pending a decision by the parties. After that time, if there is no decision, the Voucher will be awarded to the person who remains at the unit address listed on the application on file with the Housing Authority.

Documentation as to these factors will be the responsibility of the requesting parties. If documentation is not provided, the HA reserves the right to make the decision based on who is listed as head on the application.

An exception may be granted in the case of a battered spouse. Verification is required as detailed in Chapter 9.

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

It is possible to have what appear to be two families in the same household (such as a mother and father and daughter with her own family). If the family applies as a family unit, they shall be treated as a family unit. If one of the family units leaves the household, it may not be eligible to rejoin the household at a later date.

### **Joint Custody of Children**

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of that household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

## **Income Limitations**

Annual income (gross family income) for admission shall not exceed the very low-income limits (50% of Average Median Income for the County) as established by HUD. The HA does not provide any exception to admit low-income families (80% of AMI). For purposes of eligibility, no deductions are considered when calculating annual income; deductions are only applicable to tenant rent calculations once admitted to the program.

## **Mandatory Provision of Social Security Numbers**

Families are required to provide Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration.

All members of the family defined above must either:

- Submit Social Security Number documentation; or
- Show proof of application for a duplicate or new social security card to be issued. Any family member who obtains a Social Security Number after admission shall submit the information at the next regularly scheduled income reexamination.

Verification is based on the applicant's provision of a valid Social Security Card issued by the Social Security Administration.

New family members will be required to produce their Social Security Cards at the time of their admission. This information is to be provided within 30 days of the time the change in family composition is reported to the HA, whether at the time of the annual or requested interim reexamination. If documentation is not provided, the family's assistance will be terminated.

In the case of an elderly individual at least 62 years of age, the HA may grant an extension for an additional 30 calendar days (total 60 calendar days). If at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

## **Immigration/Citizenship Status**

According to HUD Regulation 24 CFR, Section 214 all categories of non-citizens who are authorized to reside in the United States are not necessarily authorized to receive HUD housing assistance. Financial assistance is contingent upon the submission and verification, as appropriate, of the evidence of citizenship or eligible immigration status.

All Section 8 household members or applicants are required to complete a Declaration of Citizenship form. Assistance will be prorated, denied, or terminated, as appropriate in accordance with federal regulations, upon a final determination of ineligibility. In the event there are some household members who are not eligible for assistance, Section 8 assistance will be prorated based on tenant family mix.

Failure to complete this form will result in delay, denial, or termination of assistance under the Section 8 Program.

The following verifications will be required to support the declared status:

### **Proof of Citizenship**

- Birth Certificate
- Naturalization Papers

### **Eligible Immigration Documents**

- Alien Registration Receipt Card
- Arrival-Departure Record (annotated or not annotated)
- Temporary Resident Card
- Employment Authorization Card
- Receipt issued by INS for issuance of replacement of any of the above

## **Criminal Activity Screening**

To be determined eligible, the family must not previously or currently engage in drug-related criminal activity or violent criminal activity, including criminal activity by any family member.

The HA will attempt to obtain information to the maximum allowable within federal regulations. Procedures will be modified periodically to take advantage of changing federal regulations, which are becoming more lenient in increasing HA access to information. Regardless, the inquiries will be standardized and directed at all applicants by the inclusion of the inquiry on the application form and searches of public records.

Currently, screening will be composed of routine inquiries of the family, public record searches, and any other information provided to the HA.

**Drug-related activity** includes:

- Manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute a controlled substance (as defined in the Controlled Substance Act);
- The use or possession (other than with intent to manufacture, sell, or distribute), of a controlled substance, except that such use or possession must have occurred within one year before the date that the HA provides notice to an applicant or participant of the HA's determination to deny admission or terminate assistance.

While HUD mandates HA denial for activities related to specific controlled substances, the HA applies the most stringent standard to all drug activity.

**Violent criminal activity** includes any 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.

Verification of any past activity will occur at final eligibility and may include a check of court conviction records.

If a preponderance of the evidence demonstrates that drug-related or violent criminal activity has occurred, the family will be denied assistance. Exceptions may be made, in the sole discretion of the Chief of Housing & Community Development, if the applicant can substantiate rehabilitation or reform as evidenced by completion of a drug rehabilitation program, working with an assistance agency on self-sufficiency skills, obtaining GED, documentation that the activity was performed in self defense (particularly if the applicant was in an abusive relationship).

## **Previous Activities in Federally Assisted Housing**

### **Fraud**

A family who was a previous recipient of federal housing assistance and was terminated due to program fraud or abuse will not be eligible for assistance through Charles County's tenant-based program.

### **Outstanding Debts**

A family who owes any outstanding debt to the HA, another HA, or federal project, arising out of any previous tenancy must pay the outstanding debt, or the family must enter into a Repayment Agreement. If the family is current on the Repayment Agreement as of final eligibility determination, the Repayment Agreement can continue and the Voucher may be issued.

### **Eviction**

Assistance will be denied if the family has ever been evicted from any federally assisted housing.

### **Previous Termination based on Drug-Related or Violent Criminal Activity**

If the family, as a previous participant in the Section 8 Program, was terminated for drug-related or violent criminal activity by a family member, assistance will be denied; however, if that family member is no longer a member of the household and will not be a member of the household after the family is admitted, the family may be admitted but will be required to sign an agreement that the family member will not reside with the family. If the family violates the agreement, the family will be subject to termination of assistance.

### **Suitability of Family as Tenants**

In issuing its Vouchers, the HA does not screen for factors which relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen Voucher holders as to suitability and acceptability. Such factors include (but are not limited to) prior rent paying history, outstanding debts owed to previous owners, history of damage to rental properties, police record, employment, etc. The HA is required to provide to any prospective landlord the name, address, and telephone number of both the current landlord and previous landlord of any participant.

### **Changes that Occur between Eligibility Determination & Contract Execution**

Changes that occur during this period will affect eligibility to lease the unit. For example, if a single person is pregnant and aborts between final eligibility determination and effective lease date, if the family goes over the income

limits, or if a single person loses the disability status which was necessary to establish eligibility, the individual will not continue to be eligible for the program and will be notified of their ineligible status in writing; an informal review may be held consistent with procedures outlined in this Administrative Plan.

## **Ineligible Families**

Ineligible families will be subject to the grievance requirements detailed in this Administrative Plan.

# Household Composition

## Definitions

A family consists of:

- Two or more eligible persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law, or two or more persons who intend to share residency and have an established history of a stable relationship.
- Eligible single persons.

The head of household is the person who assumes financial responsibility for the household and is designated on the application as head.

A child is defined as a minor who is a person under the age of 18 who is neither head nor spouse.

## Joint Custody of Children

If children are a part of an assisted household pursuant to a court-ordered joint custody agreement, a document from the court indicating the nature of the custody should be submitted.

If both families are on the program or the waiting list, the child may be claimed by only one parent. The parents will be encouraged to make a decision as to which parent claims the child as a family member. If there is no agreement by both parties, "51% of the time" is defined as 183 days of the year (which do not have to run consecutively).

Children who are subject to a joint custody agreement but live in the unit at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

## Multiple Families in the Same Household

It is possible to have what appear to be two families in the same household (such as a mother and father and daughter with her own family). If the family applies as a family unit, they shall be treated as a family unit. If one of the family units leaves the household, it may not be eligible to rejoin the household at a later date.

## Visitors

Visitors are allowed to stay for up to 14 days in a calendar year. Visitors are not members of the family. If the person is a visitor and does not intend to become a "permanent" member of the family, the HA does not have to consider this a change in family composition.

Visitors who stay longer than the specified period must have written permission of the landlord and be approved by the HA. Any adult visitor who has been in the unit more than 14 days (construed as overnight stays) in a 12-month period will be considered to be living in the unit as a household member.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 150 days per year without being considered members of the household, as long as they have written permission of the owner/manager to

stay longer than 14 days.

In addition, in a joint custody arrangement, if the minor is in the household less than 183 days per year, the minor will be considered to be an eligible visitor and not a family member.

## Special Family Circumstances

If the family includes a child who is temporarily absent from the home due to foster care, the HA will take the following steps:

- Person(s) contributing to the decision as to whether and when the child may be returned to the family will be consulted.
- If the consultant confirms in writing that the child will be returned to the household within the next 90 calendar days, to the best of his/her knowledge, the child will be considered a household member (the family will retain the Voucher size issued)
- If the consultant does not make this confirmation, the situation will be reevaluated after 90 days.
- If the children are projected to be out of the home for more than six months from the initial removal date, the children will not be considered household members.
- If the parent has no other children in the home, the parent will retain his/her eligibility as a remaining member of the tenant family. S/he will be issued an applicable Voucher size.

If the HA has determined that both parents must leave the household and the Department of Social Services and/or the Juvenile Court has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, then the HA will treat that adult as a visitor for **60** days.

After that period, the HA will determine whether court-awarded custody or legal guardianship has been granted to the caretaker. If so, the Voucher will be transferred to the caretaker.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the HA will secure verification from the human services staff or attorney as to the status. The caretaker will be allowed to remain in the unit as a visitor until a determination of custody is made.

This process does not preclude the fact that the landlord may choose not to lease to the new adult caretaker. The HA will work with the appropriate service agencies and the landlord to provide a smooth transition of the process(es) involved in these cases.

## Spouse/Adult Family Member

If the spouse leaves the household, the family must report the change in family composition to the HA, stating that the spouse is permanently absent.

The spouse will be determined permanently absent if the family declares that the spouse has been gone for more than 90 days of the recertification period and declares by notarized statement, or other legal document that the spouse is permanently absent.

The 90 days specified in this section starts from the time the remaining family spouse reported the change in family composition or the spouse actually left the unit, whichever is earlier.

Persons who report that a spouse has left the household in this situation must provide adequate proof of absence if they are to be considered permanently absent during the first 90 days.

If the spouse leaves the household and the period of time is less than 90 days, the family member will be determined temporarily absent unless the verification(s) specified in Chapter 9. Verifications are provided.

If the family member with children gives notice to the HA before vacating the unit, the HA will discuss the situation and make a determination as to who will retain the Voucher in accordance with this Administrative Plan.

## **Adult Child Considerations**

If an adult child goes into the military and leaves the household, they will be determined permanently absent.

A student (other than husband or wife) who attends school less than 150 miles away from home but who lives with the family during school recesses may be considered permanently absent (income not counted, not on lease, not counted for Voucher size) or temporarily absent (income counted, on lease, counted for Voucher size) at the family's option.

## **Sole Member of Household**

If the sole member of the household has to leave the household for more than 90 days, the unit will not be considered to be their principal place of residence and their Section 8 assistance will be terminated unless the participant requests an extension by submitting documentation from a reliable medical source that s/he will return within a maximum of six months (an additional three months).

If the sole member of the household has to leave the household to go to the hospital or nursing home, advice from a reliable medical source will be obtained as to the likelihood and timing of their return. If the medical source feels they will be permanently confined to a nursing home, they will be considered permanently absent. If they are temporarily confined, they will not be considered permanently absent. In no event, however, will the unit be considered their principal place of residence when they are out of the household for more than six consecutive months.

## **Temporarily /Permanently Absent**

Families must report in writing to the HA any absence from the household of more than 30 consecutive days and shall report the change to the owner, consistent with the lease provisions.

If a household member is absent for 30 or fewer days, the individual will retain status as a household member; if the individual is absent longer than 30 days, and is not governed by other criteria defined in this chapter (such as college students, etc.) the individual will not be considered a household member and will be subject to the regulations governing visitors.

Special situations will be tested as detailed below:

■ If the household leaves the assisted unit for more than 90 days in a calendar year, except for medical circumstances described below, the unit will not be considered to be their principal place of residence and their assistance will be terminated.

■ If the sole member of the household leaves the household for more than 90 days in a calendar year, the unit will not be considered to be the principal place of residence, and the Section 8 assistance will be terminated unless the participant requests an extension by submitting documentation from a reliable medical source that s/he will return within a maximum of 180 days (an additional 90 days.)

■ If a member of the household is subject to an order of protection that excludes a household member from the home, that excluded person will be removed from the household during the period the court order is in effect.

## Live-In Attendants

A family may include a live-in attendant who:

- Based on medical statement(s) provided by the attending physician, required by the HA, which allows the HA to determine what is essential to the care and well being of the elderly, handicapped or disabled family member; and
- Is not obligated for the support of the elderly, handicapped or disabled member; and
- Would not be living in the unit except to provide care of the elderly, handicapped or disabled family member; and
- Whose income will not be counted for purposes of determining eligibility or rent; and
- Who may not be considered the remaining member of the tenant family.

Relatives are excluded from being care attendants.

Live-in attendants will not qualify as the remaining member of the tenant family if the person they are attending is no longer a participant on the Section 8 Rental Assistance Program.

Family members of a live-in attendant may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and further provided that the presence of the live-in's family members do not overcrowd the unit.

To determine whether a live-in attendant is "essential to the care and well being of the elderly, handicapped or disabled person," the HA will request third-party verification from the attending physician. The request will seek precise information as to the services and time required by the applicant from the live-in attendant in order to enable the applicant to meet the lease requirements.

Reasonable accommodation will be made in the verification process for handicapped and disabled persons. (Reasonable accommodation is detailed in Chapter 1; Verification procedures in Chapter 9.)

## Reporting Requirements

The family must report any changes in household composition and the existence of visitors to both the HA and the owner. Both the HA and the owner must approve changes and visitors.

In the case of the minor staying longer than the time period specified in this section of the plan, or college students who were part of the family but who now live away from home during the school year and are not counted as family members, permission must be obtained from the owner, allowing them to continue in residence as a visitor, with a copy to the HA.

The family will need to declare a member as permanently or temporarily absent in writing to the HA. The HA will advise the family at that time, or at reexamination, what the options are and how it might affect the total tenant payment or the Voucher size.

The family will be counseled at briefings and reexamination on the effect of the permanently/temporarily absent policy on rent and/or Voucher size.

# Occupancy Standards

Occupancy Standards are based on the size of the household, which is based on the family's composition as detailed in this Administrative Plan.

## Voucher Size Issued

HUD guidelines require that the HA establish occupancy standards for the determination of Voucher bedroom size and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards for the Voucher size also must meet the minimum requirements of HUD's Housing Quality Standards.

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

The occupancy standards for Voucher issuance are set up to determine the size of the Voucher to be issued. The HA does not limit who shares a bedroom/sleeping room.

Families will not be required to use rooms other than bedrooms for sleeping purposes in the Voucher size determination.

These general guidelines are used in determining Voucher size:

<u>Voucher Size</u>	<u>Minimum # Persons</u>	<u>Maximum # Persons</u>
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	6	10
6 BR	8	12

- The head (and spouse or significant other, if applicable) of household will be eligible for a separate bedroom.
- Persons of the same sex, but of different generations, and persons of the opposite sex over the age of 7 (other than spouses or significant others), should have separate bedrooms.
- Units will be assigned so that a minimum of one person will occupy each bedroom.
- Foster children will be included in determining unit size.
- Space may be provided for a child who is away at school but who lives with the family during school recesses.
- Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military or incarcerated.

The HA shall grant exceptions from the standards if the HA determines that the exceptions are justified by the relationship, age, and sex, or the health or handicap of family members, or other individual circumstances, such as:

- Persons who, because of verified medical reasons, cannot share a bedroom.
- An elderly, handicapped, or disabled person who requires a live-in attendant.

- Children of the same sex with more than ten years of age difference. (A child is defined as a minor who is a person under the age of 18 who is neither head nor spouse.)
- Different generations. (Generations are defined by decades.)

The HA will consider the request according to the conditions outlined in this plan and determine whether or not the request will be granted. The necessity for an exception to unit size standards must be verified and documented. The granting of the exception shall be at the discretion of the HA.

## Changes to Voucher Size

### Voucher Issuance Prior to Lease

If there has been a permissible change in family composition, the family will be issued the appropriate bedroom size.

### Voucher Issuance After Lease

The family may request a larger bedroom size Voucher, based on an increase in family size or other circumstances, by submitting to the HA in writing a request for a larger size Voucher; the request must detail the justification for the request.

When the household size or family circumstances permit the issuance of another size Voucher, the HA will only issue a change in Voucher size when the family is being recertified or in the process of moving to a new unit.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs that is not currently covered in this policy, the case will be taken to the Chief of Housing & Community Development who will review the situation, depending on the individual circumstances and the verification provided.

## Unit Size Selected

The family may select a different size dwelling than that listed on the Voucher, except for single, non-elderly, non-disabled households who are required to select only one bedroom units.

There are three criteria related to occupancy standards and Voucher size to consider when calculating tenant rent:

- Voucher Payment Standard—The HA must always use the Payment Standard for the lower of the family size or unit size.
- Utility Allowance—The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.
- Housing Quality Standards—HQS Standards allow two persons per living/sleeping room and would permit the following maximum occupancy, assuming the family opts to use a living room as a living/sleeping area:

<u>Bedrooms Present</u>	<u>Maximum Occupancy</u>
1	4
2	6
3	8
4	10
5	12
6	14

# Income Considerations

## General Policy

Income and the total tenant payment are calculated in accordance with 24 CFR Part 982.

Annual Income is used to determine whether the family is within the income limits. Annual income is defined as the gross amount of income (prior to deductions) anticipated to be received by the family during the 12 months after certification or recertification.

