

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: Housing Authority of the City of Durham

PHA Number: NC013

PHA Fiscal Year Beginning: (mm/yyyy) 01/2000

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)

To provide quality affordable housing and economic opportunity in a supportive living environment without discrimination.

B. Goals

_____ PHA Goal: Expand the supply of assisted housing
 Objectives:
 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
 Other (list below)
 Apply for HOPE VI funds
 Develop system to monitor purchase opportunities of HUD or other foreclosure properties
 Obtain control of vacant rental property

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

_____ PHA Goal: Improve the quality of assisted housing
 Objectives:

- Improve public housing management: (PHAS score) 2 points per year to maximum
- Improve voucher management: (SEMAP score) 2 points per year to maximum

- Increase customer satisfaction:
- Concentrate on efforts to improve specific management functions:
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)

- PHA Goal: Increase assisted housing choices
- Objectives:
 - Provide voucher mobility counseling:
 - Conduct outreach efforts to potential voucher landlords (increase by 5 per year)
 - Increase voucher payment standards
 - 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)
 - Provide resource person for each program participant
 - Partner with advocacy group for resident benefits
 - Expand educational opportunities for all households

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

- 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:
 - Other: (list below)

Other PHA Goals and Objectives: (list below)

1.0 Goal

Improve the living environment for affordable housing communities

- A. Objective: Identify areas that have no concentrations of poverty and encourage program participants to move there.
- B. Objective: Develop a preventive maintenance program to visit each unit at least once a year.
- C. Objective: Present a housekeeping seminar for residents, annually.
- D. Objective: Provide training for residents on basic home repairs.

2.0 Goal

Maintain high occupancy rates for affordable housing programs

- A. Objective: Provide programs to encourage self-sufficiency to retain current residents.
- B. Objective: Advertise in various media to market properties.
- C. Objective: Respond to at least 90% resident concerns within time period provided.
- D. Objective: Modernize building structures and site systems.
- E. Objective: Increase waiting list.

3.0 Goal

Provide safe environments for all program communities

- A. Objective: Apply for Drug Elimination Program funds to assist in community programs.
- B. Objective: Work with other organizations to encourage youth programs availability to all program participants.
- C. Objective: With assistance from City of Durham, maintain police presence in public housing communities.
- D. Objective: Organize “Community Watch” programs in communities where requested.
- E. Objective: Utilize lighting, fencing, and environmental design to enhance feeling of safety.

Annual PHA Plan
PHA Fiscal Year 2000

[24 CFR Part 903.7]

Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

Standard Plan

Streamlined Plan:

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

Troubled Agency Plan

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 Durham Housing Authority has prepared this Agency Plan in compliance with Section 511 of the Quality Housing and Work Responsibility Act of 1998 and the ensuing HUD requirements.

We have adopted the following mission statement to guide the activities of Durham Housing Authority.

To provide quality affordable housing and economic opportunity in a supportive living environment without discrimination.

We have also adopted the following goals and objectives for the next five years:

Goal 1: Expand the supply of assisted housing

- Objectives:
- Apply for additional rental vouchers;
 - Reduce public housing vacancies;
 - Leverage private or other public funds to create additional housing opportunities;
 - Apply for HOPE VI funds.

Goal 2: Improve the quality of assisted housing

- Objectives:
- Improve public housing management by increasing PHAS scores by 2 points per year to maximum;
 - Improve voucher management by increasing SEMAP score by 2 points per year to maximum;
 - Increase customer satisfaction;
 - Concentrate on efforts to improve specific management

functions: 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.

Goal 3: Increase assisted housing choices

Objectives: Provide voucher mobility counseling;
Conduct outreach efforts to potential voucher landlords
(increase by 5 per year);
Increase voucher payment standards;
Implement public housing or other homeownership
programs.

Goal 4: Provide an improved living environment

Objectives: Implement measures to deconcentrate poverty by bringing
higher income public housing households to lower income
developments;
Implement public housing security improvements.

Goal 5: Promote self-sufficiency and assist 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;
Provide resource person for each program participant;
Partner with advocacy group for resident benefits;
Expand educational opportunities for all households.

Goal 6: 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.

Goal 7: Improve the living environment for affordable housing communities

Objectives: Identify areas that have no concentrations of poverty and

encourage program participants to move there;
Develop a preventive maintenance program to visit each unit at least once a year;
Present a housekeeping seminar for residents, annually;
Provide training for residents on basic home repairs.

Goal 8: Maintain high occupancy rates for affordable housing programs

Objectives: Provide programs to encourage self-sufficiency to retain current residents;
Advertise in various media to market properties;
Respond to at least 90% of resident concerns within time period provided;
Modernize building structures and site systems;
Increase waiting list.

Goal 9: Provide safe environments for all program communities

Objectives: Apply for Drug Elimination Program funds to assist in community programming;
Work with other organizations to encourage youth programs availability to all program participants;
With assistance from City of Durham, maintain police presence in public housing communities;
Organize "Community Watch" programs in communities, where requested;
Utilize lighting, fencing, and environmental design to enhance feeling of safety.

Our Annual Plan is based on the premise that if we accomplish our goals and objectives, we will be working towards the achievement of our mission.

The information set forth in the Annual Plan leads to the accomplishment of our goals and objectives. Taken as a whole, the data outline a comprehensive approach towards our goals and objectives and are consistent with our City's Consolidated Plan. Here are a few highlights of our Annual Plan:

- Establishment of preferences for admissions to public housing for involuntary displacement (disaster, government action, action of housing owner, inaccessibility, and property disposition).
- Adoption of changes to admission policies to promote deconcentration of poverty and to assure income mixing by employing waiting list "skipping" for all developments.
- Establishment of ceiling rents for all developments utilizing fair market rents.
- Annual Statement for Capital Fund Program in the amount of \$3,021,805.
- Notation of plan to apply for a HOPE VI Revitalization grant for one of our communities (Few Gardens).
- Identification of needs for measures to ensure resident safety and plans for

- crime and drug prevention activities.
- Attachment of Resident Advisory Board participation document.

In summary, the Durham Housing Authority is on course to improve the condition of affordable housing in our area.

Annual Plan Table of Contents

[24 CFR Part 903.79 (r)]

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

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Attachments

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

- Required Attachments:**
- _____ Deconcentration (NC013a01) (NC013b01)
 - _____ FY 2000 Capital Fund Program Annual Statement
 - _____ Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

- Optional Attachments:**
- _____ PHA Management Organizational Chart
 - _____ FY 2000 Capital Fund Program 5 Year Action Plan

- Public Housing Drug Elimination Program (PHDEP) Plan
 Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text) (NC013c01)
 Other (List below, providing each attachment name)

Supporting Documents Available for Review

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

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
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;
X	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
X	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
X	Public housing rent determination policies, including the methodology for setting public housing flat rents	Annual Plan: Rent Determination

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	X check here if included in the public housing A & O Policy	
	Schedule of flat rents offered at each public housing development X check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	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
X	Public housing grievance procedures X 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
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
X	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
X	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
X	Most recent self-sufficiency (ED/SS, TOP or ROSS or other	Annual Plan: Community

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	resident services grant) grant program reports	Service & Self-Sufficiency
X	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7.9 (a)]

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

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

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Over all	Afford- ability	Supply	Quality	Access- ibility	2. Size	Loca-tion
Income <= 30% of AMI	5843	5	4	N/A	N/A	5	N/A
Income >30% but <=50% of AMI	3960	5	N/A	N/A	N/A	5	N/A
Income >50% but <80% of AMI	7938	4	N/A	N/A	N/A	4	N/A
Elderly	2218	5	N/A	N/A	N/A	N/A	N/A
Families with Disabilities	N/A	N/A	N/A	N/A	3	N/A	N/A
Black/Non-Hisp.	45.2%	4	N/A	N/A	N/A	N/A	N/A
Hispanic	39.8%	4	N/A	N/A	N/A	N/A	N/A
Race/Ethnicity							
Race/Ethnicity							

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)

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

Complete one table for each type of A-wide waiting list administered by the PHA. PHAs may provide separate tables for site-based or jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input checked="" type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	794		654
Extremely low income <=30% AMI	*501	*87	
Very low income (>30% but <=50% AMI)	*67	*12	
Low income (>50% but <80% AMI)	*7	*1	
Families with children	745	93.83%	
Elderly families	12	1.51%	
Families with Disabilities	0	0.00%	
White	38	4.79%	
Black	751	94.58%	
Other	5	0.63%	
Race/ethnicity			
*This represents income distribution of 575 applicants as of 8/3/1999.			
Characteristics by Bedroom Size (Public Housing Only) 0 BR	49	6.17%	70
1BR	219	27.58%	135
2 BR	299	37.66%	205
3 BR	180	22.67%	155
4 BR	43	5.42%	66
5 BR	4	0.50%	19
5+ BR	0	0.00%	4
Is the waiting list closed (select one)? <u>No</u> Yes			
If yes:			

Housing Needs of Families on the Waiting List

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

Housing Needs of Families on the Waiting List

Waiting list type: (select one)
 Section 8 tenant-based assistance
 Public Housing
 Combined Section 8 and Public Housing
 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	1666		
Extremely low income <=30% AMI	*2205	*96.5	
Very low income (>30% but <=50% AMI)	*76	*3.4	
Low income (>50% but <80% AMI)	*3	*0.1	
Families with children	1416	85.00%	
Elderly families	111	6.66%	
Families with Disabilities	139	8.34%	
White	103	6.18%	
Black	1559	93.58%	
Other	4	0.24%	
Race/ethnicity			
*This represents income distribution of 2284 applicants as of 8/3/1999.			
Characteristics by Bedroom Size (Public Housing Only)			
1BR	741	44.48%	N/A
2 BR	553	33.19%	N/A
3 BR	319	19.15%	N/A
4 BR	48	2.88%	N/A
5 BR	5	0.30%	N/A
5+ BR	0	0.00%	N/A

Housing Needs of Families on the Waiting List
Is the waiting list closed (select one)? No <u>Yes</u>
If yes:
B. How long has it been closed (# of months)? 36 (5/1/96)
Does the PHA expect to reopen the list in the PHA Plan year? <u>No</u> Yes
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? No <u>Yes</u>

C. Strategy for Addressing Needs

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

(1) Strategies
Need: Shortage of affordable housing

for all eligible populations

Durham Housing Authority considers ourselves part of a larger effort in Durham to address affordable housing needs. In accordance with our goals included in this plan, Durham Housing Authority will try to minimize some identified needs by utilizing appropriate resources to maintain and preserve our existing stock. When appropriate and feasible, we will apply for additional grants and loans from governmental and private sources to help add to the affordable housing availability in our community. To that avail, we intend to work with our local partners, e.g. city/county government to try to meet the identified needs.

This year we expect to receive approximately \$3.2 million for modernization of our existing units through the Capital Fund Program and \$565,500 for our Public Housing Drug Elimination Program. We also intend to apply for a HOPE VI grant. Priorities and guidelines for programs sometimes change from time to time. Our decisions to pursue certain opportunities and resources may also change during the year, if programs occur which are beyond our control.