The HA must compute all income of every family member who is on the lease, including those who are temporarily absent. In addition, the HA must count the income of the spouse of the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted.

HUD has five allowable deductions from annual income. When these applicable deductions are made from annual income, the result is adjusted income. Both annual and adjusted income figure into the rent calculation.

## Determining Annual Income

There are two ways to calculate annual income:

- Annualize the current income. When this method is used, the HA will conduct subsequent interim reexamination as income changes.
- Average the annual income based on two most recent Income Tax Returns. This method will be used for families whose annual income cannot be projected with any reasonable degree of accuracy. No interim adjustments will be done unless income changes dramatically.

The HA will use the annualize current income method for families unless approved by the Chief of Housing & Community Development to use the annual averaging method.

If there are bonuses to be anticipated, but the employer does not know how much the bonus will be, the bonus from last year, if any, will be used for calculation purposes.

If, by averaging, a reasonable estimate can be made, that estimate is to be used to anticipate annual income over the next 12 months, instead of changing the HAP every month as the income fluctuates.

## Minimum Income

There is no minimum income requirement, but staff will interview the family extensively to determine whether income exists that is not being reported.

Families who report zero income will be required to complete a certification every sixty days to verify the source of income towards payment of utility bills and any other household expense.

Families may not be required to apply for social services benefits, but it may be suggested to them.

## Temporarily Absent Family Member's Income

Income of temporarily absent family members is included in household income.

If the spouse or the head of household is temporarily absent, his/her entire income is counted, whether or not s/he is on the lease. The decision as to whether the person is considered temporarily absent will be made in accordance with Chapter 6.

If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay that HUD may promulgate, such as Operation Desert Storm income) are counted as income.

## **Income of Person Permanently Confined to Nursing Home**

If a person is permanently confined to the hospital or nursing home, and there is a family member left in the household, the HA will calculate the income, using both of the following methods:

■ If the income of the confined person goes directly to the nursing home, the income of the person permanently confined to the nursing home will be excluded, and the assisted family will not receive medical deductions paid on behalf of the confined family member.

■ If the income of the confined person is paid to an assisted family member, the income of the person permanently confined to the nursing home is counted, and the assisted family will receive the medical deductions allowable on behalf of the person in the nursing home.

For determination as to whether the person is confined to a nursing home on a temporary or permanent basis, see the definition of Temporarily/Permanently Absent in Chapter 6.

## **Regular Contributions & Gifts**

Regular contributions and gifts received from persons outside the household are counted as income for tenant rent calculation purposes.

This includes rent and utility payments paid on behalf of the family and other cash or non-cash contributions provided on a regular basis.

It does not include casual contributions or sporadic gifts.

The HA will interview tenants and review their current bills to determine the amounts paid for utilities, phone, transportation, food, and other known household expenses to determine what regular income, including in-kind contributions, are made.

A notarized statement/affidavit will be obtained from the client, noting the source wherever possible, or third-party verification will be used where obtainable.

## **Alimony & Child Support**

Regular alimony and child support payments are counted as income for rent calculation purposes.

If the child support is not received on a regular basis, the HA must count the amount of child support in the divorce decree or separation agreement unless the HA verifies that the income is not received by requiring a child support payment history from the Child Support Enforcement Division of the Department of Social Services (or other authorized agency).

In order to calculate with any amount other than the amount in the award, the HA must obtain a certification from the tenant as to how much is being received on an annual basis and must have documentation in the

file that the family has filed with the agency responsible for enforcing the payments.

When a report is received from the Child Support Enforcement Division, the HA will use the amount received over the last three months if no projection of anticipated income can be made.

If the income fluctuates, a review can be made quarterly to adjust rental payments.

Where there is no report, or where there is disagreement in the amount received in the verification documents or statements, or where families have stated that they have never filed with an agency to enforce payments, the HA will request information from the Child Support Enforcement Division.

The HA will also request a copy of the divorce decree from the Clerk of Court if the family states that there is a decree but cannot produce it.

The HA may also verify information with the former spouse.

## **Lump-Sum Receipts**

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

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

Lump-sum payments caused by delays in processing periodic payments of Social Security or SSI are excluded from income.

Treatment of accumulated periodic payments because the income was deferred due to a dispute is handled no differently than periodic payments which are deferred because of processing problems.

The calculation will be performed retroactively for the time period the family was on the program.

### **Retroactive Calculation Methodology**

The HA will calculate the lump sum retroactively, going back to the date the lump-sum payment was to be considered, as long as that date is not prior to program participation.

The HA will determine the amount of income for each year, recalculate the rent for each year, and determine the rent due the HA against the lump-sum amount.

The tenant has the choice of paying this "retroactive" rent to the HA in a lump sum or may request a Repayment Agreement. Approval to execute a Repayment Agreement is at the discretion of the HA.

The tenant officially owes this money to the HA whether or not s/he chooses to continue to reside in any of their housing programs.

### **Attorney Fees**

Attorney fees may be deducted from lump-sum payments when computing annual income when the attorney's efforts have recovered a lump-sum compensation for the wrongful reduction or denial of a periodic payment and the recovery does not include an additional amount in full satisfaction of the attorney fees.

In these situations, the tenant does not actually recover the entire amount of the past-due periodic payments because s/he must pay the attorney fees.

This situation does not include those in which an amount is withheld from funds otherwise due the tenant to satisfy legitimate financial obligations unrelated to obtaining the income such as:

- Withholding from wages to apply to child support, alimony or a judgment creditor.
- Garnishment for failure to pay child support, alimony, or a judgement creditor.

The situation does not include those where a tenant incurs attorney fees unrelated to asserting a right to a source of income or where no income results from the attorney's actions. These are the financial responsibility of the tenant and are not deducted in determining annual income.

## Contributions to Retirement Funds

While an individual is employed, only amounts the family can withdraw from retirement/pension without retiring or terminating employment will be counted.

After retirement or termination of employment, any amount the employee elects to receive as a lump sum will be counted.

## Grants & Scholarships

Educational scholarships include various educational entitlements, grants, work-study programs, and financial aid packages other than Title IV. They also include amounts received by veterans for educational purposes.

The HA will not verify how the student actually uses the funds that are provided. All amounts received from student financial assistance are excluded from annual income. Student loans will not be considered income even if part of the loan is being used for general living expenses.

If a family member (student) is attending school away from home, the family may remove the person's name from the lease and exclude that person's income completely, whether from scholarship or any other source.

## Assets Disposed of for Less than Fair Market Value

The HA must count assets disposed of for less than fair market value during the two years preceding examination or reexamination. The HA will count the difference between the market value and the actual payment received.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Generally, assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

HUD does not specify a minimum threshold for counting assets disposed of for less than fair market value but allows HAs to establish a threshold in the Administrative Plan that will enable them to ignore small amounts such as charitable contributions.

The HA's minimum threshold for counting assets disposed of for less than fair market value is \$1,000. If the total amount of assets disposed of within a one-year period is less than \$1,000, they will not be considered an asset for the two-year period.

If the total amount of assets disposed of within a one-year period is more than **\$1,000**, all assets disposed of for less than fair market value will be counted as assets for two years from the date the asset was disposed of.

## Child Care Expenses

A child care deduction will not be given for children under 13 years of age attending a private school rather than a public school. However, if the private school also provides day care or after-school care in addition to regular school hours for school-age children, the after-hours care can be counted as child care expenses, as long as the family is eligible for child care deduction.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Those adult members who would be considered unable to care for the child include:

- The adult member in a documented child abuse situation.
- A medically disabled or older person unable to take care of a small child, determined by doctor's statement.

The reasonableness standard for allowing child care expenses as a deduction uses the following standards:

### Child Care for Work

The maximum child care allowed will be based on the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

### Child Care for School

The HA will compare the number of hours the family member is attending school and base the reasonableness standard on the number of hours attending school (with the addition of reasonable travel time to and from school) versus the number of hours claimed for child care.

### Rate of Expense

The HA will survey the local day care providers in the area/community/collect data to determine a reasonableness standard. The determination will be made only on a reasonable rate.

If the HA feels the child care is unreasonable according to this standard, the standard will be used as the maximum.

If the child care provider is an unlicensed individual, the individual must provide their Social Security Number and a notarized statement of the amount that individual is being paid or a child care allowance will not be given.

## Medical Expenses

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

Nonprescription medicines must be doctor-recommended with a specific dosage, or the dosage may be based on past-history receipts with verified current expenses projected for the dosage on the receipts provided, in order to be considered as a medical expense.

## Welfare Assistance

The HA will use the gross amount of general assistance for which the family is eligible, even if the benefit is reduced due to an overpayment.

If the family's benefits such as Social Security or AFDC were reduced through no fault of the family, other than the reduction for Medicare benefits for Social Security or for the Assisted Housing deduction for AFDC, the HA will use the net amount of the benefit.

If the family's benefits were reduced due to family error, omission, or misreporting, the gross amount of the benefit will be used as income.

If the family's benefits were reduced based on failure to comply with work requirements, the reduction will not be acknowledged and calculations will be based on the amount of the family's benefits prior to the reduction. The HA will attempt to obtain a determination from the Department of Social Services as to whether a reduction is based on non-compliance or fraud.

# Verification Procedures

## General Policy

The HA verifies family income, family composition, status of full-time students, value of assets, factors allowing a preference, and other factors relating to eligibility determinations before an applicant is issued a Voucher.

Families will be required to sign an authorization for release of information, which will be used to obtain tax information from the State Comptroller and to obtain other third party verifications, as noted below.

## Release of Information

At the enrollment interview and all certifications, all adults 18 years of age and older will be asked to sign appropriate verification forms as well as a local authorization and HUD Form 9886. Each member so required to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Each verification form will contain the appropriate family members' signature as proof of:

- Their consent to the third party for release of specified information.
- Evidence of their understanding of the type/nature of information being sought.

Family refusal to cooperate with the HUD prescribed verification system will result in the termination of the household's application and will result in ineligibility status.

## Methods of Verification

In the order presented, the HA will attempt to effectuate:

### Third-Party Verification

Third-party verification is considered to be the most effective means of verifying information provided by the family. Verification and Release of Information forms will be mailed to the appropriate third party with a request that the form be returned via mail. Applicants/tenants are not to handle third-party documents.

In the event that third-party written verification is not possible due to an unwillingness by the source to respond or in the event that the information is not returned within a four-week period, staff will note the file accordingly and then to proceed with the third-party oral verification as the primary source.

Oral verification will be effectuated through a phone call to the source or via an "in person" meeting. When third-party oral verification is used, staff will be required to complete a form noting whom they spoke with, the date of the conversation, and the nature (facts provided) of the conversation.

When the HA uses oral third-party verification, documentation to the file will be prepared by the staff person in the form of a telephone verification form or note to the file.

### Computer Matching; Computer Printouts

The HA will obtain through HUD and/or other State agencies, to the maximum extent available, reports related to results of computer matching.

Additionally, many agencies have implemented the use of computer-generated forms in responding to the HA request for third-party written verification. The HA may accept all such computer forms as documentation

of third-party written verification. Entities known to use such forms may include (but are not limited to):

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board, including State disability
- Child Support through Agency Enforcement
- Pharmacies (for prescription drugs)
- Employers

### **Review of Documents**

Staff will request that the family bring in actual documents at the time of the interview.

All such documents, excluding government checks, will be photocopied and retained in the family's file. No government checks will be photocopied! **It is illegal to photocopy a federal government check.** Where review of documents occurs and forms cannot be photocopied, staff viewing document(s) will be required to complete proper file documentation.

### **Family Notarized Statement/Affidavit**

When verification cannot be effectuated by either form of third-party verification or review of documents, families will be required to submit a notarized statement/affidavit.

## **Items to be Verified**

- **All Income** unless specifically excluded by the regulations.
- **Current Assets** (for those assets disposed of for less than fair market value in preceding two years, verification will simply be a self-certification).
- **Full-Time Student (FTS) Status** (as defined by the institution for persons carrying equivalent of what the school considers to be full time for "day" students) - includes High School students who are 18 or over.
- **Total Medical Expenses** for elderly families only, whose head or spouse is 62 years of age or older or handicapped or disabled according to the HUD definition.
- **Child Care Expenses** where it allows an adult family member to be gainfully employed or to further their education.
- **Handicapped Assistance Expenses** to include only those costs associated with attendant care or auxiliary apparatus that allows an adult family member to be gainfully employed.
- **Family Requesting a Larger Subsidy Unit than Applicable** under the HA's Occupancy Standards (only where family can show that larger unit is needed for medical purposes or other extenuating circumstances).
- **Seasonal or Sporadic Employment**
- **Waiting List Preferences**
- **Zero-Income**

## **Verifying Factors of Eligibility**

### **Waiting List Preferences**

- **Residency**—The HA will use leases, utility bills, employer records, school records, driver's licenses, voter registration records, Social Service administrative records, or credit reports to verify residency.
- **Job Training**—The HA will require documentation from the accredited school providing the training or documentation from an outside agency monitoring/providing the training program.
- **SAFAH Program**—Documentation will be required from the Department of Social Services or the shelter providing the follow up case management.

### **Identity/Family Composition**

The following types of verification will be acceptable as methods to document families' statements regarding family status.

- The HA will require a birth certificate for all household members.
- For marriage, use legal certificate of marriage to verify relationship.

For stable family relationship, use these types of proof:

- Joint bank accounts, purchases or loans.
- Prior or current lease or rental agreements showing cohabitation.
- Credit report showing residence and joint financial activity.

Other verification for adults when birth certificate is not obtainable could include one of these forms:

- Naturalization papers
- Baptismal certificate
- Legal driver's license
- US military discharge
- US passport
- Health and Human Services ID
- Social Security ID
- Department of Motor Vehicles Identification Card

Other verification for minors could include one of these forms:

- Baptismal Certificate
- Adoption papers
- Custody agreement
- Health and Human Services ID

If none of these documents can be provided, a third party who knows the person may be used for verification.

Verification of divorce status would be accomplished by viewing a copy of the divorce decree, signed by a Court Officer.

Verification of a separation would be a copy of court-ordered maintenance.

Verification of guardianship would be:

- Court-ordered assignment.
- Verification from social services agency.

### **Domestic Violence**

Individuals who claim they are victims of domestic violence must provide written verification from one or more of the following: local police, social services agency, court, clergyman, physician, and/or public or private facility giving shelter and/or counseling to victims.

### **Live-In Attendant**

To determine whether a live-in attendant is "essential to the care and well being of the elderly, handicapped, or disabled person," the HA will request third-party verification(s) from reliable medical source(s) familiar with the needs of the applicant requesting HA approval of a live-in attendant. The request will seek precise information as to the services and time required by the Applicant from the live-in attendant in order to enable the applicant to meet the lease requirements.

### **Special Family Circumstances: Absence of Spouse/Adult Member**

If the spouse leaves the household and the period of time is less than 90 days, the family member will be

determined temporarily absent unless one of these verifications are provided (in this order):

- Husband or wife institutes divorce action or legal separation (spouse).
- Order of protection (e.g. exparte order).

Acceptable forms of verification include proof that the absent adult is living in another location such as utility bills, canceled checks for rent, drivers license or lease or rental agreement in their name at another location or employment verification of their home address. If such verification cannot be obtained, the HA will consider statements from other agencies such as the Department of Social Services or from the owner or manager of the assisted unit.

If the adult is incarcerated, a document from the Court or prison or a statement from their attorney or Probation Officer should be obtained as to how long they will be incarcerated.

If no other proof can be provided, the HA may accept a notarized statement from the family. A notarized statement will not be accepted if the HA is investigating the family for related fraud.

### **Social Security Number**

Verification of numbers will be done through the provision of a valid Social Security Card issued by the Social Security Administration. If a family member does not possess a valid Social Security Card, the family member must apply for a duplicate Social Security card.

### **Citizenship or Eligible Immigration Status**

Proof of Citizenship

- Birth Certificate
- Naturalization Papers

Eligible Immigration Documents

- Alien Registration Receipt Card
- Arrival-Departure Record (annotated or not annotated)
- Temporary Resident Card
- Receipt issued by INS for issuance of replacement of any of the above.

## **Minimum Income Verification**

Families with zero income will be required to report to the HA every 60 days. Families alleging to have no income may be required to execute verification forms to determine that the more obvious forms of income such as unemployment benefits, AFDC, SSI, etc. are not being received by the household. The responses from these types of sources will then serve as third-party independent verification. A certification will be completed.

Additionally, the HA may request a credit report on these families to determine if there are any monies being paid on behalf of the household on a regularly recurring basis that should be included as income for rent determination purposes.

## **Acceptable Forms of Income/Expense Verification**

Specific information must be obtained from third-party sources to verify the information provided by the applicant. The following verification information will be considered acceptable by the HA in the order listed:

### **Employment Income**

Any verification form MUST request the employer to specify the:

- Amount and frequency of pay;
- Effective date of the last pay increase; and
- Probability and effective date of any increase during the next 12 months.

Acceptable forms of verification include (in this order):

1. Employment verification form completed by the employer.
2. Check stubs or earning statements showing the employee's gross pay per pay period and frequency of pay.
3. W-2 forms if the family has had the same job for at least two years and pay increases can be accurately projected.
4. Notarized statements, affidavits, or income tax returns signed by the applicant family describing self-employment and amount of income or income from tips and other gratuities.

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

1. Computer matching: HUD's TEVS system.
2. Benefit verification form completed by agency providing the benefits.
3. Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letters cannot be obtained.)

#### **Unemployment Compensation**

1. Verification form or computer reports completed by the unemployment compensation agency.
2. Records from unemployment office stating payment dates and amounts.

#### **Welfare**

Welfare or Social Services written statements as to type and amount of assistance the family is now receiving, and any changes in assistance expected during the next 12 months.

#### **Alimony or Child Support Payments**

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. Report from the Child Support Enforcement Division and the Department of Social Services office for the disregard payment.
3. A letter from the person paying the support.
4. Copy of latest check. HA must record the date, amount, and number of the check.
5. Family's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

If payments are irregular:

1. Copy of separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. Statement from agency responsible for enforcing payments to show that family has filed.
3. Family's notarized statement or affidavit of amount received.

#### **Net Income from a Business**

The following documents show income for the prior years. HAs must consult with applicants and use this data to estimate income for the next 12 months.

1. IRS Tax Return, Form 1040, including any:
  - Schedule C (Small Business)
  - Schedule E (Rental Property Income)
  - Schedule F (Farm Income)
2. Calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)
3. Audited or unaudited financial statement(s) of the business.
4. Loan application listing income derived from the business during the previous 12 months.
5. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior 12 months (or lesser period if not in business for that period) to

project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

6. Family's notarized statement or affidavit as to net income, including tips, realized from the business during previous years.

### **Child Care Business**

If a family is operating a licensed day care business and has been operating as a business, income will be verified as with any other business.

If the family is operating a "cash and carry" operation (which may or may not be licensed), verification of income received may be more difficult.

If the family has filed a tax return, the family will be required to provide it.

The HA will have the participant provide a log with the following information: name, address and telephone number of the parent whose child is being cared for, hours per week child is being cared for, rate paid for child care, method of payment (cash or check), signature of person certifying to amounts paid for child care, and, if the child care was terminated, a signed statement as to effective date from the parent whose child was cared for.

If child care services were terminated, a third-party verification will be sent to the parent whose child was cared for.

### **Recurring Gifts**

1. Family's notarized statement or affidavit that provides the required information.
2. Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.

### **Family Assets Now Held**

For non-liquid assets, collect enough information to determine the current cash value — the net amount the family would receive if the asset were converted to cash.

1. Verification forms, letters, or documents from a financial institution, broker, etc.
2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
3. Quotes from a stock broker or realty agent or a listing in the Wall Street Journal as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if tax authority uses approximate market value.
5. Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the Section 8 family.
6. Appraisals of personal property held as an investment.
7. Family's notarized statements or signed affidavits describing assets or cash held at the family's home or in safe deposit boxes.
8. Net income from a business.

### **Assets Disposed of for Less than Fair Market Value during Two Years Preceding Effective Date of Certification or Recertification**

1. The HA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding effective date of the certification or recertification.
2. If the family certifies that they did dispose of assets for less than fair market value — a certification that shows:
  - all assets disposed of for less than fair market value

- the date they disposed of the assets
- the amount the family received
- the assets' market value at the time of disposition.

#### **Savings Account Interest Income and Dividends**

1. Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.
2. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the applicant.
3. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the family.
4. If the HA accepts an IRS Form 1099 from the financial institution, the HA must adjust the information to project earnings expected for the next 12 months.

#### **Interest Income from Sale of Real Property Pursuant to a Purchase Money Mortgage, Installment Sales Contract, or Similar Arrangement**

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is NOT sufficient since appropriate breakdown of interest and principal are not included.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

#### **Rental Income from Property Owned by Family**

(HAs must adjust these amounts for changes expected during the next 12 months.)

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent checks, leases, or utility bills.
3. Documentation of family's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedules showing monthly interest expense).
4. Lessee's written statement identifying monthly payments due the family and family's affidavit as to net income realized.

#### **Full-Time Student Status**

1. Written verification from the registrar's office or appropriate school official.
2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

#### **Child Care Expenses**

1. Written verification from the person who receives the payments. If the child care provider is an individual, s/he must provide his/her Social Security Number and a notarized statement of the amount they are charging the Section 8 family for their services.
2. Verifications must specify the child care provider's name, address, phone number, and social security number; the names of the children cared for; the frequency (number of times the child care occurs); the rate of pay; and the typical yearly amount paid, including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

#### **Medical Expenses**

1. Family's certification as to whether any of those payments have been or will be reimbursed by outside sources.
2. Written verification by a doctor, hospital/clinic personnel, dentist, pharmacist, etc., of:
  - a. the estimated medical costs to be incurred by the family and of regular payments due on medical bills.
  - b. extent to which those expenses will be reimbursed by insurance or a government agency.

3. The insurance company's or employer's written confirmation of health insurance premiums to be paid by the family.
4. Social Security Administration's written confirmation of Medicare premiums to be paid by the family over the next 12 months.
5. For attendant care:
  - a. doctor's certification that the assistance of an attendant is medically necessary.
  - b. attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments).
  - c. family's certification as to whether any of those payments have been or will be reimbursed by outside sources.
6. Receipts, canceled checks, or pay stubs that indicate health insurance premium costs, etc., that verify medical costs and insurance expenses also likely to be incurred in the next 12 months.
7. Copies of payment agreements with medical facilities or canceled checks that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
8. Receipts or other record of medical expenses incurred during the past 12 months will be used to establish medical expenses. Medical insurance deductible amounts may be used as a medical expense if the total medical expenses exceed this deductible amount.

### **Medical Need for Larger Unit**

A reliable medical source must certify that such arrangements are medically necessary.

### **Assistance to Handicapped**

1. Attendant Care
  - a. Attendant's written certification as to: amount received from the family or agency; frequency of receipt of amounts paid; hours of care provided; and/or copies of canceled checks the family used to make those payments.
  - b. Certifications required in paragraph 3(B) below and/or copies of canceled checks family used to make those payments.
2. Auxiliary Apparatus
  - a. Receipts for purchases of, or evidence of monthly payments for, auxiliary apparatus.
  - b. In the case where the handicapped person is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.
3. In All Cases
  - a. Written certification from a doctor or a rehabilitation agency that the handicapped person requires the services of an attendant or the use of auxiliary apparatus to permit the handicapped person to be employed or to function sufficiently independently to enable another family member to be employed.
  - b. Family's written certification as to whether they receive reimbursement for any of the expenses in paragraph 1 and 2 above and the amount of any reimbursement received.

# Chapter 9 Appendix: Verification of Federal Preferences

## **Involuntarily Displaced**

Families who claim they are being or have been displaced due to either a disaster or government action: written verification by the displacing unit or agency of government.

Families who claim they are being or have been displaced because of actions taken by the project owner/agent: written verification by the owner or agent.

Families who claim they are being or have been displaced due to domestic violence: written verification may be obtained from one or more of the following: local police, social services agency, court, clergyman, physician, and/or public or private facility giving shelter and/or counseling to victims.

Families who claim the need to relocate because the family is a victim of hate crimes or is subject to threats of reprisals: written verification by a law enforcement agency.

Family member has a mobility or other impairment that makes the present unit unsuitable: written verification by a physician or other health care provider.

## **Substandard**

Families claiming they reside in a substandard unit: written verification by an Inspector from the Department of Community Services.

Homeless families: written verification by a public or private facility providing shelter, the local police, or a social services agency.

## **Paying More than 50 Percent of Income for Rent**

To determine monthly rental amounts, applicants must furnish copies of canceled checks, money order receipts or lease or occupancy agreement or written verification from the current owner or agent.

If there is no lease or occupancy agreement and the family is receiving public assistance, the HA may verify the amount and address with the appropriate social services agency or Social Security Administration.

If there is no lease or occupancy agreement and the family is not receiving public assistance, the HA may verify the amount and address with receipts combined with other types of verification of proof of residence, such as phone bills, driver's license, and school records indicating the address claimed will be accepted.

The HA may also require a statement of the portion of rent the family is paying.

If there is no lease or occupancy agreement, documentation provided will have to cover the prior three months of rent. If there is a lease, and the family has resided there less than three months, the HA will accept the lease and a lesser number of rent receipts.

Income must be verified in accordance with already existing HA procedures used to verify income to determine eligibility and total tenant payment.

To verify the amount paid to amortize the purchase price of a manufactured home, copies of the most recent payment receipts (may include canceled checks or money order receipts) or a copy of the current purchase agreement.

To verify the amount paid for utilities and other housing services normally included in the rent, if the Section 8 Rental Assistance Utility Allowance Schedule is not used, due to the tenant's option, copies of the most recent bills or receipts or written verification directly from the utility or service supplier.

■ Actual amount paid for utilities must be verified by requiring the family to provide copies of appropriate

bills or receipts, or obtain information directly from utility supplier.

■ Utility bills in the name of a non-family member are not acceptable, except for the landlord, as identified above.

■ Verification will be provided by (third-party verification by the utility company or bills submitted by the family). The average of the past three months will be used.

# Voucher Issuance

The issuance of Vouchers must adhere to the dollar limitations set by the budget. The HA maintains monthly reports to determine when enrollment interview should be held, the number of Vouchers to be issued based on turnover statistics, and whether or not the HA should overissue (issue more Vouchers than originally allocated). The HA may over-issue Vouchers only if necessary to meet leasing goals. All Vouchers that are over-issued must be honored as contracts, if they meet program requirements. If the HA finds itself over-leased, it will adjust future issuance of Vouchers, with the goal to stay at 100% leased.

## Briefings

### Purpose

Families to be initially issued Vouchers are required to attend briefing sessions conducted by a Housing Counselor individually with the family. (This briefing is not the same as the waiting list briefing requirement.)

The purpose of the individual family briefing is to review the Voucher holders packet in order to fully inform the family about the program so that family members will be able to discuss the program with potential participating owners and to inform the family of their rights and responsibilities.

A full briefing is not required for participant families who move to another location within the same jurisdiction. A modified briefing will be offered to mover participants.

### Attendance Requirement

All families are required to attend the briefing when they are initially issued a Certificate or Voucher. No Voucher will be issued unless the household representative has attended a briefing.

Failure to appear at scheduled briefings will result in withdrawal of the application. The applicant will be notified of such withdrawal and determination of ineligibility and of his/her right to an informal review. The family will then have to reapply for assistance unless the informal review determines the family should remain eligible.

### Voucher Briefing Packet

The briefing of Voucher holders is generally conducted by the Housing Counselor assigned case management for the family. Information provided to all Voucher recipients consists of:

1. A Certificate holder's packet containing those items required by Section 982.301(b) of the regulations including:

- Request for Tenancy Approval.
- HUD Required Lease/Tenancy Addendum.
- Fair housing information and housing discrimination complaint forms.
  
- Statement of Family Obligations.
- Information regarding lead-based paint poisoning hazards, symptoms and prevention, the availability of blood lead level screening (including its advisability for children under seven years of age) and HUD's requirements for inspecting, testing, and, in certain circumstances, abating lead-based paint.
- Details regarding Payment Standards and information on how the total tenant payment and the tenant rent to owner is calculated.
- Information concerning rent adjustments after the initial lease term.
- The schedule of utility allowances.
- Information on the HA's procedures for conducting informal hearings for participants. This

information will contain the procedures for conducting informal hearings for participants in the Housing & Community Development Division program, including a description of the circumstances in which the HA is required to provide the opportunity for an informal hearing and of the procedures for requesting a hearing.

- Information on the circumstances under which a family may request an exception to the occupancy standards.

2. A general information booklet explaining the basics of the rental program.
3. A current list of interested landlords (by request) and address of their available property.
4. Procedures for notifying HUD or the HA of program abuses such as required side payments or other overcharges and Housing Quality violations in the unit; using forms such as "Things You Should Know."
5. The HUD brochure, A Good Place to Live.
6. Conditions and procedures for notifying the HA of changes which occur between recertifications.
8. Any supplemental material the HA may deem necessary such as:
  - Section 8 Program Handbook
  - Security Deposit Information
  - Family Certifications/Declarations
  - Legal Aid Lawyer Referral Service
  - Declaration of Citizenship

### **General Policies Discussed**

In addition to the briefing requirements determined by HUD regulations, the following items shall be discussed thoroughly in the briefing session:

- The amount of the maximum security deposit that can be collected by the owner. Collection of the security deposit and any special terms provided for the payment of the deposit shall be between owner and tenant.

- The tenant's responsibilities regarding rent increases.

- The conditions in the lease under which tenancy may be terminated by the owner and the conditions under which assistance for the program may be terminated by the HA.

## **Voucher Issuance**

At the close of the briefing session, each household will be issued a Housing Voucher, which is a contract between the HA and the applicant household specifying the rights and responsibilities of each party.

### **Duration of Voucher/Expiration**

The Voucher is valid for a period of 60 calendar days from the date of issuance. Prior to expiration, the family may contact the HA to request assistance from the HA in locating suitable housing.

The family must submit a Request for Tenancy Approval and an unexecuted lease within the 60-day period unless an extension has been granted by the HA.

### **Suspensions**

As long as a Request for Tenancy Approval is submitted prior to the expiration of the Voucher, the holder may request a suspension of the expiration date of up to 14 days to accommodate inspection of the unit by the HA and any required repairs of the unit by the owner.

### **Extensions**

## **Section 8 Administrative Plan (revised January 2000)**

A family may request an extension of the Voucher time period. All requests for extensions should be received prior to the expiration date of the Voucher. Extensions are permissible at the discretion of the HA for these reasons:

- Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial 60-day period. Verification is required.
- The HA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the Housing Counselor, throughout the initial 60-day period.
- The family has turned in a Request for Tenancy Approval prior to the expiration of the 60-day period, but the owner did not make the necessary repairs and the unit has not passed Housing Quality Standards.
- The family provides proof that there were barriers in locating a handicap accessible unit.
- The family holds a Voucher for a bedroom size that the HA determines is difficult to locate, such as a four- or five-bedroom unit.
- As an accommodation to a disability that was a barrier to successfully submitting a Request for Tenancy Approval within the time frame established.

Given the conditions above, the Housing Authority may provide for up to two 30-day extensions. The total duration of the initial term and any approved extensions will be no more than 120 days, unless necessary as a reasonable accommodation. At the end of 120 days, the Voucher will be issued to another eligible family selected in accordance with waiting list procedures.

## **HA Assistance to Voucher Recipients**

Housing Counselors will monitor the time remaining for each recipient until Voucher expiration, and will offer assistance when expiration of the Voucher is nearing. The Voucher recipient still bears responsibility for locating a suitable unit within the allocated time. Depending upon barriers identified by the Voucher recipient, Housing Counselors may make referrals to other agencies for assistance (such as Consumer Credit Counseling, should previous credit problems prevent owners from agreeing to lease to a Voucher recipient; or DSS, Catholic Charities to rectify previous debts owed).

In addition, Voucher recipients are notified at their briefing session that the HA periodically updates the listing of available housing and are invited to pick up the update from the office.

The HA assists families with negotiations with owners and provides other recommendations relative to the families' needs for housing.

Should a family identify as the only barrier to being able to lease a unit the family's inability to obtain sufficient funds for a security deposit, the HA may provide security deposit assistance, as detailed below.

# Participant Responsibilities

## Family Obligations

### The Family Must

- Supply any information that the HA or HUD determines to be necessary including evidence of citizenship or eligible immigration status, and information for use in a regularly scheduled reexamination or interim re-examination of family income and composition.
- Attend all appointments set by the HA for determination of continued eligibility.
- Execute necessary documents within the time periods established.
- Disclose and verify Social Security Numbers.
- Sign and submit consent forms for obtaining information.
- Promptly notify the HA in writing of any change in income or family circumstances.
- Supply any information requested by the HA to verify that the family is living in the unit or information related to family absence from the unit.
- Promptly notify the HA in writing when the family is away from the unit for an extended period of time in accordance with HA policy.
- Allow the HA to inspect the dwelling unit at reasonable times and after reasonable notice.
- Notify the HA and the owner in writing before moving out of the unit or terminating the lease.
- Use the assisted unit for residence by the family and as the family's principal place of residence.
- Promptly notify the HA in writing of the birth, adoption, or court-awarded custody of a child.
- Request HA written approval to add any other family member as an occupant of the unit.
- Promptly notify the HA in writing if any family member no longer lives in the unit.
- Give the HA a copy of any owner eviction notice.
- Pay utility bills and supply appliances that the owner is not required to supply under the lease.
- Execute Repayment Agreements to repay debts owed to the HA at the direction of the HA.
- Locate an approvable rental unit
- Submit a Request for Tenancy Approval and a copy of an unexecuted lease when relocating or leasing a unit. The submitted lease must provide for the attachment of the HUD Addendum.
- Obtain utilities in the name of the Head of Household or other adult family member listed on the lease. The HA may authorize the Head of Household to be the co-signor on the utility account.
- Sign all HUD-required forms, including the HUD 9886 Authorization for Release of Information.

Any information the family supplies must be true and complete.

### The Family Must Not

- Own or have any interest in the dwelling unit, other than in a cooperative, or the owner of a manufactured home leasing a manufactured space.
- Commit any serious or repeated violation of the lease.
- Commit fraud, bribery, or any other corruption or criminal act in connection with the program.
- Participate in illegal drug or violent criminal activity.
- Sublease or let the unit or assign the lease or transfer the unit.
- Receive Section 8 tenant based program housing assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state, or local housing assistance program.
- Damage the unit or premises (other than damage from ordinary wear and tear) or permit any guest to damage the unit or premises.
- Default on a Repayment Agreement.