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

Select all that apply

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

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

ct all that apply

- 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

ct all that apply

- 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

ct all that apply

- Employ admissions preferences aimed at families who are working
- Adopt rent policies to support and encourage work
- Other: (list below)

B. Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

ct all that apply

- 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:

ct all that apply

- Seek designation of public housing for families with disabilities
- Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- 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:

ct if applicable

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

Strategy 2: Conduct activities to affirmatively further fair housing

ct all that apply

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

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

(2) Reasons for Selecting Strategies

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

- 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)

2. Statement of Financial Resources

[24 CFR Part 903.79 (b)]

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

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2000 grants)		
a) Public Housing Operating Fund	\$5,090,000	
b) Public Housing Capital Fund	\$3,021,805	
c) HOPE VI Revitalization	\$0	
d) HOPE VI Demolition	\$0	
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$9,510,000	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	\$565,500	
g) Resident Opportunity and Self- Sufficiency Grants	\$33,570	
h) Community Development Block Grant	\$0	
i) HOME	\$0	
Other Federal Grants (list below)	\$0	
Sub-total (Fed Grants - Year 2000)	\$18,220,875	
2. Prior Year Federal Grants (unobligated funds only) (list below)		
a) CGP Grants	\$2,931,200	

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
3. Public Housing Dwelling Rental Income	\$3,895,000	
4. Other income (list below)		
Excess utilities	\$15,000	PH operations
Investment income	\$97,700	PH operations
Other	\$200,000	PH operations
Sub-total (Other Income)	\$312,700	
4. Non-federal sources (list below)	\$0	
Total resources	\$25,359,775	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

Options: PHAs that do not administer public housing are not required to complete subcomponent

(1) Eligibility

- a. When does the PHA verify eligibility for admission to public housing? (select all that apply)
- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe) Preliminary applications are accepted. PHA verifies arrest records, previous assisted housing records and status of previous financial obligations to PHA at the preliminary application stage.
- b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?
- Criminal or Drug-related activity
- Rental history
- Housekeeping
- Other (describe)
- c. Yes No: Does the PHA request criminal records from local law enforcement

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

(2)Waiting List Organization

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

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

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

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

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

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

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

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

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

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

(3) Assignment

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

- One
- Two
- Three or More

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

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

(4) Admissions Preferences

a. Income targeting:

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

b. Transfer policies:

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

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

a. Preferences

x1. Yes No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection **(5) Occupancy**)

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

Former Federal preferences:

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

- Homelessness
- High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

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

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

Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

4. Relationship of preferences to income targeting requirements:

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

(5) Occupancy

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

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

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

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

(6) Deconcentration and Income Mixing

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

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

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

- Adoption of site-based waiting lists
- If selected, list targeted developments below:

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

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

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

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

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

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

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

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

B. Section 8

Options: PHAs that do not administer section 8 are not required to complete sub-component 3B.

Unless otherwise specified, all questions in this section apply only to the tenant-based section 8(1) Eligibility assistance program (vouchers, and until completely merged into the voucher program, certificates).

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?

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

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

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

Criminal or drug-related activity

Other (describe below)

The Durham Housing Authority will provide information to prospective landlords for all participants, upon request, when the housing authority possesses the following: the tenant history of family members, criminal or drug related activity, drug trafficking by family members, family's current address, and name and address of current landlord.

(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)

(3) Search Time

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

If yes, state circumstances below: Extenuating circumstances: family emergency, hospitalization, disabled persons, request for lease approval has been turned in but the unit is not ready, family shows evidence of consistent efforts to locate housing.

(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)
Elderly, disabled, handicapped

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.

2 Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families

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

“1” Elderly, “1” Disabled, “1” Handicapped, “1” Displaced, “1” Homeless

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

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

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

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

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

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

(5) Special Purpose Section 8 Assistance Programs

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

- 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)

4. PHA Rent Determination Policies

[24 CFR Part 903.79 (d)]

A. Public Housing

Options: PHAs that do not administer public housing are not required to complete sub-component

(1) Income Based

Rent Policies

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

a. Use of discretionary policies: (select one)

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

---or---

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

b. Minimum Rent

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

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

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

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

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

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

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

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

For the earned income of a previously unemployed household member

For increases in earned income

Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

Fixed percentage (other than general rent-setting policy)

If yes, state percentage/s and circumstances below:

For household heads

For other family members

For transportation expenses

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

Other (describe below)

e. Ceiling rents

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

Yes for all developments

Yes but only for some developments

No

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

For all developments

For all general occupancy developments (not elderly or disabled or elderly only)

For specified general occupancy developments

For certain parts of developments; e.g., the high-rise portion

For certain size units; e.g., larger bedroom sizes

Other (list below)

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

Market comparability study

Fair market rents (FMR)

95th percentile rents

75 percent of operating costs

100 percent of operating costs for general occupancy (family) developments

- Operating costs plus debt service
- The "rental value" of the unit
- Other (list below)

f. Rent re-determinations:

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

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

Resident must report changes to income if it is a discontinuation of welfare or someone with income is added to lease.

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

(2) Flat Rents

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

- The section 8 rent reasonableness study of comparable housing
- Survey of rents listed in local newspaper
- Survey of similar unassisted units in the neighborhood
- Other (list/describe below)

Utilization of Section 8 Fair Market Rents for Ceiling/Flat rents.

B. Section 8 Tenant-Based Assistance

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

(1) Payment Standards

Describe the voucher payment standards and policies.

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

- At or above 90% but below 100% of FMR

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

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

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

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

- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- Reflects market or submarket
- To increase housing options for families
- Other (list below)

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

- 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)

(2) Minimum Rent

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

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

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

5. Operations and Management

[24 CFR Part 903.79 (e)]

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

A. PHA

Management Structure

Describe the PHA's management structure and organization.

(select one)

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

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

B. HUD Programs Under PHA Management

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

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

C. Management and Maintenance Policies

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

(1) Public Housing Maintenance and

Management: (list below)

(2) Section 8 Management: (list below)

6. PHA Grievance Procedures

[24 CFR Part 903.79 (f)]

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

A. Public Housing

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

If yes, list additions to federal requirements below:

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

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

B. Section 8 Tenant-Based Assistance

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

If yes, list additions to federal requirements below:

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

- PHA main administrative office
 Other (list below)

7. Capital Improvement Needs

[24 CFR Part 903.79 (g)]

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

A. Capital Fund

Activities

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

(1) Capital Fund

Program Annual Statement

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

Select one:
 The Capital Fund Program Annual Statement

Statement is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

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

Annual Statement

Capital Fund Program (CFP) Part I: Summary

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	\$0
2	1406 Operations	\$0
3	1408 Management Improvements	\$50,000
4	1410 Administration	\$95,187
5	1411 Audit	\$0
6	1415 Liquidated Damages	\$0
7	1430 Fees and Costs	\$152,481
8	1440 Site Acquisition	\$0
9	1450 Site Improvement	\$268,587
10	1460 Dwelling Structures	\$2,183,550
11	1465.1 Dwelling Equipment-Nonexpendable	\$67,000
12	1470 Nondwelling Structures	\$0
13	1475 Nondwelling Equipment	\$0
14	1485 Demolition	\$0
15	1490 Replacement Reserve	\$0
16	1492 Moving to Work Demonstration	\$0
17	1495.1 Relocation Costs	\$205,000
18	1498 Mod Used for Development	\$0
19	1502 Contingency	\$0
20	Amount of Annual Grant (Sum of lines 2-19)	\$3,021,805
21	Amount of line 20 Related to LBP Activities	\$0

22	Amount of line 20 Related to Section 504 Compliance	\$0
23	Amount of line 20 Related to Security	\$0
24	Amount of line 20 Related to Energy Conservation Measures	\$629,093

Annual Statement
Capital Fund Program (CFP) Part II: Supporting Table

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
NC13-1 Few Gardens	Heating system renovations (1/2)	1460	\$562,093
NC13-2 & 3 McDougald Terrace			\$0
NC13-4 Scattered Sites			\$0
NC13-5 Fayetteville Street			\$0
NC13-6 Oldham Towers			\$0
NC13-7 Cornwallis Road			\$0

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost	
NC13-8 Liberty Street	Bathroom renovations/repair ceilings and walls Ranges Refrigerators	1460	\$0	
NC13-9 Club Boulevard			1465.1	\$27,000
			1465.1	\$40,000
NC13-10 Hoover Road			1460	\$235,400
NC13-11	Roof replacement		\$0	

J. J. Henderson			
NC13-12 Morreene Road			\$0

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
NC13-13 Damar Court	Erosion control/landscaping Storm covers	1450 1450	\$230,650 \$37,937
NC13-15 Oxford Manor	Renovate interiors (1/2) Relocation	1460 1495.1	\$892,316 \$205,000
NC13-16 Kerrwood Estates			\$0
NC13-18 Birchwood Heights			\$0
NC13-20 Forest Hill Heights			\$0
PHA-wide	Administrative Services Training	1408	\$5,000
	Maintenance Training	1408	\$15,000

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
PHA-wide	Housing Managers Training	1408	\$8,000
	Resident Education	1408	\$10,000
	Youth Leadership Training (NC13-1,12,13)	1408	\$10,000
	Occupancy Training	1408	\$2,000
	Administration	1410	\$95,187
	Fees and Costs	1430	\$152,481

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

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
NC13-1 Few Gardens	9/30/2002	9/30/2003
NC13-2 & 3 McDougald Terrace	N/A	N/A
NC13-4 Scattered Sites	N/A	N/A
NC13-5 Fayetteville Street	N/A	N/A
NC13-6 Oldham Towers	N/A	N/A
NC13-7 Cornwallis Road	N/A	N/A

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
NC13-8 Liberty Street	N/A	N/A
NC13-9 Club Boulevard	9/30/2002	9/30/003

NC13-10 Hoover Road	9/30/2002	9/30/003
NC13-11 J. J. Henderson	N/A	N/A
NC13-12 Morreene Road	N/A	N/A
NC13-13 Damar Court	9/30/2002	9/30/2003

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
NC13-15 Oxford Manor	9/30/2002	9/30/2003
NC13-16 Kerrwood Estates	N/A	N/A
NC13-18 Birchwood Heights	N/A	N/A
NC13-20 Forest Hill Heights	N/A	N/A
PHA-wide Admin. Services Trng.	9/30/2002	9/30/2003
Maint. Training	9/30/2002	9/30/2003
Hsg. Mgr. Training	9/30/2002	9/30/2003
Resident Education	9/30/2002	9/30/2003
Youth Ldrshp. Trng.	9/30/2002	9/30/2003

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
PHA-wide Occupancy Training	9/30/2002	9/30/2003

Total estimated cost over next 5 years	\$2,176,997	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-2	McDougald Terrace	3	1.21%
NC13-3	McDougald Terrace	2	1.76%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Dumpsters/pads fences		\$194,858	2001
Heating systems renovations		\$650,000	2002
Kitchen base cabinets/countertops		\$381,140	2003
Repave parking areas/streets		\$200,000	2003
Interior painting		\$435,435	2004
Roof replacement		\$585,000	2004
Total estimated cost over next 5 years		\$2,446,433	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-4	Scattered Sites	2	4.00%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Doorbells		\$7,000	2002
Ranges		\$15,200	2002
Closet doors		\$21,000	2002
Range hoods		\$14,500	2003
Roof replacement		\$100,000	2003
Replace exterior entry doors		\$32,500	2004
Total estimated cost over next 5 years		\$190,200	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-5	Fayetteville Street	5	2.50%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Interior painting		\$156,312	2001
Baseboard heaters/repair light fixtures		\$300,000	2002
Closet doors		\$121,275	2002
Exterior doors/peepholes/replace transom windows		\$200,000	2003
Repair/replace floors		\$368,550	2004
Playground equipment		\$65,000	2004
Total estimated cost over next 5 years		\$1,211,137	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-6	Oldham Towers	2	1.88%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Ranges		\$42,000	2002
Furniture for floor lobby areas		\$8,000	2002
Repair/repave parking lots		\$100,000	2003
Total estimated cost over next 5 years		\$150,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-7	Cornwallis Road	3	1.51%

Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Total estimated cost over next 5 years		\$0	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-8	Liberty Street	2	1.85%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Windows/screens replacement		\$343,699	2002
Bathroom renovations		\$324,000	2003
Drainage problems/landscaping		\$220,000	2003
Dumpsters/pads/fences		\$120,000	2003
Resurface parking areas		\$134,225	2003
Private outdoor space		\$317,363	2004
Playground equipment		\$25,000	2004
Total estimated cost over next 5 years		\$1,484,287	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-9	Club Boulevard	0	0.00%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Repair/replace floors		\$375,375	2003

Tot lot/playground equipment	\$29,7780	2003
Fence around playground	\$75,0000	2003
Community center building renovation	\$80,000	2004
Total estimated cost over next 5 years	\$560,153	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-10	Hoover Road	2	3.70%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Total estimated cost over next 5 years		\$0	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-11	J. J. Henderson Housing Center	1	0.56%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Ranges		\$49,000	2002
Floor tile installation		\$300,237	2002
Refrigerators		\$90,000	2003
Plumbing cutoff valves (kit./baths)		\$35,600	2003