## Owner Obligations

**The Owner Must**

- Maintain the unit in compliance with HQS at all times
- Make necessary repairs to the unit to ensure compliance with HQS
- Enforce the provisions of the lease
- Ensure tenants adhere to established community standards
- Cooperate with the HA on inspections

**The Owner Must Not**

- Violate HAP Contract provisions, including those not detailed below
- Commit drug-related or violent criminal activity
- Allow drug-related or violent criminal activity to occur in or near the assisted unit
- Commit program fraud or abuse
- Require side payments or payments from the tenant above the amount calculated by the HA

Any information the family supplies must be true and complete.

# Locating Suitable Housing

## Responsibility for Locating Housing

Once a Voucher has been issued, it is the family's responsibility to locate suitable housing within the jurisdictional limits of Charles County. The HA will provide assistance to the family, when requested, as detailed in Chapter 10.

Suitable housing means that the housing must meet Housing Quality Standards requirements, including minimum bedroom size requirements for units, must satisfy rent reasonable tests, must be affordable for the family, and must not otherwise be ineligible as detailed below.

The HA will maintain updated referral lists of owners who have notified the HA of the availability of units. The list will be made available to Voucher holders upon request. Inclusion of any unit on the available units list does not indicate that the unit is suitable.

## Eligible Housing

The following types of housing may be leased through the Voucher program (unless designated otherwise):

- All structure types, including but not limited to single-family, duplex, triplex, fourplex, garden apartments, townhouses, and high-rises.
- Manufactured homes where the tenant leases the mobile home and the pad.
- Manufactured homes where the tenant owns the mobile home and leases the pad.
- Shared housing as currently approved in federal regulations, will be eligible if required as an accommodation for an individual with a disability. Types of shared housing include:
  - single room occupancy (SRO)
  - congregate housing
  - group home
  - shared housing
  - cooperative housing

## Ineligible Housing

Assisted families may not rent properties owned by relatives. (Prior to June 17, 1998, leasing units owned by relatives was permitted; any such leases in effect prior to the revised federal regulation are acceptable.) Leasing of units owned by relatives may be considered if necessary as a reasonable accommodation.

Units receiving project-based Section 8 assistance under the Section 8 New Construction, Substantial Rehabilitation, Moderate Rehabilitation, or other project-based assistance program are ineligible, regardless of whether the units receiving project-based assistance are owned by the HA or private owner.

Based on community needs and circumstances, the HA may periodically determine housing to be ineligible based on its location in the jurisdiction or based on the statistical prevalence of other assisted units in the area. Such ineligible housing is detailed in the appendix to this chapter.

## Ineligible Owners

Owners will be determined ineligible as partners in the County's Section 8 Program based on:

- fraud or program abuse
- violent criminal activity (as described in Chapter 5)

■ drug-related criminal activity (as described in Chapter 5)

Ineligible owners are identified in the Chapter 12 Appendix.

## **Request for Tenancy Approval & Lease**

Once the Voucher recipient has located potential housing, the recipient must submit the Request for Tenancy Approval and a copy of the owner's proposed lease prior to the expiration of the Voucher.

The Request for Tenancy Approval Form must be signed by both owner and Voucher recipient; however, the lease is not to be executed by either party until after the HA has approved tenancy. The HA does not approve the lease, but reviews it for potential problems related to participant or program requirements.

The HA will schedule a Housing Quality Standards inspection and determine whether the unit meets the rent reasonableness criteria and whether the unit is affordable for the family.

HQS and inspection information is detailed in Chapter 15; Rent reasonableness information is detailed in Chapter 13.

## Chapter 12 Appendix: Ineligible Areas/Owners

<b>Ineligible Areas</b>	<b>Reason</b>	<b>Effective Date</b>
Heathcote Road, Waldorf	See attached memorandum	November 2, 1998

<b>Ineligible Owners</b>	<b>Reason</b>	<b>SSN</b>	<b>Effective Date</b>
David Ross	Suspected fraud: side payments	??	

# Tenancy & Unit Approval/ HAP Contract Execution

## Tenancy Approval & Contract Execution Process

Upon receipt of the Request for Tenancy Approval and lease, the HA will:

- Review the Request for Tenancy Approval and the lease, particularly noting the approvability of the contract rent and security deposit amounts.
- Discuss any inconsistencies or omissions with the family and the owner.
- Check that there are no conflicts of interest.
- Negotiate the rent and security deposit amounts, if applicable.
- Schedule an HQS inspection of the unit.

The tenancy and unit will be approved if:

- The unit meets Housing Quality Standards and any additional standard identified in this Administrative Plan.
- The rent is determined reasonable and, upon initial lease up, affordable for the assisted family. (Affordable is defined as Total Tenant Payment not exceeding 40% of the family's adjusted monthly income.)
- The security deposit amount does not to exceed one month's rent.
- The proposed lease complies with HUD requirements, and references the HUD Addendum.
- The owner, unit, and family continue to be eligible.
- The owner is eligible to participate in federal programs and has supplied a Social Security Number or Employer Identification Number.

If the tenancy cannot be approved as a result of certain lease provisions (such as contract rent amount), the owner and family will be provided an opportunity to correct the problem, if possible, prior to a specific date established by the HA.

If the tenancy is approved, final computations of total tenant payment, tenant rent to owner, utility reimbursement payment, and Housing Assistance Payments will be completed. The Housing Assistance Payment Contract will be prepared for execution.

## Documents Submitted

The family is required to submit the Request for Tenancy Approval, the proposed lease, and any proposed separate agreements prior to the expiration of the Voucher.

Ownership of properties must be verified. If an agent is responsible for the leasing and maintenance of a property, a copy of the management agreement will be required. Additional documents (such as lead-paint certification) must be submitted as requested by the HA.

## Separate Agreements

Families and owners will be continuously advised of the prohibition of illegal side payments for additional rent or for items normally included in the rent of other unassisted families.

Owners and families may execute agreements for services (i.e. association dues, condo fees), appliances (other than for range and refrigerator) and other items outside those which are provided under the lease if the agreement is in writing and approved by the HA. These payments are not to be construed as illegal side payments.

Any appliance, service, or other items which are routinely provided to non-subsidized tenants as part of the lease (such as air conditioning, dishwasher or garbage disposal) or is permanently installed in the unit cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the tenant must have the option of not using the service, appliance, or other item.

Copies of all agreements for special items or services must be provided to the HA.

## **Rent Reasonableness Determination**

The HA will make a determination as to the reasonableness of the rent the owner is proposing in relation to comparable units on the private unassisted market.

If a rent amount is determined excessive after the HA analyzes the comparability of the rent requested, the Housing Counselor or Housing Inspector will advise the owner of the determination and will provide an amount that would be determined reasonable; the owner may choose to accept the lower amount.

Rent reasonableness determinations are made when units are placed under HAP contract for the first time and whenever owners request contract rent adjustments.

The HA will certify and document on a case-by-case basis that the approved rent:

- does not exceed rents charged by the owner for comparable unassisted units in the private market.
- is reasonable in relation to rents charged by other owners for comparable units in the private market.

Rent reasonableness is determined by analyzing the local rental market and through contact with owners and property managers of rental property.

These items will be considered in determining rent reasonableness:

- Location
- Quality
- Size (square footage)
- Unit Type
- Age of Unit
- Amenities
- Management and Maintenance Services

The HA will maintain rent reasonable database and will periodically survey unassisted units in the market to update the database. Additionally, the HA has subscription access to MRIS, which will be used to conduct individual rent reasonableness comparisons and to increase available data.

## **Tenancy Approval/Disapproval**

After the HA has reviewed the Request for Tenancy Approval and proposed lease, certified and documented rent reasonableness, and conducted an inspection and passed the unit, the HA approves the tenancy.

If the HA determines that the tenancy in the unit cannot be approved for any reason, the landlord and the family will be notified and the reasons explained.

If the proposed, unexecuted lease does not meet the HA's requirements, the HA will explain the problems to the owner and suggest how they may be corrected within a specific time frame. This period will generally be within seven to ten working days. (This does not include disapproval based on non-compliance with HQS, which will only be determined after the owner is given a reasonable period to make the repairs.)

If the contract rent is determined to be not reasonable or not affordable for the family, the owner will be provided an opportunity to adjust the contract rent. If the owner is not willing to reduce or adjust the rent, the Voucher recipient will be required to seek another unit if the Voucher is still valid.

If the owner revises the rent to an acceptable amount, the HA will continue processing the Request for Tenancy Approval. If the revised rent involves a change in the provision of utilities, a new Request for Tenancy Approval and revised lease will be submitted by the owner.

If the unit fails inspection, the HA will provide the landlord with a detailed list of items that must be corrected and provide the landlord a reasonable period of time to make the repairs.

During this time, the family is advised to continue to seek alternate housing, in case the owner is unable to make repairs timely. As detailed in this Administrative Plan, only 14 days suspension time on the duration of the Voucher will be provided to accommodate owner repairs of HQS deficiencies.

## **HAP Contract Execution**

When the tenancy approval process is completed, the HA will notify the tenant and owner. If the tenancy is approved, the HA will prepare the HAP Contract and Lease/Tenancy Addendum; however, prior to HAP Contract execution, the HA will reconfirm the family's composition and critical information about income and allowances. If significant changes have occurred, the information will be verified and the total tenant payment will be recalculated.

To prepare the documents, the HA will compute the total tenant payment, tenant rent to owner, utility reimbursement (if any), the Housing Assistance Payment.

When all documents are prepared, the family and owner will be offered a signature briefing, during which the Housing Counselor will review information with both the owner and tenant present. Documents will be executed by the family and the owner at that time, and the effective date of the HAP contract is established.

The effective date of the HAP contract will be the first day after tenancy has been approved that both of the following conditions have been satisfied:

- the unit has passed the HQS inspection
- the family assumes occupancy of the unit

If, as a result of scheduling conflicts between the owner and family, a signature briefing cannot be conducted, the family and owner must independently execute the lease agreement and addendum; and the owner and the HA will execute the HAP contract.

Copies are provided to each party as appropriate.

# Subsidies & Payments

Amounts to be paid to the owner (and, if applicable, a utility company) by the HA and the family are calculated in accordance with federal regulations based on an established Payment Standard, the family's income, and the approved gross rent for the unit, which consists of the contract rent to owner and a utility allowance, as detailed below.

The Payment Standard used to determine the amount of subsidy and HAP is based on either the Payment Standard established for family unit size or the Payment Standard for the unit size rented by the family, whichever is less.

The subsidy level (HAP and Utility Reimbursement) for each family is calculated by subtracting the minimum Total Tenant Payment from the Payment Standard.

The minimum Total Tenant Payment (rent and utilities) is either 30% of the family's monthly adjusted income, 10% of the monthly income, or the minimum rent, whichever is greatest.

## Tenant Rent to Owner & HAP

The HA's Housing Assistance Payment to the owner is the lesser of the:

- Voucher subsidy, as calculated based on the above
- Contract rent to owner

The Tenant Rent to Owner is the difference between the HAP subsidy and the contract rent to owner. On initial move-in, the Tenant Rent to Owner must not exceed 40% of the family's average monthly income.

### Family Payments

The family is responsible for paying its portion of the rent directly to the owner; the owner is responsible for ensuring collection.

### HA Payments

Once the HAP Contract is executed, the HA begins processing its portion of the rental payment to the landlord. The effective date and the amount of the HAP payment is communicated in written form to the HA's accounting office.

The HA maintains a Rent Roll for monthly changes. The changes are made automatically to the HAP Register for the following month. Checks are disbursed by the Treasurer's Office to the owner on or about the first of each month, except for the initial month of the HAP. Because paperwork usually is not complete in time for rent roll processing of the first month's HAP, particularly if the first month is a partial month, first and second HAP payments are combined.

Owners may impose late fees on the HA, as detailed below.

Checks lost in the mail will not be replaced by a duplicate check until 10 working days have passed and a stop payment is in place and the bank confirms the original check cannot be cashed.

## Utility Allowance

If the family pays for some or all utilities, the HA will provide the family with a utility allowance. The allowances are based on established rates and average consumption estimates, not on a family's actual

energy consumption.

The HA reviews and revises the utility allowance schedule annually at the beginning of each fiscal year.

The utility allowance is based on the size of the unit to be leased, regardless of the size of the Voucher issued to the family. The utility allowance included in the gross rent of the unit when calculating Tenant Rent to Owner and HA HAP.

### **Utility Reimbursement Payments**

Where the utility allowance exceeds the total tenant payment of the family, the HA will provide a utility reimbursement payment to the designated utility company on behalf of the family each month. The check will be issued directly to the utility company chosen by the family.

## **Late Fees**

Owners may impose a late fee on the HA if the HAP is not received timely. In order to impose a late fee, owners must document that:

- the late fee is the owner's standard practice
- the assisted family is also charged a late fee
- the payment was, in fact late.

HAP payments will be considered timely if the check is cut and mailed by the first Friday of each month. To substantiate a late payment, owners must provide a copy of the envelop showing the date processed by the US Postal Service. If the USPS postmark is later than the 10<sup>th</sup> of the month, payment will be considered late.

Owners may not assess a late fee to the HA in the following situations:

- the initial month of the HAP Contract
- lost checks; lost checks will not be considered late, but will be replaced by a duplicate check after 10 working days have passed, a stop payment is in place, and the bank confirms the original check cannot be cashed.

The amount of the late fee will be \$25 or 5% of the HAP (not contract rent), whichever is greater.

To obtain a late fee payment, the owner must submit a request in writing to the HA, identify which amount is requested, and provide documentation as previously noted that the payment was late. The request must be received by the next HAP due date.

Late fees will be paid in a subsequent HAP payment.

## **Adjustments**

Adjustments to TTP, HAP, or Utility Reimbursement may be required periodically based on changes in family circumstances, Payment Standard or Utility Allowance adjustments, or rent increases by owner. Adjustments will be processed as detailed in Chapter 16; notice will be provided to all parties in writing.

## **Minimum Tenant Rent**

The HA does not require a minimum tenant rent that tenants must pay as participants in the Section 8 program.

Previously, Charles County administered its Section 8 program using a \$25 minimum rent that applied to all housing assistance recipients.

Although the revised minimum rent policy is now in effect, participants recertified prior to January 1, 2000, are obligated to pay the previous minimum rent until their next recertification.

## **Hardship Exemptions to Minimum Tenant Rent**

Exceptions to minimum rent will be provided to families experiencing hardships as a result of the imposition of the minimum rent. "Hardship" determinations will be based on:

- whether the participant has lost eligibility or is awaiting an eligibility determination from another assistance program;
- whether the family would be evicted as a result of inability to pay the minimum rent;
- whether the family's income has decreased during the time minimum rent was applied;
- whether a death has occurred in the family; or
- any other situation the participant may present that, in the sole discretion of the HA, would substantiate a hardship.

Participants who wish to request the hardship exemption must do so in writing.

Once a hardship exemption request is received, the HA automatically will suspend the minimum rent requirement and, within 30 days, make a determination whether the hardship is:

1. temporary - lasting no more than 90 days;
2. long-term - lasting more than 90 days;
3. non-existent - does not exist at all.

While the minimum rent is suspended immediately upon receipt of exemption request, should the HA determine that no hardship existed, the participant will be responsible for paying back to the HA any additional funds the HA paid on behalf of the participant during the review period.

If the HA determines that the hardship existed, but is or was temporary, the minimum rent suspension will continue up to 90 days. However, once the suspension is lifted, the participant not only must begin paying the minimum rent, but also must pay back the HA for any additional funds paid on behalf of the participant by the HA during the suspension period. In other words, the HA is loaning the participant family funds to cover the minimum rent during the temporary hardship, but the loan must be repaid.

If the HA determines that the hardship exists and is long-term, the participant will be exempt from all minimum rent payments. If this situation exists, the participant may also be eligible for reimbursement of the minimum rent payments retroactive to either the time the hardship occurred or October 1, 1998, whichever date is later.

Once a written request for hardship exemption is received, the HA will schedule a meeting to review the request. During the review, the HA will:

- verify that the participant is paying minimum rent and no more;
- determine the duration that minimum rent has been effective for the participant;
- review the factors the participant has indicated caused the hardship;
- provide a time frame for the participant to provide any supporting documentation necessary to assist in substantiating hardship claims;
- provide, within 30 days from date of meeting, written determination and resulting actions required.

Should a participant request an exemption, but fail to attend the scheduled meeting (one opportunity to reschedule will be provided if the participant notified the housing counselor in advance of the scheduled meeting), the HA's determination will be that no hardship exists.

These policies and procedures have no direct impact on landlords.

## **Security Deposit Requirements**

The owner, at his/her discretion, may collect a security deposit in an amount not to exceed one full month's rent for non-lease-in-place families.

The amount of the security deposit, if the tenant is leasing-in-place, may remain at whatever deposit originally was collected by the owner. If the amount is less than one month's rent, the owner may request an additional deposit to total one month's rent.

Responsibility for first and last months' rent is not considered a security deposit issue. The owner should settle the rent deposit issue, if applicable, with the tenant prior to the beginning of assistance.

### **HA Loans to Families**

Should a family identify as the only barrier to being able to lease a unit the family's inability to obtain sufficient funds for a security deposit, the HA may provide security deposit assistance in the form of a loan to the family. Funds for the loan will be provided from the HA's Administrative Fee Reserve.