Total estimated cost over next 5 years	\$474,927	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-12	Morreene Road	3	1.34%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Bathroom renovations		\$579,180	2001
Peepholes		\$7,500	2001
Tot lots		\$14,065	2002
Total estimated cost over next 5 years		\$600,745	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-13	Damar Court	7	6.93%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Foundation wall repairs		\$106,855	2001
Closet door repairs		\$34,579	2001
Heating system repairs		\$357,170	2002
Dumpsters/pads/fences		\$120,000	2002
Playground fence		\$30,000	2002
Washer/dryer hookups		\$220,000	2003

Total estimated cost over next 5 years	\$868,604	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-15	Oxford Manor	30	20.00%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Renovate interiors (1/2)		\$892,316	2001
Relocation		\$205,000	2001
Community center building renovation		\$225,000	2002
Total estimated cost over next 5 years		\$1,322,316	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-16	Kerrwood Estates	0	0.00%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)

Total estimated cost over next 5 years	\$0	
---	-----	--

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-18	Birchwood Heights	0	0.00%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Total estimated cost over next 5 years		\$0	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
NC13-20	Forest Hill Heights	0	0.00%
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Ranges		\$15,500	2002
Repair/pave parking lots, streets		\$100,000	2003
Drapes/blinds community center building		\$5,000	2003
Bathroom plumbing repairs		\$50,000	2004
Sidewalks installation		\$25,000	2004
Replace exterior entry doors		\$40,000	2004
Total estimated cost over next 5 years		\$235,500	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
PHA-wide	PHA-wide	N/A	N/A
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
HVAC system replacement/ Central Office		\$150,000	2004
Total estimated cost over next 5 years		\$150,000	

Optional 5-Year Action Plan Tables			
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development
PHA-wide	PHA-wide	N/A	N/A
Description of Needed Physical Improvements or Management Improvements		Estimated Cost	Planned Start Date (HA Fiscal Year)
Administrative Services Training		\$5,000*	2001-2004
Maintenance Training		\$15,000*	2001-2004
Housing Managers Training		\$8,000*	2001-2004
Resident Education		\$10,000*	2001-2004
Youth Leadership Training (NC13-1,2,3,5,7,8,9,10,12,13,15)		\$10,000*	2001-2004
Occupancy Training		\$2,000*	2001-2004
Computer LAN system hardware, Phase II		\$203,583	2001
Computer LAN system software, Phase II		\$10,000	2001
*estimated cost to be expended each year			
Total estimated cost over next 5 years		\$413,583	

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

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

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

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

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

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

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

8. Demolition and Disposition

[24 CFR Part 903.79 (h)]

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

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

2. Activity Description

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

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

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

[24 CFR Part 903.7 9 (i)]

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

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

2. Activity Description

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

<u>Designation of Public Housing Activity Description</u>
1a. <u>Development name:</u>
1b. <u>Development (project) number:</u>
2. <u>Designation type:</u>

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

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

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

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

1. Yes No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

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

Conversion of Public Housing Activity Description
1a. Development name:
1b. Development (project) number:
2. What is the status of the required assessment?
<input type="checkbox"/> Assessment underway
<input type="checkbox"/> Assessment results submitted to HUD
<input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question)
<input type="checkbox"/> Other (explain below)

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

Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1977

Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1977

11. Homeownership

Programs Administered by the PHA

[24 CFR Part 903.79(k)]

A. Public Housing

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

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

2. Activity Description

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

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

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.)

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)]

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

PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

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

_____ If yes, what was the date that agreement was signed?

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

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

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

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

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)

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 903.79 (m)]

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

Need for measures to ensure safety of public housing residents

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

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

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

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed "in and around" public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti

- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other (describe below)

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

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

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

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

Public housing unit, lease enforcement, enforcement of one strike rule, coordination with organized crime unit and service of drug warrants

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

C. Coordination between PHA and the police

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

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

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

D. Additional information as required by PHDEP/PHDEP Plan

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

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

RESERVED FOR PET POLICY

CFR Part 903.7 9 (n)

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

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

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

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

17. PHA Asset Management

[24 CFR Part 903.7 9 (q)]

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

Yes No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?

- 2. What types of asset management activities will the PHA undertake? (select all that apply)
- Not applicable
- Private management

- Development-based accounting
- Comprehensive stock assessment
- Other: (list below)

3. Yes No: Has the PHA included descriptions of asset management activities in the optional Public Housing Asset Management Table?

18. Other Information

[24 CFR Part 903.79 (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 B (NC013b01)
- 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.
- The PHA changed portions of the PHA Plan in response to comments
- List changes below:

Other: (list below)

Many recommended changes to policies and procedures occurred prior to the draft Plan completion. Our Resident Advisory Board (RAB) completed their input before the document was made available for the public hearing review. Comments made at the public hearing are also included with the Resident Advisory Board comments attachment (NC013b01).

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).

____ Consolidated Plan jurisdiction:

(Durham, North Carolina)

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.

____ The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.

The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.

____ Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)

____ Other: (list below)

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

D. Other Information Required by HUD

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

Attachments

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

ATTACHMENT A

The Housing Authority of the City of Durham Durham, North Carolina

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

A.C.O.P.

Note:

This plan (ACOP) also serves as our "Resident Selection and Assignment Plan (RSAP)" because it meets the requirements for a RSAP and provides the details as to how this Agency processes the selection and assignment of applicants for Public Housing.

The ACOP also includes the regulatory "One-Strike" provisions for admission to Public Housing and applicable sections of Title V of H.R. 4194, the Quality Housing and Work Responsibility Act.

**Approved by the Housing Authority Board of Commissioners:
Submitted to HUD: 12/10/99**

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SECTION I. INTRODUCTION:

1. **Mission Statement:** - Our goal is to provide and ensure drug free, decent, safe, sanitary and affordable housing; provide opportunities for self-sufficiency and economic independence for residents.

In order to achieve this mission, we will:

- ☞ Recognize the residents and participants as our ultimate customer;
- ☞ Improve Housing Authority management and customer service delivery efforts through effective and efficient management of Housing Authority staff;
- ☞ Seek problem-solving partnerships with residents, participants, landlords, community and government leadership;
- ☞ Apply HA resources, to the effective and efficient management and operation of public housing and section 8 programs, taking into account changes in Federal funding.

2. **Purpose of Policy:** The purpose of this policy (Admissions and Continued Occupancy Policy) is to establish guidelines for the Housing Authority staff to follow in determining eligibility for admission to and continued occupancy of housing. The basic guidelines for this policy is governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for local policies and procedures. The Policies and Procedures governing Admissions and Continued Occupancy are outlined in this policy and these requirements are binding upon applicants, residents and Housing Authority staff. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

Federal Regulations shall mean those found in 24 Code of Federal Regulations (CFR) Parts 900.

3. **Primary Responsibilities of the HA:**

- A. Informing eligible families of the availability of housing assistance;
- B. Determining and posting annually the utility allowances;
- C. Receiving applications from families and determining their eligibility for assistance;
- D. Evaluating apartments to determine that they meet or exceed Housing Quality Standards;
- E. Approving leases;
- F. Collecting rent on a monthly basis from residents;
- G. Annual recertifications of income, family composition and redetermination of rent;
- H. Authorizing and processing evictions; and,
- I. Ongoing maintenance and modernization of the housing inventory.

4. **Objectives:** - The objectives of this policy are to:

- A. **Promote the overall goal of drug free, decent, safe and sanitary housing by:**
 - (1) **Ensuring a social and economic mix of residents within each community in order to foster social stability and upward mobility.**
 - (2) **Ensuring the fiscal stability of the HA.**
 - (3) **Lawfully denying admission or continued occupancy to applicants or residents whose presence in a community are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to HA employees.**
 - (4) **Ensuring that elderly families can live in housing as long as they are able to live independently and/or have someone to help them live independently as in the case of a live-in aide.**

- B. **Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the HA inventory and staff.**

- C. **Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to ensure that admission to and continued occupancy in housing are conducted without regard to race, color, religion, creed, sex, national origin, handicap, or familial status.**

5. **Outreach - As much information as possible about Housing may be disseminated through local media (newspaper, radio, television, etc.). For those who call the HA Office, the staff may be available to convey essential information.**

— **The HA may hold meetings with local social community agencies.**

— **The HA may sponsor "Open House" programs within the housing community to attract potential residents to view an apartment.**

— **The HA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for housing. The HA shall take affirmative actions to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income, are less likely to apply for housing. When there is a Local Housing Plan pursuant to Section 24 CFR, Part 91 (Comprehensive Housing Affordability Strategy (CHAS), the HA planned programs will be incorporated in the CHAS.**

SECTION II. FAIR HOUSING POLICY

It is the policy of the HA 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 and with the Americans with Disabilities Act.

Specifically, the HA shall not on account of race, color, sex, religion, creed, national or ethnic origin, familial status, disability or handicap, deny any family or individual the opportunity to apply for or receive assistance under HUD's Housing Programs, within the requirements and regulations of HUD and other regulatory authorities.

To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide access to information to residents regarding "discrimination". Also, this subject will be discussed during the orientation session and any complaints will be documented and made part of the applicant's/residents file.

SECTION III. PRIVACY RIGHTS

Applicants will be required to sign the Federal Privacy Act Statement which states under what conditions HUD will release resident information.

Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant, resident or participant, unless disclosure is authorized under Federal or State law or regulations.
(Reference HUD Form 9886)

SECTION IV. DEFINITION OF TERMS

Definitions are amended from time to time and are contained in Section 24 CFR, which are incorporated by reference as if fully set out herein. Copies of this regulation are available in the HA Office.

1. **ADJUSTED FAMILY INCOME** - Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:
 - A. A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is (1) seventeen (17) years of age or younger or (2) who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
 - B. A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) under thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).
 - C. A deduction of \$400.00 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.
 - D. A deduction for any elderly family:
 - (1) That has no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.
 - (2) That has Handicapped Assistance Expenses greater than or equal to three (3%) percent of Total Annual Family Income, an Allowance for Handicapped

Assistance computed in accordance with paragraph E of this Section, plus an allowance for medical expenses that is equal to the Family's medical expenses.

- (3) That has Handicapped Assistance Expenses that are less than three (3%) percent of Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three (3%) percent of Total Annual Family Income. Expenses used to compute the deduction cannot be compensated for nor covered by insurance.

- E. A deduction for any family that is not an elderly family but has a handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expense in excess of three (3%) percent of Total Annual Family Income, but this allowance may not exceed the employment received by family members who are eighteen (18) years of age or older as a result of the Assistance to the Handicapped or Disabled person.
- F. Child Care Expenses: Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges is determined by the HA, by conducting surveys of local child care providers. The results are posted in the HA office(s).

Note:

If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.

2. **ADULT** - An adult is a person who is 18 years of age and older; or who has been relieved of the disability of non-age by the juvenile court (Emancipated Minor). Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.
3. **BREAK-INS** - Break-ins mean bona fide attempts at burglary which are reported to the police department and are subject to verification by written police reports furnished by the Resident(s).
4. **CEILING/FLAT RENT** - The reasonable market rental value of apartments equals the fair market rent for Section 8.
5. **CHILD** - A member of the family, other than the family head or spouse, who is under 18 years of age.
6. **CHILD CARE EXPENSES** - Child Care Expenses are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not

exceed the amount of income received from such employment. The HA will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing child care.