Prior to a provision of a loan, the HA will require the family to substantiate that all other available resources (including other agencies) have been pursued first. Additionally, if the family is an existing participant family moving with Section 8 Assistance, the family must be in good standing and, if applicable, must be current on any other Repayment Agreement in order to be eligible for a security deposit loan.

The family will be required to execute a Repayment Agreement for the amount of the security deposit loan; the Repayment Agreement must be repaid within the initial term of the lease. Security deposit loan Repayment Agreements are subject to all requirements governing other Repayment Agreements, except the HA retains all funds repaid.

### **HA Assistance to Owners**

The HA does not provide funding to landlords for damage claims (except as governed by HAP contract effective prior to October 2, 1995).

# Payment Standards & Utility Allowances

## Payment Standard

The Payment Standard will be set annually by the HA as an amount between 90% and 100% of the HUD-established Fair Market Rent.

Annual adjustments will be considered at the beginning of each fiscal year and/or when HUD publishes new FMR standards for the jurisdiction.

Adjustments will be implemented when necessary to ensure:

- compliance with federal regulations (regarding minimum and maximum amounts)
- rents are affordable for families receiving assistance
- the maximum amount of assistance is provided with the available budget

In evaluating whether adjustment should be made, the HA will consider the following:

### ■ Are Assisted Family Rent Burdens Excessive?

The HA will review information regarding the average rent burden by bedroom size annually to determine whether the average rent burden is more than 45% of income. If a family selects a unit size larger than its Voucher size, the unit/family will not be included in a review/determination of excessive rent burden.

### ■ Are there Suitable Vacant Units Available below the Payment Standard?

The HA will review the local vacancy rate by bedroom size to determine whether there is an ample supply of vacant units available below the Payment Standard when making the determination as to whether to increase the Payment Standard.

### ■ Market Factors

The HA will review the quality and size of units selected by participant families where the contract rents to owner are above the Payment Standard by more than 25%.

The HA will use rent reasonableness data in analyzing the average Voucher Rents to owner.

The HA will review a sample of the units to determine how often owners are increasing rents after the first term and what is the average percent of increase by bedroom size. The sample will be divided into units with and without the highest cost utility included.

A comparison will then be made to the annual adjustment factor for the area (including or excluding the highest cost utility) to determine where the actual owner increases are in relation to the published annual adjustment factor.

The HA will consider the average time period for finding eligible housing by reviewing Voucher turnover. The HA will sample the units to determine several factors:

- What percent of the Vouchers turned over without extensions (did not lease up when issued)?
- What percent of the Vouchers were granted extensions?
- What percent of the Vouchers that were granted extensions did or did not result in executed leases?
- For those Vouchers that resulted in an executed lease, how many days elapsed between Voucher issuance and the RFTA submission?

The HA will review information regarding the local vacancy rate by bedroom size and consider that information in relation to the average time period for finding eligible housing.

### ■ Is it Financially Feasible?

The HA will review the budget and analyze the impact various projected subsidy increases would have on the funding available for the program.

In order to make this determination, the HA will compare the average gross rent paid by the families paying more than 45% of their income for rent (from the sample) to the current Payment Standard and the current FMR.

The HA will also take into consideration legislative changes that have or have not been implemented, which will affect tenant contribution.

### Effecting Adjustments

Based on the above factors, the HA will propose an increase or decrease if warranted.

If the number of families served will have to be reduced, the HA will make a decision whether to:

- Reduce the number of families served as Housing Vouchers turn over.
- Grant a smaller increase than originally projected.
- Grant no increase at that time.
- Grant an increase only for certain unit sizes.

## Utility Allowances

The HA establishes utility allowances annually based on average consumption rates for units in the jurisdiction. The HA provides allowances for all utilities based on bedroom size, type of utility (gas, electric) and type of unit rented (townhouse, single-family).

The utility allowances are adjusted—either increased or decreased—annually for implementation effective at the beginning of each fiscal year.

To effect changes, HA staff contact utility providers and obtain the current cost per unit of service. The HA then enters the data obtained in a spreadsheet that calculates the utility allowance by multiplying the current cost per unit of service by the established factor for each unit size and type. The multiplier was obtained by the original HUD approved utility schedule for the jurisdiction.

# Housing Quality Standards Inspections

The HA is required by HUD regulations to inspect the unit to ensure that it is "decent, safe, and sanitary" according to Housing Quality Standards. The Housing Quality Standards are used to determine whether or not the unit is acceptable so the family can receive financial assistance for the rent.

The HA conducts HQS inspections for three reasons:

- To determine whether the unit meets the Housing Quality Standards and any other standards established by the HA in the Administrative Plan.
- To determine the condition of the unit at move-in and move-out for accurate comparison.
- To ensure that the rent the owner wishes to charge is reasonable.

No unit will be subsidized through the Section 8 Program unless these standards are met. Units must also continue to meet the Housing Quality Standards for as long as the family remains in the unit with Section 8 assistance.

There are several different types of inspections the HA will perform:

- Initial
- Annual
- Complaint/Random Interim
- Re-Check
- Move-Out

In accordance with the lease provisions and State and local laws, the owner may charge the tenant for repairs made due to tenant neglect or abuse. The owner may choose to initiate legal action against the tenant. While the HA is not party to any of these actions, the inspection booklets will be provided to either a family or owner, if requested.

## Responsibility of the Family to Allow Inspection

The HA must be allowed to inspect the unit at reasonable times with reasonable notice for the annual inspection. The family will be notified of the inspection appointment by mail. If the family is not able to be at home, the family must call to reschedule the inspection or make arrangements to have an adult family representative or the landlord present.

If the family or a family representative does not attend the rescheduled inspection or does not call to schedule an inspection, the HA will terminate the family's assistance, as detailed below.

It is in the best interest of the family to cooperate with random unannounced inspections in addition to the mandatory annual inspection. These inspections are necessary for the investigation of alleged program violations.

## Acceptability Criteria & Exceptions to HQS

The HA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet with the following exceptions:

- Owners are required to repaint all surfaces cited for peeling paint with two coats of non-lead paint or otherwise suitably cover for all units. Chipping and peeling paint provisions apply to easily accessible out buildings as well as the unit itself. An extension will be granted for a severe weather-related item.
- All units are required to have sufficient weather-stripping and insulation to ensure the unit is free from drafts.
- The HA may fail unsanitary conditions where exposed food, garbage, and excrement exists to a degree

where health may be endangered.

- All units must have the correct temperature-pressure relief valve according to the psi needed for the size of water heater. A ¾" overflow pipe installed on the water heater safety valves must be within 12 inches of the floor.
- Pilot lights which are present on gas stoves must be in proper working order.
- Bedrooms are not allowed in basement or attic unless they meet code requirements.
- A bedroom must have a floor area of not less than 70 square feet.
- Any staircase having four or more risers and/or equaling 30 or more inches must have a hand railing and safety rails.

Additionally, efforts will be made at all times to encourage owners to provide housing quality above HQS minimum standards.

## Emergency Repair Items

The following items are to be considered of an emergency nature and are to be corrected by the responsible party within 24 hours of notice by the Housing Inspector:

- Waterlogged ceiling in imminent danger of falling
- Electrical outlet smoking or sparking
- Escaping gas from gas stove
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical situation which could result in shock or fire
- No heat when outside temperature is below 50°
- No running water
- Utilities shut off
- Broken glass where there is potential for a severe cutting hazard
- Obstacle which prevents tenant's access to or exit from unit
- Non-functioning refrigerator
- Non-functioning toilet if only toilet in house

The HA may provide a short extension (not more than 48 additional hours) whenever the owner cannot be notified or it is impossible to repair within the 24-hour period.

If emergency items are not corrected within 24 hours (or up to 72 hours, if extension is granted), the Housing Assistance Payment will be abated if the owner is responsible or participation will be terminated if the tenant is responsible.

## Initial Inspections

Initial inspections are conducted to determine unit suitability prior to approval of tenancy. Additionally, initial inspections are used to document the condition of a unit prior to family move-in, which can be used to assist families and owners in resolving disputes related to damages.

Upon receipt of a Request for Tenancy Approval, the HA typically will schedule an initial inspection within two or three working days; however, HUD provides a 15-day time frame for completion of the initial inspection. (See section below related to 15-day processing.)

Utilities must be operative at the time of the inspection or the inspection will be rated as inconclusive.

Preferably, the unit must be empty at the time of the initial inspection; however, if this were to cause a problem for the owner, the initial inspection can be conducted while the unit is occupied. If the initial

inspection is conducted while the unit is occupied, the initial inspection will no longer serve to document the condition of the unit or assist in resolving potential damage disputes. Both the Voucher recipient and the owner must agree to this or the inspection will not be conducted until the unit is no longer occupied.

Upon completion of the initial inspection, both the family and the owner will be notified of the results. The initial inspection will be valid for a maximum of 60 days from the date conducted.

If the unit fails the Housing Quality Standards inspection (or is determined inconclusive), the family and owner will be advised to notify the HA once repairs are completed, and the HA will expeditiously schedule a verification/recheck inspection.

The Voucher recipient will only be provided a Voucher suspension for a maximum of 14 days while a landlord is correcting the deficiencies identified in the initial inspection. Should the unit fail to pass inspection within the suspension period, the Voucher recipient may choose to wait for repairs (such time will be charged against the term of the Voucher) or to locate another suitable unit prior to Voucher expiration.

Once the unit passes the initial inspection, the HA will coordinate with the owner and tenant to continue processing the Request for Tenancy Approval and, once approved, establishing an effective move-in/HAP Contract effective date.

### **HUD-Mandated 15-Day Timeline**

HUD requires that HAs perform initial inspections within 15 days of a request. Although the HA typically accommodates all initial inspection requests within two to three work days, the HA monitors for compliance with the 15-day HUD requirement.

The 15-day “clock” begins on the date the RFTA and unexecuted lease are received by the HA or the date that the owner advises that the unit is ready for inspection, whichever is later. Housing Inspectors will document all attempts to schedule inspections, as well as owner notification of date of unit availability for an inspection.

## **Annual Inspections**

The HA conducts an inspection using the Housing Quality Standards at least annually, based on an 11-month cycle.

Inspections are automatically scheduled. Housing Inspectors send a notice to family advising the family of the inspection date and approximate time; the owner also receives a copy of the notice.

The family must make the unit available for inspection according to the notice or must contact the Housing Inspector to arrange for an alternate date and time that is conducive both to the family’s schedule and the timing requirements of the HA.

The family must ensure that one adult (over 18 years old) is present during the inspection; owners also are encouraged to participate in the inspection.

Upon completion of the annual inspection, the family and owner will be provided a list of deficiencies, if applicable, detailing the party responsible for correcting the failed items and an appointment for a re-inspection to ensure that deficiencies have been corrected.

The responsible party will be provided time to correct failed items, based on the following guidelines:

- If the item endangers the family’s health or safety (emergency item), the owner/tenant will be given 24 hours to correct the violation.
- For less serious deficiencies, the owner/tenant will be provided 45 days to correct the item(s).

If the owner fails to correct deficient items identified as owner responsibility, after having been provided appropriate time to correct the item(s), the Housing Assistance Payment will be abated.

If the tenant fails to correct the deficiencies identified as tenant responsibility, after having been provided appropriate time to correct the item(s), the HA will terminate the family’s participation in the Section 8 Program for failure to meet family obligations.

## **Complaint/Random Interim Inspections**

If at any time HA receives a complaint that the unit does not meet Housing Quality Standards, the HA will conduct an inspection. Housing Inspectors will inspect the items about which the tenant or owner are complaining; however, if the Housing Inspector notices additional deficiencies that would cause the unit to fail HQS, the Housing Inspector must also note those items and require the repair of these deficiencies.

When the HA suspects program fraud or abuse by families or owners, “random” interim inspections will be scheduled to investigate and attempt to document whether fraud or program abuse exists.

Deficiency processing is the same for complaint or random interim inspections as for annual inspections.

## **Re-Check Inspections**

Re-check inspections are conducted only when deficiencies are identified during an initial, annual, complaint, or emergency repair inspection.

Re-check inspections are automatically scheduled; owners and families are provided notice of the re-check date along with the notice of deficiencies. Re-check inspections are scheduled based on the established timeframe for correcting the deficiencies, as previously identified.

When conducting re-check inspections, Housing Inspectors do not conduct a full HQS inspection, but instead review only those items previously identified as causing the unit to fail. However, should the Housing Inspector encounter another situation that is in violation of HQS, the Housing Inspector will provide another notice of deficiencies to families and/or owners and will provide the appropriate time to correct newly identified deficiencies.

## **Move-Out Inspections**

The HA will conduct a move out inspection only upon the owner's or family's request. The HA must receive the request for a move-out inspection within five days of the family vacating the unit. The move-out inspection will be used to document the condition of the unit, similar to an initial inspection, and may be compared to the initial inspection to clarify the extent of damages and assist in resolving disputes.

Move-out inspections are performed only after the tenant moves out of the unit and will not be performed while the tenant is still cleaning the unit, except when the tenant will remain in the unit and the HAP Contract will be canceled.

The owner or the owner's representative will be requested to attend the move out inspection. The tenant is encouraged to attend also. The owner and tenant will be notified as to when the inspection will take place.

# **Sanctions for Non-Compliance with HQS**

## **Disapproval of Tenancy**

If a unit is not in -- or brought into -- compliance with HQS following an initial or initial re-check inspection, the HA will not approve tenancy in the unit.

## **Owner HAP Abatement**

When it has been determined that a unit fails to meet Housing Quality Standards during annual, interim, or complaint inspections due to owner responsibilities and the owner has been given an opportunity to correct the problem(s) but has not done so within the time frame established by the HA, the HAP for the unit will be abated.

Housing Inspectors will telephone owners immediately following the re-check inspection to advise the owner that the failing items have not been corrected and abatement will be recommended based on an item failing during a re-check inspection. Additionally, a Letter of Abatement Notice will be sent to the owner the next working day after the repair failed inspection. The abatement will be effective the day after the re-check inspection and will remain in effect until all items which caused the unit to fail have been corrected.

If the owner subsequently makes repairs and the tenant intends to stay in the unit, the abatement will end the first business day that the unit passes inspection. The HA will inspect abated units within three days of the owner's contact with the HA to report the completed work. If the re-check inspection results in the unit's passing HQS, the HA will reinstate HAP effective the date the owner advised that repairs were completed and requested an inspection.

Regardless, no retroactive payments will be made to the owner for the period of time the rent was abated.

## **HAP Contract Termination**

If the owner fails to correct all the deficiencies cited within 60 days after reinspection and the family wishes to move as a result of the deficiencies, the owner will be sent a Notice of Termination of the HAP Contract and the family will be issued a Voucher to relocate. The rental payments will remain under abatement during this process.

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

When the Housing Assistance Payments Contract is terminated for Housing Quality Standards violation(s), the contract will be reinstated, as described, only if the unit passes inspection and the final termination period date has not been reached.

If the HAP Contract termination date has been reached and the owner and family agree that the tenant may remain in the unit, a new Request for Tenancy Approval may be submitted to the HA.

If the owner fails to correct the deficiencies, but the tenant wishes to remain in the unit, the HA will determine the severity of the failing items. If the failing items, in the judgement of the HA, are not serious or life-threatening, the HA will permit the family to remain in the unit with HAP abatement in effect indefinitely.

## **Family Termination**

When it has been determined that a unit fails to meet Housing Quality Standards during annual, interim, or complaint inspections due to family responsibilities and the family has been provided an opportunity to correct the problem(s) but has not done so within the time frame established, the HA will terminate the family's assistance in accordance with procedures detailed in this Administrative Plan.

## Chapter 16 Appendix: Move Out Inspections/Owner Claims

As part of any HAP Contract effective prior to October 2, 1995, owners can make "special claims" for damages and unpaid rent after the tenant has vacated the unit.

The owner will not be allowed to file a damage claim unless the move out inspection is requested and conducted prior to work being done in the unit.

Owner claims for payment for unpaid rent and damages under the Section 8 Rental Assistance Program are reviewed for accuracy and completeness and compared with internal records on the unit such as initial inspection report and on-site move-out inspection.

The HA will review tenant files to ascertain if the family gave proper notice of its intent to move.

Although the HA will make payments on behalf of the tenant, the tenant is ultimately responsible for any claim paid by the HA to the owner, and the family must repay the HA. The family may enter into a Repayment Agreement.

The family must repay in full the debt owed even if the family voluntarily withdraws from the program and later reapplies for the program. The family will be determined ineligible at that time unless payment is made in full.

### Unpaid Rent

Unpaid rent is the tenant's portion of rent due and payable while the tenant is under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP Contract.

For tenants leased under contract prior to October 2, 1995, the HA will pay unpaid tenant rent claims for no more than one month for back tenant rent prior to the vacate date and/or termination of HAP Contract when submitted as part of a damage claim. Owner must submit evidence of attempts to collect past due rent amounts.

### Damages

All claims for damages must be supported by the actual bills for repairs and materials and labor and a copy of the canceled checks showing payment. Estimates for repairs or replacement of items are not acceptable. Bills from individuals providing labor must include their name, address and phone number. The landlord may not bill himself/herself for labor since that is not considered by the HA to be an "actual cost." However, the actual cost of the owner's staff or personnel (such as the caretaker) to make repairs may be included.