7. **CHILD CUSTODY** - An applicant/resident family who does not have full custody of a child/children may only claim a child as a dependent by the following:
 - A. The applicant/resident must have primary custody of the child. (Verification required)
 - B. The applicant/resident must provide sufficient evidence that if the applicant were admitted to housing the child would reside with the applicant. The same child cannot be claimed by more than one applicant (i.e., counted more than once in order to make two (2) singles eligible).
8. **CITIZEN** - A citizen or national of the United States.
9. **DEPENDENT** - A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.
10. **DISABLED PERSON** - (See Handicapped Person)
11. **DISABLED FAMILY** (Local Preference) - A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.
12. **DISPLACED FAMILY** (Local Preference) - A person, or family, displaced by governmental action, or 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.
13. **ELDERLY FAMILY** (Local Preference) - A family whose head, spouse, or sole member is a person who is at least 62 years of age and may include two or more elderly persons; or one or more such persons living with another person who is determined to be essential to his or her care.
14. **ELDERLY PERSON** - A person who is at least sixty-two (62) years of age.
15. **EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS** - The documents which must be submitted to evidence citizenship or eligible immigration status.
16. **FAMILIAL STATUS** - A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons. Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as a single person and only entitled to a one bedroom apartment. Once the child is born and/or the custody is obtained, the family will qualify for a two bedroom unit and authorized to transfer as outlined in the Transfer Section.
17. **FAMILY** - The term "family" as used in this policy means:

- A. Two or more persons related by blood, marriage, or by operation of law, (i.e. foster children, adopted children), or two or more persons sharing residency whose income and resources are available to meet the family's needs; or who evidence a stable relationship over a period of time (not less than 24 months). A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size); who live regularly together as a single household in the apartment. By definition, a family must contain a competent adult of at least 18 years of age or an emancipated minor in order to enter into a contract and capable of functioning as the head of the household.

Note:

Evidence of "stable family relationship" may include any of the following: birth certificates of the children, joint tax returns, lease (held jointly), joint bank accounts, insurance policies or equivalent documentation as determined by the HA. The head of household and the spouse and/or other adult member(s) must be parties to the lease. There must be some concept of family living beyond the mere sharing or intention to share housing accommodations by two or more persons to constitute them as a family within the meaning of this policy. Some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

- B. An elderly family;
 - C. A near-elderly family;
 - D. A disabled family;
 - E. A displaced family;
 - F. The remaining member of a resident family; (Refer Definition No. 103); and
 - G. A single person who is not elderly or displaced person, or a person with disabilities.
18. **FIFTY PERCENT (50%) OF INCOME FOR RENT (If Applicable, does not apply to Durham Housing Authority as a Preference)** - Families that pay 50% or more of their family income for rent including utilities qualify for a preference, in selecting applicants for admission to housing.
19. **FOSTER CHILDREN** - With the prior written consent of the HA, a foster child may reside on the premises. The factors considered by the HA in determining whether or not consent is granted may include:
- A. Whether the addition of a new occupant may require a transfer of the family to another apartment, and whether such apartments are available.
 - B. The HA's obligation to make reasonable accommodation for handicapped persons.
20. **FULL-TIME STUDENT** - A member of a family (other than the head of household or spouse) who is carrying a subject load which 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 diploma or certificate program, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.

21. **HANDICAPPED ASSISTANCE EXPENSE** - Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

22. **HANDICAPPED PERSON AND/OR DISABLED PERSON** - A person having a physical or mental impairment which:

- A. Is expected to be of long-continued and indefinite duration,
- B. Substantially impedes his/her ability to live independently, and
- C. Is of such a nature that such disability could be improved by more suitable housing conditions.

NOTE:

All three conditions must be met to qualify as handicapped.

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) of the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6001(7)). or is handicapped as defined below:

- D. Section 223 of the Social Security Act defines disability as:
 - (1) "Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or
 - (2) in the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in Section 416(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
- E. Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

"A disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary of Health and Human Resources to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual."
- F. No individual shall be considered to be a person with a disability for purposes of eligibility for low income housing solely on the basis of any drug or alcohol dependency.

23. **HAZARDOUS DUTY PAY** - Pay to a family member in the Armed Forces away from home and exposed to hostile fire.

24. **HEAD OF HOUSEHOLD** - The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
25. **HOMELESS FAMILY (If Applicable, does not apply to Durham Housing Authority as a Preference)** - Any individual or family who:
- A. Lacks a fixed, regular, and adequate nighttime residence;
 - B. Has a primary nighttime residence that is:
 - (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);
 - (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
 - C. A homeless family does not include:
 - (1) Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or
 - (2) Any individual who is a Single Room Occupant that is not considered substandard housing.
26. **INCOME EXCLUSIONS** - Annual Income does not include such temporary, non-recurring or sporadic income as the following:
- A. Casual, sporadic, temporary, nonrecurring income, including gifts.
 - B. Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical expenses for any family member.
 - C. Lump-sum additions to family assets, such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.
 - D. The full amount of student financial assistance paid directly to the student or to the educational institution.
 - E. Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).
 - F. The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 [7 USC 2017(b)].
 - G. Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044(g), 5058].

- H. Income of a live-in aide (as defined in this policy).**
- I. Payments received from the Job Training Partnership Act [29 USC 1552(b)].**
- J. Hazardous Duty Pay for a family member in the Armed Forces away from home and exposed to hostile fire.**
- K. Income from employment of children (including foster children) under the age of eighteen (18).**
- L. Payment received for the care of foster children or foster adults.**
- M. Payments received under the Alaska Native Claims Settlement Act [43 U.S.C. 1626(a)], or reparation payments made by foreign governments in connection with the Holocaust.**
- N. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 U.S.C. 459(e)].**
- O. Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program [42 U.S.C. 8624(f)].**
- P. Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub.Law 94-540, 90 Stat. 2503-2504).**
- Q. The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior [25 U.S.C. 117(b), 1407].**
- R. Payments from Programs under Title V of The Older Americans Act of 1965 [42 U.S.C. 3056(f)].**
- S. Amounts received under training programs funded by HUD.**
- T. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).**
- U. Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.**
- V. For taxable years after December 31, 1990, the earned income tax credit refund. Effective Date: July 25, 1994.**
- W. The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the U.S. Housing Act of 1937, or any comparable Federal, State, or local law during the exclusion period. For purposes of this paragraph, the following definitions apply:**

Comparable Federal, State or Local Law means a program providing employment training and supportive services that:

- (1) Are authorized by a federal, state or local law;**
- (2) Are funded by federal, state or local government;**
- (3) Are operated or administered by a public agency;**
- (4) Has as its objective to assist participants in acquiring job skills.**

Exclusion period means the period during which the resident participates in a program described in this section, plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end.

Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

This provision does not apply to residents participating in the Family Self-Sufficiency Program who are utilizing the escrow account. Also, residents are required to pay the appropriate minimum rent.

- X. A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time.**
- Y. Compensation from State or local employment training programs and training of a family member as resident Management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the HA.**
- Z. For all initial determinations and recertification of income carried out on or after April 23, 1993, reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.**
- AA. Earning in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).**
- BB. Adoption assistance payments in excess of \$480 per adopted child.**
- CC. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment received on or after October 28, 1992.**
- DD. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the apartment.**
- EE. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.**

27. **INFANT** - A child under the age of two years.
28. **INTERIM REDETERMINATION OF RENT** - Changes of rent between admissions and recertifications and the next succeeding recertification.
29. **INS** - The U. S. Immigration and Naturalization Service.
30. **INVOLUNTARILY DISPLACEMENT (If Applicable, does not apply to DHA as a Preference** - Families that meet the definition of involuntary displaced qualify for a preference in the selection of applicants for admission to housing.
31. **LIVE-IN AIDE** - A person who resides with an Elderly, Disabled, or Handicapped person or persons and who:
- A. Is determined by the HA to be essential to the care and well-being of the person(s);
 - B. Is not obligated for support of the person(s);
 - C. Would not be living in the apartment except to provide supportive services. The income of a Live-in-aide that meets these requirements is not included as income to the resident family. A Live-in Aide must be approved, in advance, by the HA and meet eligibility requirements for occupancy.
32. **LOWER INCOME FAMILY** - A family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD.
33. **MEDICAL EXPENSE** - Those necessary 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. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only.
34. **MILITARY SERVICE** - Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.
35. **MINIMUM RENT**: Families assisted under the Housing program pay a monthly “minimum rent” of not more than \$50.00 per month. The HA has the discretion to establish the “minimum rent” from \$0 up to \$50.00. The minimum rent established by this HA is \$25.00.
36. **MINOR** - A "minor" is a person under eighteen years of age. (An unborn child may not be counted as a minor.)
37. **MIXED FAMILY** - A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
38. **MONTHLY ADJUSTED INCOME** - One-twelfth of Adjusted Annual Income.
39. **MONTHLY INCOME** - One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as

monthly income.

40. **NATIONAL** - A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
41. **NEAR ELDERLY** - A family whose head or spouse or "sole member" is at least fifty years of age, but below the age of sixty-two.
42. **NET FAMILY ASSETS** - Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks, bonds, cash on hand, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.) In determining Net Family Assets, this HA shall include the value of any business or family assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or recertification, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or resident receives important consideration not measurable in dollar terms.
43. **NONCITIZEN** - A person who is neither a citizen nor national of the United States.
44. **PUBLIC HOUSING AGENCY (HA)** - Any State, County, Municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development of operation of housing for lower income families.
45. **RECERTIFICATION** - Recertification is sometimes called reexamination. The process of securing documentation which indicates that residents meet the eligibility requirements for continued occupancy.
46. **RECERTIFICATION DATE** - The date on which any rent change is effective or would be effective if required as a result of the annual recertification of eligibility and rent. (EXHIBIT C - Recertification Schedule).
47. **REMAINING MEMBER OF THE RESIDENT FAMILY** - The person(s) of legal age remaining in the apartment after the person(s) who signed the lease has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must occupy the apartment to which he claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member. This person must complete forms necessary for housing within ten days from the departure of the leaseholder and may remain in the apartment for a reasonable time pending the verification and grievance process. This person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the apartment.

Any person who claims him or herself as a remaining member shall, in the event that the HA

declares him or her ineligible for remaining member status, be entitled to the grievance process upon notice to him or her that he or she is not considered to be a remaining member of the household. This grievance process must be requested in writing within ten days from the date of the departure of the head of household by the person requesting remaining member status.

In the interim time between the time of the request for the grievance process and the decision by the hearing officer, all rent which was due pursuant to the lease, shall be deposited into an escrow account with the HA under the same provisions as those relating to residents requesting a grievance hearing relating to rent under the grievance process. The HA does not recognize the person as a resident by giving him or her the opportunity for a grievance hearing. A remaining member shall not be considered to be a resident until such time as a new lease is executed by the HA and the person granted resident status after the verification status.

48. **SINGLE PERSON** - A person who lives alone, or intends to live alone, and who does not qualify as an elderly family, or a displaced person, or as the remaining member of a Tenant family.
49. **SPOUSE** - A spouse is the legal husband or wife of the head of the household.
50. **STANDARD PERMANENT REPLACEMENT HOUSING** - Is housing
 - A. That is decent, safe, and sanitary;
 - B. That is adequate for the family size; and
 - C. That the family is occupying pursuant to a lease or occupancy agreement.

Note:

Such housing does not include transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence or homeless families, and in the case of domestic violence, does not include the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.

51. **SUBSTANDARD HOUSING (Does not apply to DHA as a Preference)** -A unit is substandard if it:
 - A. Is dilapidated;
 - B. Does not have operable indoor plumbing;
 - C. Does not have a usable flush toilet inside the unit for the exclusive use of a family;
 - D. Does not have a usable bathtub or shower inside the unit for the exclusive use of a family;
 - E. Does not have electricity, or has inadequate or unsafe electrical service;
 - F. Does not have a safe or adequate source of heat;
 - G. Should, but does not, have a kitchen; or
 - H. Has been declared unfit for habitation by an agency or unit of government.

An apartment is dilapidated if it 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.

An applicant who is a "homeless family" is living in substandard housing. For purposes of the preceding sentence, a "homeless family" includes any individual or family who:

- (1) Lacks a fixed, regular, and adequate nighttime residence; and
- (2) Has a primary nighttime residence that is:
 - (a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing programs);
 - (b) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

A "homeless family" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

Single Room Occupancy (SRO) Housing (as defined in § 882.102 of the CFR) is not substandard solely because it does not contain sanitary or food preparation facilities (or both).

52. **TEMPORARILY ABSENT FAMILY MEMBERS** - Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.
53. **TENANT RENT** - The amount payable monthly by the Family as rent to the HA. Where all utilities (gas, water and electricity) are supplied by the HA, Tenant Rent equals Total Tenant Payment or minimum rent. Where some or all utilities (gas, water and electricity) are not supplied by the HA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment or minimum rent less the utility allowance. Telephone and cable television service is not a utility.

Note:

The monthly rent that is payable by the resident must be paid in full, no partial payments will be accepted.

54. **TOTAL ANNUAL FAMILY INCOME** - Total Annual Family Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this policy.

Total Annual Family Income includes, but is not limited to, the following:

- A. The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses);

- B. Net income from the operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining Net Income.) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.**
- C. Interest, dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). All allowance for depreciation is permitted only as authorized in Paragraph B of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has Net Family Assets in excess of \$5,000.00, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD;**
- D. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment; (*Excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS)*)**
- E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay, but see Paragraph 25-C in this section.**
- F. Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that are subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:**
- (1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus**
 - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the families' welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;**
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts, including amounts received from any persons not residing in the dwelling. If the payments actually received are different than the determined amount, rent can be adjusted in accordance with Section III D of the dwelling lease.**
- H. All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.) received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other family**

member whose dependents are residing in the unit (but see "hazardous duty pay")

- I. Payments to the head of the household for support of a minor or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support;
- J. Veterans Administration compensation (Service Connected Disability or Death Benefits); and

Note:

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

Residents that receive lump-sum payments that are included as income and fall in the categories listed above, (*Excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS)*), must report the income to the Housing Manager as soon as possible but no later than ten (10) calendar days after receipt of the funds and the applicable portion of the payment that is due as back rent is due fourteen (14) days after the HA notifies the family of the amount due.

Unreported Income: If a resident fails to report income the tenancy will be terminated under the terms of the HA's lease. If the act is determined by the HA to be intentional, the resident will be obligated to pay the applicable portion of the rent for any and all unreported income. If the unreported income was an unintentional by the resident the resident will be billed for the amount due the HA and the amount will be payable within fourteen (14) days. If the payment cannot be made in one payment, the resident may request the HA to approve a repayment schedule. Any repayment agreement must be in writing and signed by the resident and a HA representative.

55. **TOTAL TENANT PAYMENT (TTP):** The TTP for families participating in the Housing program must be at least \$25.00, which is the minimum rent established by the HA.

- A. For the Housing Program, the TTP must be the greater of:
 - (1) 30 percent of family monthly adjusted income;
 - (2) 10 percent of family monthly income;
 - (3) \$25.00, which is the minimum rent set by the HA, or
- B. The ceiling/flat rent. The resident may elect the ceiling/flat rent in lieu of the rent calculated in paragraph "A," above. (See Exhibit A)

It is possible for residents to qualify for a utility reimbursement despite the requirement of a minimum rent. For example, if a family's TTP is the minimum rent of \$25 and the HA's utility allowance for the size and type apartment the family has selected is \$60, the family would receive a utility reimbursement of \$35 (\$60 less \$25) for resident purchased utilities.

56. **UTILITIES** - Utilities may include water, electricity, gas, garbage, and sewage services.

57. **UTILITY ALLOWANCE** - If the cost of utilities (except telephone) and other housing services for an assisted apartment is not included in the resident's rent, but is the responsibility of the

family occupying the apartment, then the utility allowance is an amount equal to the estimate made or approved by the HA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the apartment by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. If the family pays directly for one or more utilities or services, the amount of the allowance is deducted from the gross rent in determining the contract rent and is included in the gross family contribution.

58. **UTILITY REIMBURSEMENT PAYMENT** - Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the apartment, **if applicable**, exceeds the Total Tenant Payment for the family occupying the apartment.
59. **VERY LOW-INCOME FAMILY** - A lower Income Family means a family whose annual income does not exceed fifty (50%) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.
60. **WAGE EARNER** - A person in a gainful activity who receives any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowances, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeably.
61. **WELFARE ASSISTANCE** - Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

SECTION V. APPLYING FOR ADMISSION

1. **How to Apply**: - Families wishing to apply for Housing shall complete a preliminary application for housing assistance.

Applications will be accepted at the following location(s): Durham Housing Authority - Central Office, 330 East Main Street.

Applications are taken to compile a waiting list. Due to the demand for housing in the HA's jurisdiction, the HA may take applications on an "open enrollment" basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and the information will be verified by the HA.

Applications may be made in person at the HA during specified dates and business hours posted at the HA's Office.

The application must be dated, time-stamped, and referred to the Housing Department where resident selection and assignment is processed.

Individuals who have a physical impairment which would prevent them from completing an application in person may call the HA to make special arrangements to complete their

application. A Telecommunication Device for the Deaf (TDD) is available for the deaf. If the applicant is visually impaired, all notices must be in a format understandable by applicant.

2. **Closing of Application Taking:**

If the HA is taking applications, the HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to occupy an apartment within the next 12 month period. Application taking may be suspended by bedroom size, if applicable. The HA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means the fact that applications for apartments are being suspended.

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

3. **Opening of Application Taking:** When the HA decides to start taking applications, the waiting list may be opened by bedroom size.

The HA will utilize the following procedures:

The HA will 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 eligible families.

The Notice must contain the following:

- A. The HA will publish the date applications will be accepted and the location where applications can be completed.

If the HA anticipates suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.

- B. Advise families that applications will be taken at the designated office;

- C. Briefly describe the Housing program; and

- D. State that applicants for Housing must specifically apply for the Housing apartments and that applicants for Housing may also apply for the Section 8 Program, if applicable, and they will not lose their place on the Housing waiting list if they also apply for Section 8 assistance. For this to be applicable the HA must have a Section 8 Program and be accepting applications for Section 8 assistance.

- E. To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

4. **Application Period (Dates):** - The application taking closing date may be determined administratively at the same time that the HA determines to open enrollment. The open enrollment period shall be long enough to allow enough applicants as required by the projected

turnover and the number of housing vacancies.

SECTION VI. MISSED APPOINTMENTS

An applicant or resident who fails to keep an appointment without notifying the HA and without re-scheduling the appointment shall be sent a notice of termination of the process for failure to supply such certification, release of information or documentation as the HA or HUD determines to be necessary (or failure to allow the HA to evaluate the apartment at reasonable times and after reasonable notice, if applicable) in the following situations:

- **Complete Application**
- **Bringing in Verification Information**
- **Orientation prior to Occupancy**
- **Leasing Signature**
- **Evaluations**
- **Recertification**
- **Interim Adjustment**
- **Other Appointments or Requirements to Bring in Documentation as Listed in this Plan**
- **Scheduled Counseling Sessions**
- **Move-In appointments**

Process When Appointment(s) Are Missed: - For most of the functions above, the family may be given two appointments.

If the family does not appear or call to reschedule the appointment(s) required, the HA may begin termination procedures. The applicant or resident will be given an opportunity for an informal meeting or hearing, as appropriate pursuant to the grievance process.

If the representative of the HA and/or Hearing Officer makes a determination in favor of the applicant/resident, the HA will comply with decision unless the provisions of Section VI of the Grievance Procedure is applicable to the hearing officers decision.

Letters Mailed to Applicants by the HA: - If an applicant claims they did not receive a letter mailed by the HA, that requested the applicant to provide information or to attend an interview, the HA will determine whether the letter was returned to the HA. If the letter was not returned to the HA, the applicant will be assumed to have received the letter.

If the letter was returned to the HA and the applicant can provide evidence that they were living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the application in effect at the time the letter was sent.

Applicants must notify the HA, in writing, if their address changes during the application process.

SECTION VII. MISREPRESENTATION BY THE APPLICANT OR RESIDENT

If an applicant or resident is found to have made willful misrepresentations at any time which resulted in the applicant or resident being classified as eligible, when, in fact, they were ineligible, applicant/resident will be declared ineligible and the lease and/or application will be terminated because of the misrepresentation by the applicant/resident. If such misrepresentation resulted in resident paying a lower rent than was appropriate, resident shall be required to pay the difference between the actual payments and the amount which should have been paid. In justifiable instances, the HA may take such other actions as it deems appropriate, including referring the resident to the proper authorities for possible criminal prosecution.

SECTION VIII. ADMISSION ELIGIBILITY AND CRITERIA

- 1. All families who are admitted to the Housing Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant family must meet all of the following requirements:**
 - A. The applicant family must qualify as a family as defined in the Definitions Section.**
 - B. The applicant family's Total Annual Family Income as defined in the Definitions Section, must not exceed income limits established by HUD for Public Housing.**
 - C. Head of Household must be 18 years of age or older or a person that has been relieved of the disability of non-age by court action (Emancipated Minor).**

- 2. Sources of information for eligibility determination may include, but are not limited to, the applicant (by means of interviews or home visits), landlords, employers, family social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments where warranted by the particular circumstances. Information relative to the acceptance or rejection of an applicant shall be documented and placed in the applicant's file. Such documentation may include reports of interviews, letters, or telephone conversations with reliable sources. As a minimum, such reports shall indicate the date, the source of the information, including the name and title of the individual contacted, and a resume of the information received.**

Applicants are not automatically determined eligible to receive federal assistance. An applicant

will not be placed on a waiting list if the applicant's annual family income exceeds the Low and Very Low Income Limits established by HUD and published in the Federal Register, the applicant will be declared ineligible.

3. **If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten days from the date stated on the ineligible letter to request an informal review. The applicant may bring any person he/she wishes to represent them at the informal review. The request for an informal review may be submitted in writing and/or the request may be verbal. However, the request must be received by the HA within the time frame established by the HA for the review.**
4. **In addition, the HA is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family, if the HA makes certain that all three of the following requirements are met:**
 - A. **Elderly families (including Disabled Persons and Handicapped Persons) and Displaced Persons are given preference over single persons, and**
 - B. **Near Elderly (at least fifty years of age, but below the age of 62) are given preference over single applicants in developments designated for the elderly, and**
 - C. **Single persons are only eligible for one bedroom and/or efficiency units.**
5. **Declaration of Citizenship: The HA may not provide assistance to nor make financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible noncitizen in HUD's assisted housing programs.**
6. **Once an applicant becomes a resident in the HA's housing program, the head of household must request permission to add another person to the dwelling lease. The person being added must meet all eligibility requirements before the HA will approve any addition to the dwelling lease.**

SECTION IX. VERIFICATION AND DOCUMENTATION

Families are required to provide Social Security Numbers (SSN) for all family members age 6 and older prior to admission, if they have been issued SSN by the Social Security Administration. All members of the family defined above must either:

1. **Submit SSN documentation; or**
2. **Sign a certification if they have not been assigned a SSN. If the individual is under 18, the certification must be executed by his or her parent or guardian. If the participant who has signed a certification form obtains a SSN, it must be disclosed at the next regularly scheduled recertification, or next rent change.**

Verification will be done through the providing of a valid Social Security card issued by the Social Security Administration.

The HA will accept copies of the Social Security card only when it is necessary for the HA to

verify by mail the continuing eligibility of participant families.

If an applicant or resident cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by the HA to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided;

These documents include:

- **Drivers license, that displays the SSN.**
- **Identification card issued by a Federal, State or local agency**
- **Identification card issued by an employer or trade union**
- **Identification card issued by a medical insurance company**
- **Earnings statements or payroll stubs**
- **Bank statements**
- **IRS Form 1099 or W-2 Form**
- **Benefit award letters from government agencies**
- **Medicaid Cards**
- **Unemployment benefit letter**
- **Retirement benefit letter**
- **Life insurance policies**
- **Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records**
- **Verification of Social Security benefits with the Social Security Administration**

If the HA verifies Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

- 3. Employer Identification Number (EIN).**
- 4. Applicants may not become residents until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances requires an extension. The decision will be made by a HA representative and documented, in writing, and placed in the applicant's file.**

Additional documentation that may be required in determining eligibility:

- **Temporary Assistance To Needy Families (TANF)**
- **Birth Certificate, or Drivers License that displays the date of Birth and/or form (s) that are issued by a Federal, State, City or County Agency that displays the date of Birth.**
- **Child Care Verification**
- **Credit References (History)**
- **Credit Bureau Reports**
- **Employer's Verification**
- **Landlord Verification**
- **Social Security Benefits**
- **Assets Verification**
- **Bank Accounts: Checking Accounts - \$500 + Balance Saving Accounts - \$100 + Balance**
- 5. Marriage Certificate: If a marriage certificate is not available, the following information is acceptable:**
 - **Drivers License that displays the same address and last names**

—
Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax reporting period.