Damages are defined as those items which exceed normal wear and tear. Damages which were caused during tenancy, which were repaired by the landlord, and billed but remain unpaid at move-out can be submitted as other items due under the lease and included in the damages section of the claim form.

Eligible items to be included on the damage claim must have been a tenant obligation under the lease and must have been clearly spelled out as a tenant obligation under the lease or addendum.

Separate agreements are not considered to be included as a tenant obligation under the lease or addendum.

### Processing Claims

All unpaid rent and damage claims must be submitted within 90 days of the date of actual move out.

Proof or verification that the owner has attempted to collect any monies owed directly from the tenant, must be submitted with the damage/vacancy loss claims. Landlords are to mail said request for payment **by Certified Mail—Return Receipt Requested** to tenant's last known address. The notification will state the amount and type of claim made and advise participants of their right to dispute the claim within the time specified in the notice, which will be 10 calendar days. Any amount owed by the tenant to the owner for

unpaid rent or damages will first be deducted from the security deposit (including any interest accrued under state or local law) which an owner could have collected under the program rules. The balance will be calculated using HUD methodology.

When the HA receives a claim for unpaid rent or damages, the HA will analyze the claim to ensure that the costs are reasonable, based on cost guidelines, life expectancy of items identified as damaged beyond normal wear and tear, and receipts.

If the security deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts which the family owes under the lease, the owner may request reimbursement from the HA. If there is no claim for unpaid rent and damage but the owner claims vacancy loss, where allowable, the security deposit that s/he collected or could have collected will be deducted from the vacancy loss claim.

Once the payment is made to the owner, the HA will inform the family in writing of the payment and of the family's responsibility to reimburse the HA for payment made on their behalf.

The participant will be informed of the possible effect on transfer rights and future program participation if payment is not made within the time specified by the HA. Nonpayment of monies owed to the HA will result in termination from the Section 8 Program and possibly being denied participation in the Section 8 Program in the future.

# Periodic Examinations & Adjustments

In order to ensure that the HA and family are paying appropriate amounts based on family circumstances, and to ensure that changes as a result of owner rent increases or adjustments to payment standards and/or utility allowances are affected, the HA will conduct periodic examinations and implement adjustments as appropriate.

Periodic examinations of the family composition and income include:

- Mandatory Annual Re-certifications
- Interim Adjustments

Additionally, a period rent reasonableness examination will be conducted based on a requested contract rent increase by the owner.

If applicable, monetary changes are transmitted to Accounting to effect a change in the next HAP payment or utility reimbursement.

## Annual Re-Certification

The HA will review family composition and income annually. This is a HUD requirement, and no families will be exempt. Failure for the family to participate in the annual review process will result in termination from the program.

The HA maintains a listing of units under contract by month of execution to ensure systematic reviews of contract rent, allowances for utilities and other services, and housing quality in accordance with the requirement for annual reexamination.

The HA automatically will schedule families to meet with their assigned Housing Counselor each year to review information on income, assets, allowances and deductions, and family composition. The annual re-certification process will ensure that the effective date of the re-certification for each year is appropriate within HUD regulations.

Re-certification dates are established based on the first of the month that the family was initially assisted (regardless of when during the month the family leased the unit). The annual re-certification date is the same for the family each year, unless the family moves. Anytime a family moves to another dwelling unit, an annual re-certification will be performed, and the date for the next annual re-certification will be adjusted accordingly.

Income and preferences will not be reviewed as a test for continued eligibility at re-certification; however, the family will otherwise be subject to all income considerations and payment calculations as detailed in this Administrative Plan.

### Re-Certification Notice to the Family

The HA will maintain an annual re-certification tracking system and, at least 90 days in advance of the scheduled annual re-certification effective date, the head of household will be notified by mail of the scheduled re-certification interview date.

An application form (such as a Personal Declaration Form) will be mailed to the applicant or provided to the applicant to complete at the interview. The applicant will be instructed to complete the form and bring it and the documents which support the information on the form to the interview.

If the family does not attend or reschedule the appointment, the HA will send a follow-up letter, establishing a new appointment date and time.

If the family does not attend the rescheduled appointment, the HA will terminate the family's assistance in accordance with termination procedures.

#### **Verification of Information Provided**

The HA will verify all information in accordance with verification procedures.

#### **Changes in Tenant Rent to Owner, HAP**

After the information is analyzed, the HA will recalculate all payments in accordance with subsidy and payment policies. Additionally, if changes are warranted, the HA prepares documents necessary to effect the change and notify the owner and family. The family must sign documents.

If there is an increase in the tenant's portion of the rent, the new Tenant Rent to Owner will go into effect following 30 days notice to the family and owner prior to the first of the month in which the new rent will apply; however, if there has been misrepresentation by the tenant, or if the tenant caused a delay in the re-examination processing, any increase in Tenant Rent to Owner will be effective on the family's annual re-certification date, even if retroactive. The family must reimburse the HA any amounts overpaid by the HA on behalf of the family if a retroactive effective date occurs.

If there is a decrease in the Tenant Rent to Owner, the decrease will be effective on the established effective re-certification date or the first of the month following execution of documents, whichever is later.

## **Interim Adjustments**

The HAP, Utility Reimbursement, Total Tenant Payment, and Tenant Rent to Owner will remain in effect for the period between regularly scheduled re-certifications, unless changes occur during the course of the year that would result in an adjustment.

The family must report changes to the HA, and the HA will schedule an interim examination to review the effect of the changes on payments and determine whether adjustments to the HAP, Utility Reimbursement, Total Tenant Payment, and/or Tenant Rent to Owner are required.

The HA will schedule interim examinations every 60 days for families with zero income.

The HA will systematically schedule interim examinations for families whose rent has been based on suspected false or incomplete information supplied by participants.

Interim adjustments do not affect the timing of the annual re-certification.

#### **Required Changes to Report**

The family must report to the HA and, if appropriate, obtain HA approval for, the following changes:

- any changes in household composition; HA approval is required
- source or amount of income
- allowances or deductions
- gross household income in any amount
- notice by the owner of rent increase
- receipt of a deferred payment in a lump sum which represents the delayed start of a periodic payment such as unemployment or a deferral due to a dispute (such as back child support payments). Excluded items include: lump sum Social Security benefits, and exclusions under the Earned Income Tax Credit Act of 1/1/91; the Student Financial Assistance Act of 10/1/92; and the Date for Child Care and Development

Block Grant Assistance Act of 11/4/92.

Once the family advises the HA of a change, the HA will schedule an interim examination to review and verify changes in accordance with verification procedures.

### **Changes in Family Composition**

All changes in family composition must be reported within 10 calendar days of the occurrence. Other than a birth, adoption, or death of a family member, all changes to household composition must be approved by the Housing Agency.

#### **■ Adding Household Member**

Household members to be added must be related by blood, marriage, be someone with whom a family member has had a stable family relationship, or be a live in aide. The procedure to add a household member is to provide the Housing Agency with a written statement from landlord approving the addition of the household member to the lease and to request in writing to the HA to add the household member.

#### **■ Removing Household Member**

Any household member can be removed as long as verification can be provided to document where that individual is currently residing. If a household member will be out of the household for a period of less than 120 days or if the period of time cannot be determined due to illness, incarceration, or other mitigating circumstances beyond the members control, it may not be necessary to remove the member from the lease. The HA will make that determination after all verifications have been received.

### **Effect of Changes on Payments**

Changes in income that result in an increase of the Tenant Rent to Owner of \$100 or more will be processed.

Changes in income that result in an increase of tenant rent of less than \$100 will be noted in the file, but will not be processed until the next qualifying interim change or the next re-certification whichever come first.

All decreases in income which result in a decrease in tenant rent will be processed.

### **Reporting Timeframe Requirements**

The standard for reporting changes for interims (other than changes in family composition which are detailed above) in a timely manner is for the family to report the change within 30 days of the occurrence and execute the change within 45 days of the occurrence.

If the tenant does not bring the required information with her/him to the interview, the tenant is asked to return with the documentation as soon as possible during that month.

The Total Tenant Payment is calculated when the verification is received and will be considered "untimely reporting" by the tenant and may result in retroactive rent being charged to the participant if the interim change is not executed within the 45 days from occurrence.

If the change meets the requirements of timely reporting, any decrease can be made retroactive to the first of the month following the change. The tenant will be given the customary 30 days' notice (prior to the first of the month) for an increase.

### **Processing Procedures for Changes Reported Timely**

The HA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following:

■ The family will always be given a 30-day notice prior to the first of the month for an increase in Total Tenant Payment/Tenant Rent to Owner. Increases in the Total Tenant Payment/Tenant Rent to Owner are to

be made effective upon 30 days' notice on the first of the next month.

■ Decreases in the tenant rent are to be made effective the first of the month following that in which the change was reported. However, no downward rent adjustments are to be processed until all the facts have been verified, even if a retroactive adjustment results.

■ Changes in Source of Income Resulting in Increases

If there was an absence of income for 15 days or more and the change otherwise results in an increase in tenant rent, a decrease will be processed for the month following the absence of income. The employment will then be added for an increase in tenant rent which will be effective with a 30-day notification period.

If there was an absence of income for fewer than 15 days and the change otherwise results in an increase in tenant rent of \$100 or more, the increase will be processed with a 30-day notification period.

If there was an absence of income for fewer than 15 days and the change otherwise results in an increase in tenant rent of less than \$100, the change will be processed with the next qualifying interim change or the next re-certification whichever comes first.

■ Changes in Source of Income Resulting in Decreases

If there was an absence of income for 15 days or more and the change also results in a decrease in income, a decrease will be processed for the month following the absence of income. The employment will then be added, which will be effective with a 30-day notification period.

If there was an absence of income for fewer than 15 days and the change also results in a decrease in tenant rent, the change will be processed following established guidelines.

**Processing Procedures for Changes Not Reported Timely**

If the family does not report the change in a timely manner as specified previously, the family will be determined to have caused an unreasonable delay in the interim reexamination processing.

■ Increased Tenant Rent to Owner

The change will be effective on the first day of the next month following the date of the change. By reporting untimely, the family will have forfeited the right to be given a 30 days' notice of the increase in rent.

■ Decreased Tenant Rent to Owner

The change will be effective on the first day of the next month following the date the change was executed. By reporting untimely the family will have forfeited the right to a reduction in rent from the date the change occurred.

■ When Changes Include Both Increases and Decreases

The effective date of the increase is to be used to determine tenant rents and amounts of repayment agreements, if necessary. In this situation, decreases would be retroactive to the date the change resulting in the decrease occurred or to the effective date of the increase, whichever is later.

The family will be required to sign a repayment agreement for any overpaid housing assistance.

**Processing Procedures for Changes Not Processed Timely by the HA**

"Processed in a timely manner" means that the change is effective on the date it would have been effective had the family reported the change in a timely manner.

If changes are not processed by the HA staff in a timely manner, the family will receive the required 30 days' notice for rent increases or the decrease in rent will be effective on the first month after the change occurred as if the change was executed in a timely manner.

## **Rent Increases by Owner**

Owners may not request rent increases prior to the expiration of the first term of the lease. As of the expiration of the first term of the lease, rent increases may be effective with a 60-day notice to the family and the HA.

The HA will conduct a rent reasonableness comparison and advise the owner of the results. If the rent is determined to be not reasonable, the owner may not increase the rent as proposed.

If the rent is determined to be reasonable, the HA will conduct an interim adjustment with the family. The \$100 threshold detailed for timely reporting does not apply to rent increases by the owner.

## **Split Households**

In those instances when a family assisted through Voucher program becomes divided into two otherwise eligible families due to divorce or legal separation, the Voucher assistance may be retained by either of the two new family units where there is mutual consent of the heads of the two new family units or there is a determination by a Court as to which new family unit is to continue to receive the assistance.

Otherwise, if the two families cannot agree which family unit will retain the benefits of the Voucher assistance, the HA will determine which of the two new family units will continue to receive assistance. In making this decision, the HA shall consider the following (in no particular order of priority):

- which of the two new family units has custody of dependent children
- the composition of the new family units
- whether domestic violence was involved in the breakup

Documentation regarding these issues must be provided by the family as requested by the HA. If documentation is not provided, the HA reserves the right to continue subsidy payments on behalf of the newly formed family unit remaining in the unit under the HA-approved lease.

Where the breakup of the family also results in the reduction of family members and, thereby, the size of the Voucher (for example, from a four-bedroom to a three-bedroom), the family determined to be entitled to continue to receive the Voucher assistance may be required to move to a smaller unit based on subsidy and unit standards as detailed in this Administrative Plan.

# Lease/HAP Contract Terminations & Family Moves

## Termination of the Lease

### By Family or Owner

Neither the family nor the owner may terminate the tenancy during the term of the initial lease.

After the first term of the lease has expired, families and owners are required to provide at least 30 days' notice to the owner. If the provisions of the lease require additional notice, the families and owners must adhere to the requirements of the lease.

The family or owner must provide the HA with a copy of the written notice provided to the other party regarding termination of the lease in order for the HA to process the family move.

During enrollment briefing sessions and re-examination meetings, HA staff emphasize the family's responsibility to provide the owner and the HA proper written notice of any intent to move. The family must provide the HA with written notice prior to vacating the unit.

If a family vacates a unit without notice in writing to the HA and the owner, the move will be considered a violation of family obligations, and the HA will terminate the family's assistance.

### As a Result of HA Action

If the HA is required to take action in compliance with federal regulations and must terminate the HAP Contract, as detailed below, the lease will terminate even if during the initial term of the lease.

### Mutual Rescission of Lease

If no breach of lease exists, and the family and owner both agree to end the tenancy prior to the end of the initial term of the lease, the family and owner may do so only by entering into a mutual rescission of the lease. In this instance, both the owner and the tenant will be considered to be in compliance with program requirements.

The family and owner must provide a copy of the written, executed mutual rescission to the HA.

## HAP Contract/Payment Termination

### Based on Family/Owner Termination of Lease

When an owner or tenant provides notice to vacate (or they mutually execute a rescission of the lease), the Housing Assistance Payments Contract between the owner or his/her agent and the HA automatically will terminate on the same day as the stated lease termination date. The final payment under the HAP Contract will be issued the first of the final month of tenancy.

No future subsidy payments on behalf of the renter family will be made by the HA to the property owner or his/her agent after the HAP Contract is terminated. The owner must reimburse the HA for any rent subsidies paid by the HA for any period after the contract termination date.

If the family continues to occupy the unit after the lease and contract are terminated, the family will be responsible for the full amount of the Contract Rent/Rent to Owner and any other amounts owed as a result of continued occupancy.

**Based on HA or Other Action**

The Housing Assistance Payments Contract terminates automatically when the family moves from the unit or when the owner evicts the family.

Additionally, the HA may terminate the HAP Contract for the following reasons:

- The owner is not in compliance with the terms of the Contract, such as failing to make repairs required by the Housing Quality Standards.
- The owner has committed fraud.
- The HA terminates assistance to the family.
- The family is required to move from a unit which is under-occupied or overcrowded.
- The owner offers the tenant a new lease that is unapprovable by the HA.

Before terminating the HAP Contract due to owner non-compliance, the HA will provide the owner an opportunity to take corrective actions.

Except as noted below, if the HA terminates the HAP Contract, the owner and family will be given 30 days' notice, in accordance with HAP Contract requirements.

However, if the HA is terminating the HAP Contract based on a family's termination of participation from the program, the HA will provide 60 days' notice to the owner and family in order to provide the owner an opportunity to process an eviction, if necessary, and to provide the family an opportunity to appeal the decision of the HA.

## **Evictions**

Owners may give tenants notice to vacate only according to the lease provisions and the provisions of this Administrative Plan. If the owner needs to evict a tenant based either on breach of lease or the tenant holding over after the owner has provided notice to vacate, the owner must process the eviction in accordance with federal, state, and local laws.

If a family is being evicted, the HA will continue making housing assistance payments to the owner until a Court determination, in accordance with the HAP Contract. While assistance payments continue, the tenant must continue to occupy the unit, and the conditions of occupancy must be consistent with the requirements under the HAP Contract.

By endorsing the monthly check from the HA, the owner certifies that the unit is in decent, safe, and sanitary conditions and that the HA-approved lease remains in effect.

Owners must provide a copy of the notice to the tenant of instituting court action and, if the action is finalized in court, must provide the HA with the documentation, including notice of the lock-out date. Additionally, owners must immediately notify the HA of the date the family actually vacates the unit.

## **Family Moves with Section 8 Assistance**

Families who have requested to move or whose lease is terminating, in compliance with program guidelines, will be authorized to move and will be considered continuously assisted if the family is determined to be "In Good Standing." A family will not be determined to be in good standing if any of the following conditions exists:

- the family has violated a family obligation
- the family owes the HA money
- the family owes outstanding debts related to the tenancy (such as rent or utilities)

In order to determine whether a family is determined to be "In Good Standing," the HA will query the owner, utility companies, etc. If a family is not determined to be in good standing, the HA will process the family's termination from participation in the Section 8 Program.

Families/Tenants In Good Standing must request a Voucher to relocate. Vouchers to relocate may be requested at any time during the tenancy, regardless of whether the lease has actually terminated or notice has been given.

If a family requests a Voucher to relocate prior to lease termination, the family may move only after appropriate notice is provided to vacate the current unit.

All eligible participants who wish to remain continuously assisted after the HAP Contract is terminated will be issued a Voucher and a new lease and HAP Contract must be executed prior to the expiration of the Voucher as described in this Administrative Plan.