—
Other acceptable forms of documentation of marriage would include any document that has been issued by a Federal, State, City or County Government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple.

—
The couple also certifies in their application for housing that they are married.

- 6. Personal References: Personal references (not family) may be used when an applicant cannot produce prior rental history records.**
- 7. Supplemental Social Security Income (SSI) Benefits**
- 8. Unemployment Compensation**
- 9. VA Benefits**
- 10. Any other reasonable information needed to determine eligibility may be requested by the HA, which may include police reports.**
- 11. Separation means the ending of co-habitation by mutual agreement. - If an applicant is divorced* or separated from a person and has children by that person, applicant must provide at least one of the verifications listed below:**
 - A. A FINAL divorce decree. *(Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced)**
 - B. The court order by which the applicant is receiving child support from former spouse.**
 - C. Verification that applicant is pursuing child support through Department of Human Resources or Child Support Unit.**
 - D. Verification that applicant is receiving personal child support paid through the court system, either through the clerks office, Department of Human Resources, or through a court referee.**
 - E. Verification that if applicant is receiving TANF (Temporary Assistance to Needy Families) through the Department of Human Resources for former spouse's children.**
 - F. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.**

- G. **Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.**
- H. (1) **Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse. agencies, social services agencies.**
 (2) **A written statement from an abuse shelter, law enforcement agency, social service agencies that applicant needs housing due to physical abuse.**

Note:

Pertaining to 11 H(1) & (2): Applicant will also be required to sign a statement to the effect that the separated person will not be permitted in the resident's apartment or on the resident's property because of the physical abuse situation.

Also, the person involved with physical abuse will be banned from all HA property as long as the applicant lives in assisted housing within the HA property.

- I. **Food stamp verification - If no other documentation is available.**

12. If applicant is divorced* or separated from a person and has no children by that person, applicant must provide at least one of the verifications listed below:

- A. **A final divorce decree. *(Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced)**
- B. **A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.**
- C. **Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.**
- D. (1) **Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.**
 (2) **A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.**

Note:

Pertaining to 12 D(1) & (2): Applicant will also be required to sign a statement to the effect that the separated person will not be permitted in the resident's apartment or on the resident's property because of the physical abuse situation.

Also, the person involved with physical abuse will be banned from all HA property as long as the applicant lives in assisted housing within the HA property.

- E. **Food Stamp Verification - If no other documentation is available.**

SECTION X. GROUND FOR DENIAL OF ADMISSION

1. The HA is not required nor obligated to assist a family under the following circumstances:

- A. The applicant or a member of his/her household owes rent, other amounts, or judgments to any HA or any other federally subsidized housing program, and has failed to make arrangements to satisfy the obligation within a reasonable period of time as determined by DHA, or breaches a repayment agreement to the HA, the applicant will be declared ineligible. At the HA's discretion, the applicant may be declared eligible upon payment of debt, with the date and time of application being the time of payment and meeting other criteria.**
- B. The applicant or a member of his/her household have previously been evicted because of drug related criminal activity, from housing assisted under the U.S. Housing Act of 1937, for a minimum of a three-year period beginning on the date of such eviction, unless the applicant has successfully completed, since the eviction, a rehabilitation program approved by DHA.**
- C. The applicant or a member of his/her household committed acts which would constitute fraud in connection with any federally assisted housing program.**
- D. The applicant failed to provide information required within the time frame specified during the application process.**
- E. The applicant or a member of his/her household has been convicted of drug-related criminal activity or violent criminal activity or other criminal activity, within a reasonable time preceding the date of the application which would adversely affect the health, safety, or the right to peaceful enjoyment of the premises by other residents or HA employees.**
- F. The applicant or a member of his/her household is subject to a lifetime registration under a State Sex Offender Program.**
- G. The applicant or a member of his/her household has a history of not meeting financial obligations, especially rent.**
- H. The applicant or a member of his/her household has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits which may adversely affect the health, safety or welfare of the other residents.**
- I. The applicant or a member of his/her household has a history of criminal activity involving crimes of physical violence to persons or property and other criminal activity which may adversely affect the health, safety or welfare of other residents.**
- J. The applicant demonstrates hostile behavior during the interview process that indicates that the prospective applicant may be a threat to residents.**
- K. The applicant family must have properly completed all application requirements, including verifications. Intentional misrepresentation of income, family composition or any other information affecting eligibility, will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation.**

L.

The applicant and all adults must sign a release allowing the HA to request a copy of a police report from the National Crime Information Center, Police Department or other Law Enforcement Agencies. If the HA uses the information to deny or terminate assistance, the HA must provide a copy of the information used in accordance with Criminal Records Management Policy.

- M. If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of his lease, the applicant may be declared ineligible.**
- N. If the HA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this requirement if:**
- (1) The person demonstrates to the HA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;**
 - (2) has successfully completed a supervised drug or alcohol rehabilitation program;**
 - (3) has otherwise been rehabilitated successfully; or**
 - (4) is participating in a supervised drug or alcohol rehabilitation program.**

Note:

The above list is not intended to be all inclusive. Applicants may be denied admission if the HA has reason to believe that the conduct of the applicant has been such as would be likely to interfere with other residents in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare or to affect adversely the physical environment or the financial stability of public housing if the applicant were admitted.

- N. Annual income exceeds the maximum income limits for admission as established by HUD.**
- O. Have engaged in or threatened abusive or violent behavior towards HA personnel.**
- 2. If an applicant is denied admission, the HA will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal review on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal review writing with the HA. A HA representative will hear the appeal and issue a decision within ten (10) calendar days of the review.**
- 3. As a general rule applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:**
- A. Denied admission for one (1) year for the following:**
- Past rental record**
 - Bad rent paying habits**
 -

Bad housekeeping habits, in and outside the housing program

—
Damages

—
Disturbances

—
Live-ins

—
Evictions for lease violations other than rent

—
Demonstrates hostile behavior during the interview process that indicates the applicant may be a threat to residents.

B. Denied admission for three (3) years for the following:

—
Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.

—
The HA can waive this requirement if: the person demonstrates to the HA's satisfaction successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.

—
Trespassing

—
Larceny

—
Disturbances - repeated violations

—
Breaking and entering

C. Denied admission for five (5) years for the following:

—
Fraud (giving false information on the application is considered fraud).

An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.

—
Drug use without evidence of rehabilitation.

—
Drug possession with intent to sell.

—
Possession of weapon on school grounds.

—
D. Denied admission for ten (10) years for the following:

—
Conviction for Drug Trafficking.

E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

F. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of public housing. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

Note:

As noted above these time frames are only guidelines and the HA may deny admission to any individual whose behavior may adversely affect the health, safety or welfare of other residents may admit persons who exhibit evidence of rehabilitation.

SECTION XI. RESIDENT SELECTION AND ASSIGNMENT PLAN

1. Equal Opportunity: - The Civil Rights Act, inclusive of the Fair Housing Act, makes it illegal to discriminate on the basis of age, race, color, religion, sex, handicap or disability, familial status, marital status, and national or ethnic origin. This HA shall not deny to any family the opportunity of applying for admission nor shall it deny to any eligible applicant the opportunity of leasing or renting a dwelling suitable to its need in any low-rent community operated by this HA. (Exhibit D)

2. Selection Process: - Prospective residents shall be selected from among eligible applicant families whose family composition is appropriate to available apartments. The HA will take into consideration the needs of individual families for low rent housing and the statutory purpose in developing and operating a socially and financially sound low-income housing community, which provides a decent home and a suitable living environment and fosters economic and social diversity in the resident body as a whole. Selection will be made in such a manner as:

- A. For every fiscal year, each HA shall reserve a percentage of its new admissions for families whose incomes do not exceed thirty percent of the area median income. The goal for public housing shall be forty percent of new admissions. In reaching the new admissions goals, HA's are required to avoid concentrating very low income families in housing communities.
 - B. To maintain a resident body in each community composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families in the HA's area of operation as defined by state law.
3. **Order of Selection:** - Applications will be filed in the following hierarchical order:
- A. Unit size\type needed by applicants;
 - B. Local preferences: (elderly and displaced);
 - C. Date and time of application;
 - D. Provided, however, the provisions of the deconcentration rule, contained within this policy, shall supercede the selection of applicants based on date and time and local preferences, and allow the HA to skip families on the waiting list to accomplish this goal.
4. **Verification of Preference:** - At the time of application, initial determinations of an applicant's entitlement to a Preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

Note:

An applicant can reject an offer 2 times before losing their place on the waiting list. If an applicant rejects the 2nd offer, the applicant will be notified at that time that due to the fact they refused the offer of assistance, the date and time of their application is being changed to the date and time that they refused the offer. This will be explained verbally and followed-up in writing to the applicant. The HA will notify (verbally and in writing) the applicant that their actions may affect their place on the waiting list, and the next offer of assistance will be made when their name reaches the top of the waiting list.

SECTION XII. GROUNDS FOR DENIAL AND OPPORTUNITY FOR HEARING

If the HA determines that an applicant does not meet the criteria for receiving housing, the HA must promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with the HA's designee to review it. If requested within ten (10) days, the meeting must be conducted by a person or persons designated by the HA. The person designated by the HA to conduct the informal hearing shall be an impartial person appointed by the HA other than a person who made the approval of the HA's action under review or a subordinate of such person. The procedures specified in this section must be carried out in accordance with HUD's requirements. The applicant may exercise other rights if the applicant believes that he or she has been discriminated against on the basis of race, color, religion, sex, handicap or disability, familial status, marital status, and national or ethnic origin.

Note:

The HA grievance procedure applies only to residents. It does NOT apply to applicants.

SECTION XIII. INCOME VERIFICATION AND DOCUMENTATION

1. The HA uses for verification purposes the following:

- **"Verification of Employment" for wage earners;**
- **Verification of public assistance for those persons who receive public assistance;**
- **Documentation of exceptional medical and/or other expenses (elderly family status);**
- **Verifications of assets (savings, stocks, bonds, etc.);**
- **Birth Certificates; and**
- **Other means or sources of income verification.**

2. Once all of the information is verified the HA shall calculate the monthly rent. Beginning 10/1/1999 the family will be notified of this amount and the amount of the flat rent. The family shall elect, in writing, their choice. As soon as a determination can be made, applicants will be informed, in writing, by an authorized HA representative that they have been declared eligible or ineligible. Applicants that are determined ineligible will be informed, in writing, of their right to an informal review if they believe that such determination is unjust.

The final estimate of Gross Family Income will be made by the HA on the basis of verified information regarding income. Once the HA has determined that an applicant is eligible, then the process of housing the family begins. There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income which is not being reported.

Families may not be required to apply for public assistance, but it may be suggested to them. If the family reports zero income, the HA will have the family sign verification forms to verify that no income is being provided. Families will be required to report any changes in their income status within ten (10) calendar days of the occurrence of employment and/or any other type of income is received. Families with zero income may be requested to recertify more frequently.

SECTION XIV. ORIENTATION OF FAMILIES

Eligible applicants selected for admission will be required to participate, prior to occupancy, in an orientation program conducted by the Durham Housing Authority to acquaint prospective resident families with the policies; the lease agreement; maintenance procedures; services provided by the

Durham Housing Authority; grievance procedures; residents' rights; responsibilities and obligations; and the operation of heating, cooking and plumbing equipment in the units. Attendance at these sessions can be waived only by the Executive Director or his designee.

SECTION XV. ANNUAL EVALUATIONS OF PUBLIC HOUSING UNITS

The HA has a system in place that documents the evaluation of all public housing units. If the evaluation results in a work order, the repairs are made in accordance to the urgency of need as documented by the evaluation sheet. The HA has a system that tracks each evaluation. The evaluation sheet used by the HA meets or exceeds the requirements of the Section 8 Housing Quality Standards (HQS).

SECTION XVI. EVALUATION AND ENTRY OF UNIT PROCEDURES

The resident will be given notice as outlined in the Dwelling Lease, except for emergencies/search warrants, that the unit will be evaluated. The notification will indicate the date and the approximate time of the evaluation. If the evaluation indicates that the resident has poor housekeeping habits that need to be improved upon, the evaluator will file a report and the Housing Manager will schedule a meeting with the resident to counsel the resident on their poor housekeeping habits. The Manager will conduct a follow-up inspection within 30-days of the counseling session and if the problem continues to exist the Manager may take whatever action that is appropriate to correct the situation. If the resident fails to improve, the provisions of the dwelling lease can be enforced and the resident evicted. However, the Manager should take steps to help the resident improve before starting the eviction process.

If the evaluation indicates that the resident has created damage that is beyond normal wear and tear, the damaged items will be replaced and the resident billed for the damages, as posted. If the damage is severe, a report will be provided to the Manager and the Manager will take appropriate action with the resident.

HA staff and/or agents of the HA have authority to enter any unit if it is suspected that an "Emergency" situation exists. If for any reason a unit is entered by authorized HA personnel the resident will be provided with the reason for the entry, by leaving a written notice of the time, date and reason for the entry.

HA staff and/or agents of the HA, at the direction of the Police will open the door to a unit when law-enforcement officials present a lawfully executed search warrant (plus, provide a copy of the search warrant to HA staff) for a dwelling unit managed by the HA. HA staff and/or its agents will write down the name(s) of the Police Officers and keep the copy of the search warrant. These documents will be filed in the residents file folder. HA staff will not enter the unit. This action will prevent the law enforcement officers from having to break down the door and causing damages to the unit.

SECTION XVII. TYPES OF EVALUATIONS

An authorized representative of this HA, resident and/or adult family member, shall be obligated to evaluate the premises prior to commencement of occupancy. A written statement of condition of the premises and all equipment will be provided, and both parties shall sign the same with a copy retained in resident's file. The HA representative shall evaluate the premises at the time the resident vacates and furnish a statement of any charges to be made provided the resident turns in the proper notice under state law and requests the proper evaluation. The resident shall be provided an opportunity to participate in a move out evaluation, unless resident vacates without notice. The resident's security deposit can be

used to offset against any resident damages to the unit.

1. **Move-in Evaluations:** - Performed with the resident at move-in and evaluation documented by HA on evaluation form and signed by the resident. This evaluation documents the condition of the unit at move-in.

Note:

Any adult member of the household is allowed to sign the evaluation form for the Head of Household.

2. **Move-out Evaluations:** - Performed with resident, if possible, and documented by HA on evaluation form and signed by the resident, if present. This evaluation determines if the resident is responsible for any damages and owes the HA funds. Any deposit will be used to offset the funds due the HA.
3. **Annual Evaluations:** - The HA evaluates 100% of its units annually using standards that meet or exceed Housing Quality Standard (HQS) evaluations.
4. **Preventive Maintenance (PM) Evaluations:** - PM evaluations are performed by HA staff on a regular basis and the residents are given at least two days notice prior to the evaluation.
5. **Housing Manager Evaluations:** - The HA representative may perform random home visits to see if the resident is keeping the unit in a decent, safe and sanitary condition. This visit can also be used as an opportunity to get to know the resident and see if they have any specific needs that we can help them with and/or refer them to a service agency. The resident will be given at least two days notice, prior to the evaluation.
6. **Special Evaluations:** - Representatives from the U. S. Department of Housing and Urban Development and/or other Government Officials visit the HA to monitor operations and as part of the monitoring they will evaluate a sampling of the public housing inventory. The affected residents will be given two days notice.
7. **Emergency Evaluations:** - If any employee and/or agent of the HA has reason to believe that an emergency exists within the public housing unit, the unit can be entered without notice. The person(s) that enters the unit must leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

SECTION XVIII. DETERMINATION OF RENT, RE-EXAMINATION OF INCOME AND FAMILY CIRCUMSTANCES

1. **Determination of Rent:** Rent as fixed at admission or annual re-examination will remain in effect for the period between regular rent determinations unless the following changes in family circumstances occur.
 - A. **Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family member's income;**
 - B. **Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age; or**

- C. To correct errors made at admission or reexamination which shall be retroactive to the date of error.
- D. Temporary employment/unemployment or increases and decreases in wages “for any reason” of less than 30 days will not constitute a rent adjustment.
- E. The HA must lower the rent for a family whose income is reduced because of the expiration of a welfare-initiated time limit. This must be reported by the Resident within ten days from the time of the change of income in accordance with the Dwelling Lease. Provided, however, that if the family’s welfare benefits are reduced of a fraudulent act on the part of a family member, the HA is prohibited from reducing the family’s rent contribution to reflect the lower benefits income.
- F. Resident agrees to report, in writing, and provide certification following any change in annual income within ten (10) calendar days of the occurrence.

2. Annual Recertification:

- A. Once each year, or as required by this HA, each family will be required to furnish information in Section III (A) of the Dwelling Lease. Verifications acceptable to the HA shall be obtained and determinations made. In the event of failure or refusal of resident to report the necessary information, the HA may terminate the lease. This recertification shall be done on the anniversary date.
- B. Records shall be maintained to insure that every resident is being recertified within a twelve-month period.
- C. Upon completion of recertification and verification, resident shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following: (A copy of such notification is to be retained in the resident’s file.)
 - (1) Any change in rent and the date on which it becomes effective.
 - (2) Any change required in the size of dwelling unit occupied.
 - (3) Any instance of misrepresentation or noncompliance with the terms of the Dwelling Lease and the corrective action(s) to be taken.
 - (4) Beginning 10/1/99 the family will be notified of this amount and the amount of the flat rent. The family shall elect, in writing, their choice.
- D. In the event of change in resident circumstances resident will be sent a notice to report to the management office at a specified date and time to execute a new first page of the Lease.
- E. If this HA determines that the size of the premises is no longer appropriate for resident’s needs, the resident may be required to transfer to another unit as outlined in “Transfers”.

9.

Interim Redetermination of Rent: - Rent as set at admission or Annual Recertification will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. Resident is required and agrees to report, in writing, the following specified changes in

family income and composition within ten (10) calendar days of occurrence.

- A. Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family member's income. Any such additions, other than birth, must be approved by the HA in advance, and must qualify, the same as an applicant or any prospective new resident.**
 - B. Employment, unemployment or changes in income for employment of a permanent nature of the family head, spouse, or other wage earner eighteen (18) years of age or older.**
 - C. The starting of or stopping of, or an increase or decrease of any benefits or payments received by any member of the family or household from Old Age Pension, Temporary Assistance for Needy Families, Black Lung, Railroad Retirement, Private Pension Fund, Disability Compensation, Veterans Administration, Child Support, Alimony, Regular Contributions or Gifts. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.**
 - D. Cost of living increases in Social Security or public assistance grants need not be reported until the next recertification and redetermination of rent.**
 - E. Errors of omission made at admission or recertification shall be corrected by the HA. If the error resulted in overpayment by the resident, the amount of overpayment will be returned to the resident. Retroactive payments will be made to the resident if the error is in the resident's favor.**
 - G. A resident who has had an income reduction\increase after initial occupancy or after annual recertification must report all changes in income within ten (10) calendar days regardless of the amount or source.**
- 4. Notice of Temporary Rent: - On occasions, the HA is required to compute rent based on information that is supplied by the resident and third party information that has not or will not be provided by the employer. When this situation occurs the HA will compute a temporary rent based on the information available. Once the information is verified the resident will be notified in writing. If an underpayment was made based on the information provided, the resident will have fourteen (14) days from the date of the HA notification to pay the amount specified. If the resident has made an overpayment, that amount will be credited to the resident account. The Head of Household and Spouse (if applicable) and a HA representative signs this Notice of Temporary Rent and it is filed with the dwelling lease and a copy provided to the resident.**
- 5. The effective dates of Interim Redetermination of rent:**
- A. Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.**

- B. The resident agrees to pay any increase in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and to pay any back rent due because of failure on the part of the resident to report such increase in family income.
 - C. Any interim change in rent will require reverification of all family income that has not been verified within ninety (90) calendar days of the previous rent determination.
 - D. Resident agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United States Department of Housing and Urban Development (HUD).
 - E. If it is found that a resident has misrepresented or failed to report facts upon which rent is based so that the resident is paying less than the resident should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The resident will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the resident may be subject to civil and criminal penalties. Misrepresentation is a serious lease violation which may result in eviction.
6. **Special Recertifications:** - Special recertifications are pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:
- A. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special recertification shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The resident shall be notified, in writing, of the date of the special recertification.
 - B. If the family income can be anticipated at the scheduled time, the recertification shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special recertification shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
 - C. Rents determined at special recertifications shall be made effective as noted in this section.
7. **Minimum Rent Hardship Exemptions:**
- A. The HA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:
 - (1) The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

- (2) The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent or increase to the existing minimum rent).
- (3) The income of the family has decreased because of changed circumstance, including loss of employment.
- (4) A death in the family has occurred which affects the family circumstances.
- (5) Other circumstances which may be decided by the HA on a case by case basis.

All of the above must be proven by the Resident providing verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.

- B. If a resident requests a hardship exemption (prior to the rent being delinquent) under this section, and the HA reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A resident may not be evicted during the ninety day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long term basis, the HA shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety day period. This Paragraph does not prohibit the HA from taking eviction action for other violations of the lease.

- 8. **Reduction of Welfare Benefits:** If the resident requests an income re-examination and the rent reduction is predicated on a reduction in resident income from welfare, the request will be denied, but only after obtaining written verification from the welfare agency that the families benefits have been reduced because of:

- A. Noncompliance with economic self-sufficiency program or;
- B. Work activities requirements or;
- C. Fraud.

- 9. **Exception to rent reductions:** Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or failure to comply with a work activities requirement will not have their rent reduced.

SECTION XIX. TRANSFER

- 1. **Objectives of the Transfer Policy:**

- A. **To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.**
- B. **To facilitate a relocation when required for modernization or other management purposes.**
- C. **To facilitate relocation of families with inadequate housing accommodations.**

D. To eliminate vacancy loss and other expense due to unnecessary transfers.

2. Types of Transfers:

- A. **HA initiated:** The HA may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management. For these types of transfers the HA will cover the cost of the transfer pursuant to cost allowed by HUD.
- B. **Transfers for Reasons of Health:** Resident may be transferred when the HA determines that there is a medical need for such transfers, such as inability to negotiate stairs or steps. The resident will be required to provide a statement from a medical doctor which indicates the condition of the resident and the HA reserves the right to make its own evaluation of the situation and documentation. If the HA determines that there is not a substantial and necessary medical need for such transfer, the request for transfer shall be treated as a convenience transfer. Normally such transfers will be within the resident's original neighborhood unless the appropriate size and type of unit does not exist on the site. The resident must pay for all of their moving expenses and a transfer fee.
- C. **Convenience Transfers:** The Executive Director or his/her designee may at his/her discretion permit a transfer to another housing community or public housing facility for the convenience of the resident for good cause. However, the cost of the transfer shall be borne by the resident. A "Transfer Charge" list is posted in the HA offices and is based on our contract price for maintenance and a administrative charge of \$__ for processing the transfer. The transfer charge list is updated annually by the HA. The HA will charge the actual cost of the transfer, which includes the administrative cost, the cost of preparing the unit for re-rental and, if applicable, a penalty for not turning in the keys to the old unit within ____ days of the transfer. The resident is allowed a period of __ days to move and turn in the keys to the old unit without being charged a penalty. If the move takes more than __ days and the keys are not turned in, the resident will be charged a penalty of \$__ per day for each day the keys are not turned in to the HA. Prior to the transfer, the Housing Manager will perform an evaluation on the current unit to determine the amount of charges the resident will be required to pay as a result of resident caused damages, if any. All transfer charges must be paid at the time the resident signs his/her lease and receives the keys for the new unit. The Housing Manager will perform a final evaluation, with the resident, on the unit that the resident transferred from, after the keys are turned in, and a final determination will be made by the HA staff as to additional charges that may be due the HA. For example, the resident may not have cleaned the unit properly and/or damaged the unit during the moving process. If there are any charges that are due the HA, as a result of this evaluation, the resident must pay for these damages within fourteen (14) days of written notice from the HA. The resident must sign a transfer agreement after the HA has authorized the transfer and prior to the transfer.