If the family locates another dwelling unit (even if within the same building or with the same owner), it will be processed as a new move, which means that a complete reexamination will be conducted and a new effective date will be established, even if the last reexamination was conducted fewer than 12 months ago.

If the family does not locate a new dwelling unit to move to, as long as notice has not been given to the current owner (or upon request the owner is willing to rescind the notice), the family may continue to reside in the existing unit. No processing is necessary; the owner continues to be paid as if the family had never requested a Voucher.

### **Failure to Request a Voucher**

### **Section 8 Administrative Plan (revised January 2000)**

If the eligible family fails to request a Voucher, the family will retain the status of continuously assisted for a maximum of 120 days from the HAP Contract termination.

## **Change in Ownership**

The HA will process a change of ownership only upon the written joint request of the previous and new owners, and only if accompanied by a copy of the Recorded Grant Deed showing the transfer of title and the Employee Identification Number of the corporation or the Social Security number if the owner is an individual, not a corporation.

The HA must receive a written request by the owner in order to make changes regarding who is to receive the HA's rent payment and the address at which payment is to be sent.

The HA will update its files and records to reflect the new owner; however a new HAP Contract will not be processed unless necessary in accordance with other provisions of this Administrative Plan (such as lease revisions or family moves).

# Portability

As required by federal regulations, families assisted through the Section 8 Program may exercise Portability and relocate to any jurisdiction in the United States that administers a tenant-based Section 8 program.

## Absorption

Under portability provisions, an HA may administer Vouchers for other HAs whose participants relocate to the HA's jurisdiction, or the HA may absorb the family exercising portability into its program.

Generally, Charles County administers Vouchers; however, the HA reserves the right to absorb income portable families if determined to be in the best interest of the HA at the time. The Charles County Commissioners determine when and if absorption is to occur.

Items to be considered in determining whether a portable family will be absorbed include:

- whether sufficient funding exists to absorb the family
- whether the County's lease-up ratio will be assisted through absorption
- whether the County's turn-over ratio will be detrimentally affected and impact the duration of applicants on the waiting list

## Initial Lease-Up/Portability

Recipients who are initially issued a Voucher through the HA's waiting list and issuance procedures are required to lease up initially in the jurisdiction; Mainstream Voucher recipients are exempt from this requirement.

However, from the initial briefings through all subsequent communications with participant families, the HA informs all participants about portability options and encourages portability whenever the family may benefit.

## Procedures as Initial HA

As Initial HA, Charles County will notify the Receiving HA that a family wishes to relocate into its jurisdiction and will determine whether the Receiving HA administers a Voucher program.

Charles County will provide the following information to Receiving HAs in writing:

- HUD Family Portability Form and 50058 formally acknowledging the family's ability to move under portability.
- Persons designated for inquiries on eligibility and billing.
- The administrative fee schedule for billing purposes.

If the Receiving HA chooses to administer, rather than absorb, Charles County participants, Charles County will promptly provide payment to the Receiving HA of all funds owed for HAP and administrative fees. Charles County will add Receiving HAs administering Charles County participants to the rent roll process to ensure timely payment and will make necessary adjustment as communicated by the Receiving HA.

Charles County will require Receiving HAs to:

- advise the County within 15 days of Voucher expiration (or any approved extension by the Receiving HA) when a portable family leases up or fails to submit a Request for Tenancy Approval by the required date
- submit appropriate billing or absorption paperwork to the County as quickly as possible, but no later than the HUD mandated time period.

- notify the County in writing within 15 calendar days when assistance to a portable family is terminated by the Receiving HA
- submit hearing determinations to Charles County within 15 calendar days.
- notify Charles County in writing within 15 days of family requests to move to an area outside the Receiving HA's jurisdiction.

Charles County will be responsible for collecting amounts owed for claims paid and for monitoring the effect of those claims on unit transfers. Charles County will notify the Receiving HA when a family is in default or the family has refused to sign a repayment agreement, and the Receiving HA will be notified to refuse to issue another Voucher to the family to move to another unit.

## **Procedures as Receiving HA**

Within 10 days of receipt of appropriate paperwork (HUD Portability Form and 50058, etc.), Charles County will schedule an enrollment interview/family briefing. Portable participant families will be required to attend the scheduled meetings as detailed in this Administrative Plan and will be subject to all policies and procedures of Charles County's Section 8 Program as detailed throughout this Administrative Plan including:

- occupancy standards
- Payment Standards
- Voucher extensions
- leasing a unit
- repayment agreements
- recertifications and HQS inspections

During the interview, Charles County HA will recertify the income of the family if required documents are not provided or are provided but are over 120 days old or there has been a change in the family's circumstances. The Voucher timeline will be suspended until the interview/briefing appointment occurs.

If the family's income exceeds the Charles County income limit for participation, the County will admit or deny participation to the portable family based on the following:

- if the family is a continuously assisted family exercising its option to relocate, the family will be eligible for assistance in the County;
- if the family is exercising portability based on first-ever issuance of a Voucher by the Initial HA, the family will be denied assistance and will refer the family to the Initial HA for review of available options.

If the family's income is such that a \$0 subsidy amount is determined prior to lease up, Charles County will refuse to enter into a contract on behalf of the family at \$0 assistance and will refer the family to the Initial HA for review of available options.

If the family does not submit a Request for Tenancy Approval or does not execute a lease by the expiration date of the Voucher, Charles County will notify the Initial HA within 15 calendar days.

If the family leases up successfully, Charles County will notify the Initial HA within 15 calendar days, and the billing process will commence.

Charles County will assist a portable family in contacting the Initial HA if the family wishes to move outside Charles County under continued portability.

Charles County will notify the Initial HA in writing of any termination of assistance to families within 15 days of the termination of assistance. If a hearing is required and requested by the family, the hearing will be conducted by Charles County using the hearing procedures detailed in this Administrative Plan. A copy of the hearing decision will be furnished to the Initial HA.

Charles County will advise the Initial HA of amounts the family may owe the Initial HA (such as based on unreported income, etc.) The Initial HA will be responsible for collecting amounts owed for claims paid and for monitoring the effect of those claims on unit transfers. If the Initial HA notifies Charles County that the family is in default or other violation of the Initial HA's policies Charles County will refuse to issue another Voucher to the family to move to another unit.

## **Billing Procedures**

Unless a family exercising portability is absorbed, Charles County will bill the Initial HA monthly for housing assistance payments. The billing cycle for other amounts, including administrative fees, hard to house fees, special claims paid, etc, will be **monthly** unless requested otherwise by the Initial HA.

Charles County will bill 100% of the housing assistance payment, 100% of the special claims, 100% of the hard-to-house fees, and 80% of the administrative fee (at the Initial HA's rate) for each portable Voucher leased as of the first day of the month.

Charles County will notify the Initial HA of changes in subsidy amounts resulting from income and household composition changes or unit transfers, and will expect the Initial HA to notify Charles County of changes in the administrative fee amount to be billed.

# Termination of Assistance

## General Policy

The Housing Authority will deny a family a Voucher to relocate and/or terminate assistance based on the following actions or inactions by any member of the family:

- Failure to comply with any family obligation, including those not detailed below
- Committing drug-related or violent criminal activity
- Allowing drug-related or violent criminal activity to occur in or near the assisted unit
- Committing program abuse or fraud
- Moving in violation of the lease
- Not attaining "Tenant/Family in Good Standing" Status
- Failure to comply with the requirements of an Family Self-Sufficiency Program
- Failure to pay the family's portion of rent timely, in compliance with the lease
- Failure to maintain utilities
- Failure to ensure HQS compliance related to family responsibilities
- Defaulting on a Repayment Agreement or Refusing to enter into one
- Failure to provide Social Security information and documentation within the time specified
- Failure of any adult family members to sign HUD Form 9886 within the time period required
- Attainment of self-sufficiency (ability to pay gross rent for six continuous months)
- Being evicted as a result of lease violations

The HA will refuse to enter into a HAP Contract and will terminate an existing one based on the following actions or inactions by an owner or authorized representative of the owner:

- Violating HAP Contract provisions, including those not detailed below
- Committing drug-related or violent criminal activity
- Allowing drug-related or violent criminal activity to occur in or near the assisted unit
- Committing program fraud or abuse
- Requiring side payments or payments from the tenant above the amount calculated by the HA
- Failure to enforce the provisions of the lease
- Failure to enforce community standards by tenants
- Failure to maintain the assisted unit in compliance with HQS

## Special Consideration Not to Terminate

The HA will not terminate a family based on drug-related criminal activity if the activity is based on previous use or possession and the family can demonstrate that the family member both:

- Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment, and
- Has recovered from such addiction by participating in a drug rehabilitation program for 90 days or more and does not currently use or possess controlled substances.

In determining whether to deny or terminate assistance based on drug-related activity or violent criminal activity:

- The HA will terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.
- The HA has the sole discretion to consider all of the circumstances in each case, including the seriousness of the offense, the extent of participation by family members, and the effects that termination would have on family members not involved in the proscribed activity.
- In appropriate cases, the HA may permit the remaining family members to continue receiving assistance

and may impose a condition that family members determined to have engaged in the proscribed activities will not reside in the unit. If the convicted felon is a minor, the HA may consider individual circumstances with the advice and counsel of Juvenile Court officials.

If the family has misrepresented income, assets, or allowances and deductions which would have caused the family to pay more, the HA will attempt to recover any overpayments made as a result of the family's fraud or abuse. If file history indicates a pattern of repeated misrepresentation, the HA will terminate assistance. However, the HA may authorize the family to enter into Repayment Agreement; if executed by the family, the HA will allow the family to continue receiving assistance.

If willful intent to defraud or commit fraud was discovered by the HA, the HA may not authorize the family to enter into a repayment agreement. Any monies due would be payable in full. If the family is unable to pay in full, termination will be processed; if the family pays the debt in full, the family will be allowed to continue receiving assistance.

## **Processing Termination**

The HA may terminate a family's assistance in two ways:

- direct processing of termination of assistance
- denial of issuance of Voucher to relocate

### **HA Initiated Termination**

If the family is under lease and the owner has not taken action to end the tenancy, the HA will directly process termination if warranted based on the family's action or inaction as previously detailed. When processing termination, the HA will provide the family and the owner 60 days' written notice.

The family's notice will include details regarding why the family's assistance is being terminated, the effective date of the termination, the family's responsibilities related to rent payments after the effective date, and information pertaining to the appeals process.

The owner's notice will indicate only that the family has been terminated and, as a result, the effective date of HAP Contract termination, as well as the family's responsibilities related to rent payments after the effective date.

Owners also will be advised that the tenant has the right to appeal; the 60 day's notice will provide sufficient time for the family to complete the appeals process and for the owner to provide notice to vacate or begin eviction proceedings, as appropriate.

Owners will not be notified by the HA of a tenant appeal; however, the owner will be notified if, through the appeals process, the HA rescinds its termination of the family. If the owner has provided notice to vacate the unit to the tenant and the HA rescinds its termination of the family, the owner may rescind its notice to vacate, but is not required to do so, unless within the initial term of the lease.

If the appeals process extends effective date of termination (due to reasonable accommodation, etc.), the owner will be notified that the HA will continue to subsidize the family throughout the appeals process; however, if a termination is upheld by the HA, the final HAP payment will be the one already processed for the month in which the HA's or Hearing Officer's final decision occurs. No additional HAP will be provided for the owner to issue notice to vacate.

### **HA Denial of Voucher to Relocate**

If a family has been issued a notice to vacate by the owner and is not determined to be a "Tenant in Good Standing" (as detailed in Chapter 17), the HA will refuse to issue another Voucher to the family and will notify in writing the family of its termination from the program and the owner of termination of the HAP Contract. The effective date of the terminations will be the same as the the final date of occupancy as

indicated on the notice to vacate.

The family's notice will include details regarding why the family's assistance is being terminated, the effective date of the termination, and information pertaining to the appeals process.

The owner's notice will indicate only that the HAP Contract is terminated based on the owner's notice to the family to vacate. The HA will not subsidize the family in the unit beyond the effective date of the notice to vacate, regardless of the appeals process.

### **Zero Assistance Tenants**

Zero assistance tenants may remain on the program for six months from the effective date they went to \$0 assistance.

If the family's Total Tenant Payment is sufficient to pay the full gross rent and six months has elapsed since the HA's last HAP payment was made, the HAP contract is automatically terminated and the family will formally be terminated from the program.

If at anytime after the HAP payment becomes \$0, an interim change or reexamination causes the HAP payment to resume, the tenant is no longer a \$0 assistance family and the six month time period is eliminated. If the family becomes a \$0 assistance family again, the six month period will begin again.

The terms of the HAP Contract remain in effect until the family is formally terminated. The HA also must perform all of the duties and responsibilities normally required, such as reexaminations and inspections.

The tenant will be notified of its rights to remain on the program at \$0 assistance for six months.

If the tenant chooses to move to another unit during this period, the HA would only execute a new HAP Contract for the new unit if a HAP payment was to be made.

# Repayment Agreements

Repayment Agreement and Promissory Note are synonymous terms. Repayment Agreements are executed with families who owe the HA money.

Families may owe the HA money for special claims (unpaid rent, damages, or vacancy loss) paid on their behalf by the HA to owners or for unreported information which resulted in the HA paying a larger subsidy on their behalf to owners.

## Eligibility for Repayment Agreement

The HA has no obligation to enter into a repayment agreement. Whether a family will be offered an opportunity to enter into a Repayment Agreement with the HA depends on whether the HA considered the family in violation of a family obligation and whether the HA considered the violation fraud or whether the family owes the HA money for another reason (either with or without an executed Repayment Agreement).

If the HA determined that the family committed willful and intentional fraud, the HA may require the family to repay the entire amount in full or have assistance terminated. 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.

If the HA feels there was no willful intent to defraud or the family supplied the information regarding the prior violation willingly, the HA will enter into a Repayment Agreement with the family while the family is in its current dwelling unit.

If the family has defaulted on a previous Repayment Agreement, the HA may

- execute another Repayment Agreement combining all amounts owed
- require payment in full of all other outstanding debts prior to executing another Repayment Agreement
- require payment in full of all debts, including the one in question at the time
- process termination in addition to collecting amounts owed

Determination regarding whether to execute additional Repayment Agreements will be based on the tenant's history of repayment and willingness to rectify the debt and the actions requiring repeated Repayment Agreement consideration.

# Repayment Agreement Guidelines

If the HA enters into a repayment agreement, the Repayment Agreement will be established as follows:

- The payment amount is to be determined by calculating 10% of the family's most recent monthly adjusted household income. Any request for exception to that calculation will require approval from the Housing Program Supervisor and the Chief of Housing & Community Development.
- The term of repayment for all agreements not related to security deposit loans is not to exceed 24 months unless approval is granted from the Chief of Housing & Community Development. This may result in a repayment agreement amount above the 10% of adjusted income. Each case will be decided on a case-by-case basis.
- The term of repayment for all security deposit loans is not to exceed the length of the initial term of the lease, usually one year. All security deposit loans must be paid in full prior before a family will be issued a Voucher to relocate, if requested and allowable, prior to the end of the initial term of the lease.
- All Repayment Agreements exceeding \$5,000 will be forwarded to the HUD Inspector General and the County Attorney, regardless of the family's payment history or willingness to clear the debt.
- The first payment will be due within 30-45 days and the client should decide which day of the month for payment.
- The Repayment Agreement will not require a down payment at the time of execution.
- Repayment Agreements will be monitored monthly. After two delinquent payments, the account will be in default and be due and payable in full. If the defaulted amount is not paid in full, the HA will process termination of the family's assistance and will forward the matter to the County Attorney for collection.
- No tenant is permitted to have more than two repayment agreements (or one Repayment Agreement that is a combined agreement) at any given time and no client will be issued a Voucher to move as long as there are two Repayment agreements outstanding.
- Payments are to be made payable to **County Commissioners of Charles County, Maryland**. Payments are to be submitted in person or by mail to the Treasurer's Office in the Charles County Government Building.

## **Legal Considerations**

If the family refuses to sign a repayment agreement for changes it was required to report and did not, the HA will terminate assistance for fraud, as long as the amount was verified.

If the amount of the required repayment exceeds \$5,000, the HA will consider local prosecution and will forward the case to both the HUD Inspector General and the County Attorney for investigation and processing.

If a family defaults on a Repayment Agreement, the matter will be referred to the County Attorney for collection.

## **Owner Repayments**

If the HA determines that the owner has retained Housing Assistance Payments the owner was not entitled to receive, the HA will not execute Repayment Agreements, but will either reclaim the overpaid HAP amounts from future Housing Assistance Payments owed the owner or, at the owner's option, by having the owner issue a refund.

If the future Housing Assistance Payments owed are insufficient to reclaim the amounts owed, the owner must issue a refund to the HA. If the owner fails to do so, the HA will refer the matter to the County Attorney for collection.

# Appeals/Grievance Procedures

## General Policy

Both applicants and tenants of the Section 8 Program have the right to appeal certain decisions rendered by the HA which directly affect their admission to, or participation in, the program. These persons may exercise these rights following the procedures in the HA's grievance procedure, as set forth here.

Affected families will be notified in writing of their opportunity to appeal the decision and the process for requesting such appeal. All appeals must be requested in writing and must be received by the HA within an established timeframe, which is general 10 working days from the date of the correspondence advising of the HA's decision.

The HA's grievance process has the potential for two appeal meetings:

- first, an Informal Meeting, which is conducted with HA staff
- final, an Informal Review or Hearing, which is conducted with an independent Hearing Officer

## Informal Meetings

Whenever the HA issues a decision affecting an applicant or participant family, the HA offers an opportunity to appeal the decision. The HA will offer the opportunity for an Informal Hearing to all families, regardless of their ability to further appeal.

If a family appeals, the HA will schedule an Informal Meeting with HA staff (the Housing Counselor who was working with the family and the Housing Program Supervisor and/or Chief of Housing & Community Development).

Affected families may bring individuals that they believe may be able to offer information on behalf of the family, including representatives from other agencies. The HA also may request attendance at the Informal Meeting by other individuals who provided information that the HA will present to the family as evidence.

During the Informal Meeting, HA staff will detail for the family the decision that was made, the federal or HA guidelines that apply, the reason for the decision, including any evidence the HA has compiled. After the HA has reviewed such information, the family will be provided an opportunity to question the HA's interpretation of the situation, dispute any evidence or provide other relevant information that might be considered mitigating circumstances.

In order to ensure that all relevant information is considered, the HA may request additional documentation from the family and may schedule a follow-up meeting to finalize the first appeal. The HA will establish a fixed timeframe by which the family must provide any additional documentation in order for it to be considered.

After conclusion of the Informal Meeting, the HA will consider all information presented by the family and issue a decision as to whether:

- the HA's decision was appropriate and the decision remains in effect
- the HA's decision should be rescinded

The HA will notify the family, in writing, with five working days following the completion of the Informal Meeting process, of the HA's determination. If the HA upholds its original decision, the family will be offered an opportunity to further appeal to the independent Hearing Officer, who will conduct either an Informal Review (for applicants) or an Informal Hearing (for participants).

If a family fails to attend the scheduled meeting (or to contact the HA in advance to reschedule the Informal Meeting), the initial determination of the HA will remain in effect. The HA will issue a letter so advising the family.

## **Informal Review/Hearing**

When the HA issues a determination, after conducting an Informal Meeting, the HA will advise families whether they have the right to further appeal. Applicant families who can further appeal will be offered an Informal Review with the independent Hearing Officer. Participant families who can further appeal will be offered an Informal Hearing with the independent Hearing Officer.

Appeals by applicants and participants of the HA's Section 8 Rental Assistance Program shall be handled as outlined in the HUD regulations for Informal Hearings.

### **Decisions that Can Be Appealed**

Applicants will be provided an opportunity for an Informal Review of decisions denying:

- Listing on the HA's waiting list.
- Issuance of a Section 8 Certificate or Housing Voucher.
- Participation in the program.

Participants will be provided an opportunity for an Informal Hearing of decisions regarding:

- Calculation of income, the total tenant payment or tenant rent.
- Determination of appropriate utility allowance for assisted units.
- Termination of assistance due to a family's action or failure to act.
- Termination of assistance due to a family's absence from an assisted unit for a period that exceeds the maximum time allowed under HA policy and HUD rules.
- Determination that a family is over-housed and is denied an exception to the Occupancy Standards.
- Determination of bedroom size on the Certificate or Voucher.

### **Decisions that Cannot be Appealed**

- Determination of bedroom size on the Voucher for an assisted family that wants to move to another dwelling unit with continued participation.
- Rejection of a unit that does not meet Housing Quality Standards.
- Rejection of a unit that is not in accordance with Housing Quality Standards because of family size or composition.
- Refusal to extend or suspend a Voucher.
- Denial of issuance of a Voucher (and return to the Waiting List) based on failure to satisfy a preference or targeting requirement.
- Failure of a unit for Housing Quality Standards violations.
- Refusal to approve a unit or proposed lease.
- HA determination to exercise or not exercise any right or remedy against any owner.
- Determination of the schedule of utility allowances.
- Application of discretionary administrative procedures or HUD policies and procedures.

Families will be notified in writing of their right to an Informal Review/Hearing in most circumstances in which the HA makes a decision affecting their eligibility or assistance. The notice will include:

- The reason(s) for the decision.
- The procedures for requesting an Informal Review if the applicant does not agree with the determination.
- The time frame for requesting a review.
- Sample form for requesting an Informal Review/Hearing.
- A contact person and phone number to be used to reschedule the Hearing if the time set is inconvenient.

The rescheduled date must be within one week of the time originally scheduled, unless the family can prove that they were previously scheduled to be out of the location within that period or had a prior commitment.

## **Selection of Hearing Official or Panel**

Informal Reviews/Hearings will be conducted by the Hearing Officer designated by the Board of Commissioners, who is neither the person who made or approved of the decision under review nor a subordinate of such person.

The Deputy County Administrator for Charles County Government currently serves as the Hearing Officer.

## **Review/Hearing Policies**

The request for the Informal Review/Hearing must be presented in writing to the HA and must be received within 10 days of the date of the written notification of the decision. The request must be signed by the complainant and include the name, address, and telephone number of complainant and similar information about his/her representative, if any, and must state the reason for the request for Informal Review.

The HA will notify the complainant of a date and time for the Informal Review/Hearing within 10 working days of receipt of such request.

Families have the right to:

- Examine before the hearing any documents relevant to the review/hearing and to make copies of such at their own expense. The Informal Meeting serves as “discovery” for purposes of ensuring that both the HA and the family are aware of all relevant information. Should the HA not make these documents available to the family, the HA cannot rely on them at the Review/Hearing.
- Present evidence and/or witnesses.
- Request that Section 8 staff be available or present at the Review/Hearing to answer questions pertinent to the case.
- Be represented by legal counsel or other designated representative at their own expense (with five days' notice to the HA of the designated person).

In addition to the other requirements contained in this section, the HA has a right to:

- Present evidence and/or witnesses and any information pertinent to the issue of the review/hearing.
- Be notified if the family intends to be represented by legal counsel or another party.
- Have its attorney present.
- Have the staff person familiar with the case be present.

The Informal Review/Hearing will concern only the issues directly related to the HA decision in question. Evidence presented at the review/hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The Review/Hearing will be held before the Hearing Officer. The written procedures included as Appendix A of this Chapter will be followed and will be provided to the family when the Review/Hearing is scheduled.

The family will be provided the option of presenting oral or written objections to the decision in question. Both the HA and the family must have the opportunity to present evidence and/or witnesses.

The Hearing Officer may regulate the conduct of the review/hearing to ensure that the Review/Hearing is conducted orderly. The Hearing Official will require that the HA, complainant, counsel, and other participants and spectators conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain order may result in exclusion from the proceedings or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

The Hearing Officer will make a determination on how the rule or regulation was correctly or incorrectly applied to the information submitted at the Review/Hearing.

Families will be notified of the results of the Review/Hearing as follows:

- A written notice of the decision will be sent to the family within 14 calendar days of the decision.
- If the decision is based on money owed, the amount owed shall be stated.
- The date the decision goes into effect.

The HA is not bound by Review/Hearing decisions:

- When the grievance does not concern HA action or failure to act in accordance with or involving the complainant's lease or HA regulations which adversely affect the complainant's rights, or status.
- Concerning matters in which the HA is not required to provide an opportunity for a review/hearing.
- Contrary to HUD regulations or requirements.
- Contrary to federal, state, or local laws.
- That exceed the authority of the person conducting the Review/Hearing.

The HA shall send a letter to the participant within 14 calendar days if it determines the HA is not bound by the Hearing Officer's determination. The letter shall include the HA's reasons for the decision.

Provided that the HA takes all necessary action to carry out the decision rendered by the Hearing Officer, the complainant waives the right to any future grievances regarding this specific matter.

A decision by the Hearing Officer in favor of the HA or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect, in any matter whatever, the rights the complainant may have to judicial review in any proceedings.

All requests for an Informal Review/Hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

#### **Failure to Request an Informal Review/Hearing**

If the family does not request an Informal Review/Hearing within 10 working days, the family waives its right to a review, and the HA's decision becomes final.

The above determination shall in no way constitute a waiver of the complainant's right to contest the HA's decision in an appropriate judicial proceeding.

#### **Failure to Appear for an Informal Review/Hearing**

After a Review/Hearing date is agreed to, the family may request to reschedule or continue the hearing only upon showing "good cause," which is defined as an unavoidable conflict in a meeting time with another agency or a doctor or company which seriously affects the health, safety, or welfare of the family.

The hearing may be rescheduled if a scheduling conflict arises with the Hearing Officer.

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the HA within 48 hours (excluding weekends). The HA will reschedule the hearing only upon a showing of good cause for the family's absence as previously defined. The hearing will be rescheduled, in this event, only one time.

## **Effect of Appeal on Termination of HAP Payments**

For decisions regarding termination of assistance for the family, the HA provides 60 days' notice to both the owner and the family. The 60 days' notice is provided to ensure adequate time is provided to complete the

appeals process. However, if circumstances occur that result in the appeals process extending beyond the effective date of termination, the HA will continue paying HAP until the appeals process is complete.

If the determination of the HA is upheld through the appeals process, the final HAP payment will be issued for the later of the month that is:

- the established month the termination is to be effective, in accordance with the notice provided to the landlord.
- the month in which the final decision is rendered.

## **Family Changes During the Appeals Process**

The HA may implement the following changes prior to the hearing:

- Changes in the total tenant payment or tenant rent to owner (not including changes in the HA's Utility Allowance Schedule).
- Denial of a new Voucher for a family that wants to move.
- A determination that a family is residing in a unit with a larger number of bedrooms than appropriate under the Occupancy Standards and denial of an exception.
- Determination of number of bedrooms on a Voucher.

# Appendix 22: Informal Review/Hearing Procedures

The request for the Informal Review/Hearing must be presented in writing within ten days of the date of the written notification of denial or termination of assistance. The request must be signed by the complainant and include the name, address, and telephone number of the complainant and similar information about his/her representative, if any. The request must also state the reason for the request.

The Housing Authority must notify the complainant of a date and time for the Informal Review/Hearing within ten working days of receipt of the request.

The complainant may be represented by a person of his/her choice, including legal counsel, at his/her own expense.

## Procedures

**Time Limit**—Reviews/Hearings will be limited to a maximum of 30 minutes. Time limits may be extended by mutual agreement in writing to allow for unusual cases.

**Format**—Both the complainant and the HA designee must present the following information in writing to the Hearing Officer at least 24 hours before the scheduled Review/Hearing date:

- the reason for the grievance
- names of witnesses, if any
- the corrective action desired.

(A sample form developed by the HA is provided to the complainant.)

Matters not related to the grievance may not be raised during the review/hearing or at a later date by either party.

**Rejection**—The complaint may be rejected if it is not presented within the ten-day time limit, or if it does not provide a clear statement of the issue and does not indicate the specific action desired. The Hearing Officer may remand the complaint to the complainant for clarification or additional information.

**Hearing Officer**—The Hearing Officer is a person designated by the Board of County Commissioners, who is neither the person who made the decision under review nor a subordinate of such person. The Deputy County Administrator for Charles County Government currently serves in this capacity.

### Hearing Agenda—

1. The Hearing Officer will request the HA designee to present all facts and evidence available that bear on the grievance.
2. The Hearing Officer will request the complainant to restate the grievance, to present additional information relevant to the grievance, and to call any witness who can be expected to contribute materially to the issue. The complainant may be represented by a person of his/her choice, including legal counsel, at his/her own expense.
3. The Hearing Officer will have opportunity to ask questions and clarify information throughout the Review/Hearing.
4. At the conclusion of the Review/Hearing, the complainant will have opportunity to present closing remarks, and the HA staff person shall have opportunity to present closing remarks. The Hearing Officer will then adjourn to consider the case.

5. A written summary of the Hearing Officer's findings will be provided to the complainant and the HA designee within 14 calendars following the Review/Hearing and will include a brief explanation of the reasons for the final decision.

All requests for a review/hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

The decision of the Hearing Officer is final and not subject to further appeal process.

Form

# Resident Advisory Council

The HA established in 2000 a 12-member Resident Advisory Council in order to improve participant feedback and to comply with federal regulations.

The members of the Resident Advisory Council are appointed to two-year terms. The initial appointment of the council was random selection by HA Housing Counselors. Future appointments will occur based on the following, in the order presented:

- Upon completion of a two-year term, members will be offered an opportunity to continue serving on the council for up to two additional two-year terms. If the member declines:
- Volunteers will be solicited through the next edition of *Section 8 News*. If no individual volunteers within the established time frame,
- The departing representative will be responsible for appointment of the subsequent replacement member. In order to select the subsequent representative, the departing member will select a number between 1 and 580 (or the highest number of families receiving assistance at that time). The number selected will be compared by HA staff to the database of all participant families. The head-of-household of the family that has been assigned that Voucher number will be appointed to the Resident Advisory Council.

The Resident Advisory Council will meet twice each year:

- once during the summer
- once between November and January to review and comment on draft Annual and 5-Year Plans that the HA must submit to HUD each April.

Once an individual is appointed to the Resident Advisory Council, participation and attendance at meetings is mandatory and incorporated in the family's obligations. Council members will be advised in writing in advance of the established meeting. The HA may excuse individuals from the meetings, upon request of the individual prior to the date of the meeting, to accommodate the individual's specific circumstances, such as an unavoidable conflict that cannot be re-scheduled.

Two unexcused absences during the term will result in termination of assistance in accordance with the policies and procedures in this Administrative Plan.

# Certificate Administration

Through the Quality Housing and Work Responsibility Act of 1998, Congress effectively eliminated the Section 8 Certificate program and required that all Housing Authorities merge their Certificate and Voucher programs to conform to the Housing Choice Voucher Program mandates through QHWRA.

Although the merger is mandatory, Certificates will continue to be administered according to previous Certificate regulations until the conversion is complete. Certificates must be maintained until a tenant's second annual recertification after October 1, 1998.

The following information is applicable to Certificates, and only details areas where differences exist between Certificates and Vouchers. Unless alternate guidance is provided through this chapter, Certificate recipients are otherwise subject to the policies applicable to Voucher recipients as detailed in this Administrative Plan.

## Occupancy Standards

The Certificate unit size assigned to a participant in the Certificate Program serves as the basis for determining maximum rent that can be paid to an owner for the unit selected by the family under the Fair Market Rents established by HUD.

Fair Market Rent Limitation--The HA must always apply the FMR for the Certificate size approved for the family or the unit size actually selected by the family, whichever is less.

## Briefing Packet

All Certificate recipients must attend a family briefing, during which information contained in the briefing packet is reviewed. Other than the items detailed below, the information contained in the briefing packet is the same as that for Vouchers.

- Description of Fair Market Rents and Housing Assistance Payments.
- Payment Standard Information is eliminated.

## Fair Market Rent Limitations

The gross rent for a Certificate Program unit shall not exceed the Fair Market Rent applicable for such unit on the date of lease approval unless an exception rent is justifiable.

## **Tenancy Approval/Disapproval**

In the Certificate Program, if the gross rent proposed exceeds the FMR, the HA shall discuss with the owner the possibility of either reducing the contract rent or including some or all utilities in contract rent. If the owner is not willing to reduce or adjust the rent the Certificate holder will be required to seek another unit if his/her certificate is still valid.

## **Owner Payment**

The payment to the landlord is based upon the contract rent approved by the HA less the Tenant Rent determined by the HA.

The payment to the landlord is called the Housing Assistance Payment (HAP).

## **Damage Claims**

As part of any HAP Contract effective prior to October 2, 1995, owners can make "special claims" for damages, unpaid rent, and vacancy loss (vacancy loss cannot be claimed in the Voucher Program) after the tenant has vacated the unit.

The HA checks tenant files to ascertain if the family gave proper notice of its intent to move, especially if vacancy loss is claimed.

Other than the provision of vacancy loss, damage claim policies and procedures are the same as in the Voucher program and are detailed in the appendix to Chapter 15.

## **Rent Increases by Owner**

Annual adjustment factors are published each year by HUD to establish the maximum amount of annual rent increase allowable for a unit leased to a Section 8 Program participant. The Housing Assistance Payments Contract permits landlords to request an increase in the contract rent for the unit at the annual anniversary date of the contract. The contract rent is adjusted by applying the applicable annual adjustment factor to the contract rent. To receive an adjustment of the contract rent, the landlord must request the annual adjustment be applied by completing the form "Request for Annual Adjustment."

Rent increases to owners under the Certificate Program are to be effective on or after the anniversary date of the HAP Contract.

The HA will notify the owner of the upcoming contract anniversary date 60 days prior to the anniversary date.

Should the owner not respond within 14 days of the date of the letter, the owner may not be eligible for a rental increase.

Rent increases for mid-month move-ins (e.g., September 15) will be granted no earlier than a year from the first of the month following move-in (e.g., October 1).

Although HUD publishes an annual adjustment factor, the adjusted contract rent must still be determined a reasonable rent for the unit. If application of the annual adjustment factor would result in the contract rent exceeding comparable rents, no rent increase will be authorized.

Additionally, contract rent increases will not be given until the unit passes the Housing Quality Standards inspection.

If the HA rejects the owner's request for rent increase as exceeding the annual adjustment factor, and the owner insists on an increase in rent, the owner has the following options:

- The owner may offer the tenant a new lease with 60-day notice to the tenant after following the procedures under Section 10.C.
- The owner may use the tenant's refusal-to-accept the new lease as a cause for termination of tenancy, in accordance with the lease.