Request for transfers for convenience must be made, in writing, to the HA at the residential office stating the reason for the requested transfer. The HA will issue a decision within thirty (30) calendar days of receipt of the request, and if approved, provide the resident with a list of the charges that will be the residents responsibility to pay prior to the transfer.

- D. Transfers for Over/Under-housed Families to the Appropriate Unit - The HA may transfer residents to the appropriate sized unit and residents are obligated to accept such transfers. Transfers will be made in accordance with the following principles:**
- (1) Determination of the correct sized apartment shall be in accordance with the HA's occupancy guidelines, as outlined in Occupancy Guidelines.**
 - (2) Transfers into the appropriate sized unit will be made within the same neighborhood unless that size does not exist on the site.**
 - (3) The resident must pay for their moving expenses.**
- E. Priorities for transfers - All transfers must be either for health reasons, for relocation to an appropriate sized unit, approved convenience transfers, or initiated by the HA due to modernization work and/or other good cause as determined by the HA. Priority transfers are listed below:**
- (1) HA initiated transfers,**
 - (2) Transfers for health reasons,**
 - (3) Residents who are under-housed by two or more bedrooms,**
 - (4) Residents who are over-housed by two or more bedrooms,**
 - (5) Residents who are under-housed by one bedroom,**
 - (6) Residents who are over-housed by one bedroom; and,**
 - (7) Convenience transfers.**

Within each priority type, transfers will be ranked by date. In processing transfers requested by residents for approved health reasons or to move to a larger apartment, the date shall be that on which the changed family circumstances are verified by the Manager. The HA reserves the right to immediately transfer any family who has misrepresented family circumstances or composition and the family charged the posted rate for convenience transfers. Failure to pay for these charges will result in termination of the dwelling lease.

3. Transfer Procedures: - The HA shall:

- **Prepare a prioritized transfer list, as needed, at recertification.**
- **Notify residents by letter of their pending transfer.**
- **Participate in evaluation of request for transfer based on approved medical reasons.**
- **Issue final offer of vacant apartment as soon as vacant apartment is identified.**
- **Issue notice to transfer as soon as vacant apartment is available for occupancy.**
- **Participate in planning and implementation of special transfer systems for modernization and other similar programs.**
-

Evaluate both apartments involved in the transfer, charging for any resident damages that is not considered normal wear and tear.

—
When the resident is transferred for modernization, the cost of the transfer shall be paid by the HA, pursuant to cost that is allowed by HUD.

—
Only two offers of a unit will be made to each resident being transferred within his/her own neighborhood. A resident being transferred outside his own neighborhood will be allowed to refuse two offers. In the case of a family being transferred from a unit which is uninhabitable, incorrectly sized or scheduled for major repairs, failure to accept the unit offered, or the second unit offered in the case of a transfer outside the neighborhood, will be grounds for eviction. When a resident declines an offer of a transfer to a single level apartment and the resident requested the transfer, the HA will notify the resident, at that time, that the HA is not obligated to make any subsequent offers. The HA will notify the resident that the HA has discharged its obligations to the resident and he/she will remain in the unit at his/her own risk, and that the HA assumes no liability for the resident's condition.

—
Right of HA in transfer policy - The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy shall create a property right or any other type of right for a tenant to transfer or refuse transfer.

SECTION XX. LEASE TERMINATION AND EVICTIONS

All Lease terminations and evictions will be processed in accordance with the HA's current dwelling lease and Grievance Procedure. The HA's Dwelling Lease and the Grievance Procedure is incorporated into this document by reference and is the guideline to be used for Lease terminations and evictions.

The dwelling lease may not cover every specific situation that warrants a lease termination; therefore, for good cause the HA may terminate a lease for reasons that are not specifically listed in the dwelling lease.

SECTION XXI. COMPLAINTS AND GRIEVANCE PROCEDURES

Complaints and Grievance Procedures shall be accomplished in accordance with the HA approved Grievance Procedure. The grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

SECTION XXII. SECURITY DEPOSITS

A security deposit shall be made pursuant to a schedule posted in the HA office. Security deposits may be refunded as provided in the Lease and in this procedure.

SECTION XXIII. OCCUPANCY GUIDELINES

The following guidelines shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing. These guidelines may be waived only when necessary to achieve or maintain full occupancy and after every effort has been made to stimulate applications from families appropriate to the existing vacancies. Families may be assigned improper sized units WITH THE

WRITTEN UNDERSTANDING that they must transfer to the appropriate size unit when instructed to do so by the HA. Otherwise, the following occupancy standards shall apply:

1. Guidelines

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10
6	6	12

2. Assignments shall be made so that, except for husband and wife and infants, bedrooms will not be occupied by persons of different sex over the age of six (6) years.
3. At the option of the HA, an infant, up to the age of two years, may share a bedroom with its parent(s), but the resident shall not be required to do so.
4. In the case of chronic illness, or other physical infirmity, a deviation from the occupancy guidelines, as presented above, is permissible when justified with evidence and documentation from a licensed physician.
5. Every family member, over two years of age, is to be counted as a person.

SECTION XXIV. COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS FOR POSTING REQUIRED INFORMATION

There shall be maintained in the HA's office waiting room a bulletin board, which will accommodate the following posted materials:

1. Statement of Policies and Procedures Governing Admission and Continued Occupancy Policy (ACOP) this policy also outlines the HA's resident selection and assignment plan.
2. Open Occupancy Notice (Applications being Accepted and/or Not Accepted)
3. Directory of Housing Communities including names, address of project offices, number of units by bedroom size, number of units specifically designed for the elderly, handicapped, and office hours of all HA facilities.
4. Income Limits for Admission.
5. Utility Allowances.
6. Current Schedule of Routine Maintenance Charges.

7. Dwelling Lease.
8. Grievance Procedure.
9. Fair Housing Poster.
10. "Equal Opportunity in Employment" Poster.
11. Any current "Resident Notices".
12. Security Deposit Charges.

SECTION XXV. PET RULE

These rules are to be adopted in compliance with HUD, state and local laws. Pets to be allowed are dogs, cats, birds, fish and gerbils. There are to be no exceptions to the above list. Any of the above that would at any time be or become unpredictable or dangerous would be prohibited. Examples are as follows: snakes, lizards, pitbulls, doberman pinchers, german shephards, rotweillers, and etc.

1. Rules for Ownership:

- A. Resident will have to sign an agreement with the Durham Housing Authority to own a pet. This agreement will include all details of the pet policy and the resident agrees to abide by all rules.
- B. Resident can have only one pet such as a dog or cat per household.
- C. Dog or cat are not to weigh more than 15 lbs. When grown and are never to be outside without a leash or without adult supervision. (In case of a handicap or disabled resident, they may have some responsible adult to talk or exercise their pet, but the owner is responsible for the pet at all times.
- D. All other pets must be caged at all times. Cages are to be kept clean and will be checked during housing evaluations. During extermination, it is the responsibility of the owner to remove the animal during the spraying or dusting of the unit.
- E. Residents are required to abide by state and local laws governing ownership of pets.
- F. No residents shall keep any pet that is not registered to them in their unit.

All pets are to be inoculated and licensed in accordance with state and local laws. Documentation of the above information is to be provided upon signing the pet policy agreement. If the information is not available, the resident will not be given permission to own a pet. The resident is to provide an annual update on pet certification and inoculations as well as information on spaying or neutering which is also a requirement for dog and cat ownership.

2. Sanitation and Pet Care

- A. **Pet owners are required to remove immediately and properly dispose of all pet waste. Waste must be placed inside a plastic bag and placed inside of the dumpsters. Litter boxes should be changed no less than once a week.**
- B. **A fee of \$10.00 will be charged each time the custodian has to clean up animal waste.**
- C. **Animal must be kept clean.**
- D. **No outside housing for any animal.**
- E. **Feeding of animals must be inside your unit.**
- F. **Pets are not to be left outside unattended.**
- G. **The owner of the pet will be liable for all damages (personal or property) caused by the pet.**
- H. **Under no circumstances will dog fighting as a sport or recreation be allowed.**
- I. **Extermination for fleas is owner's responsibility.**
- J. **The resident must always cage pet when scheduled maintenance, evaluations, or exterminations are to be performed.**

3. Pet Deposit

Durham Housing Authority requires a \$300.00 non-refundable pet deposit which must be paid with application.

Durham Housing Authority has the right to ask the owner to remove the pet from the premises if anyone's safety is threatened or becomes a nuisance.

Note:

Nothing in this policy limits or impairs the rights of persons with disabilities.

SECTION XXVI. DECONCENTRATION RULE

1. **Objective: The objective of the Deconcentration Rule for public housing units is to ensure that families are housed in a manner that will prevent a concentration of poverty families and/or a concentration of higher income families in any one development. The specific objective of the HA is to house no less than 40 percent of its public housing inventory with families that have income at or below 30% of the area median income by public housing development. Also the HA will take actions to insure that no individual development has a concentration of higher income families in one or more of the developments. To insure that the HA does not concentrate families with higher income levels, it is the goal of the HA not to house more than 60% of its units in any one development with families whose income exceeds 30% of the area median income. The HA will track the status of family income, by development, on a monthly basis by utilizing income reports generated by the HA's computer system.**

2. **Actions:** To accomplish the deconcentration goals, the HA will take the following actions:

- A. At the beginning of each fiscal year, the HA will establish a goal for housing 40% of its new admissions with families whose incomes are at or below the area median income. The annual goal will be calculated by taking 40% of the total number of move-ins from the previous HA fiscal year.
- B. To accomplish the goals of:
 - (1) Housing not less than 40% of its public housing inventory on an annual basis with families that have incomes at or below 30% of area median income, and
 - (2) Not housing families with incomes that exceed 30% of the area median income in developments that have 60% or more of the total household living in the development with incomes that exceed 30% of the area median income, the HA's Tenant Selection and Assignment Plan, which is a part of this policy, provides for skipping families on the waiting list to accomplish these goals.

SECTION XXVII. CLOSING OF FILES AND/ PURGING INACTIVE FILES

This HA will purge inactive files, after they have been closed for a period of three years, with the exception of troubled cases, or cases involving a household containing a minor with a reported elevated blood-lead level.

During the term of tenancy and for three years thereafter the HA will keep the resident file. In addition, the HA must keep for at least three years the following records:

- Records with racial, ethnic, gender and disability status data for applicants and residents.
- The application from each ineligible family and the notice that the applicant is ineligible.
- HUD required reports and other HUD required files.
- Lead based paint inspection reports as required.
- Unit inspection reports.Accounts and other records supporting the HA and financial statements.
- Other records which may be specified by HUD.

The HA shall retain all data for current residents for audit purposes. No information shall be removed which may effect an accurate audit.

SECTION XXVIII. PROGRAM MANAGEMENT PLAN - Organization Plan

Reference the HA's adopted personnel policy for the organization plan of the HA.

SECTION XXIX. ADDITIONAL HA POLICIES & CHARGES

Additional policies and charges are attached to the end of this document and are incorporated as if fully set out herein. These policies and charges may be changed from time to time, or amended, and such changes or amendments shall be substituted in this document so as to keep this policy current. All items substituted within this document shall be kept by the HA in a separate file for historical research purposes.

EXHIBIT A

CEILING/FLAT RENT (Effective 10/1/98)

<u>Bedroom</u>	<u>Rent</u>
0	\$453
1	\$550
2	\$645
3	\$866
4	\$1021
5	\$1174
6	\$1327

EXHIBIT B

**Housing Authority of the City of Durham, North Carolina
Area Median Family Income
\$59,500 (Effective 1/27/99)**

Number of Persons	Very Very Low Income <u>30% of Median</u> \$12,500	Very Low Income <u>50% of Median</u> \$20,850	Low Income <u>80% of Median</u> \$33,300
1			
2	14,300	23,800	38,100
3	16,050	26,800	42,850
4	17,850	29,750	47,600
5	19,300	32,150	51,400
6	20,700	34,500	55,200
7	22,150	36,900	59,000
8	23,550	39,250	62,850
9	23,750	39,283	63,383
10	23,962	39,635	63,947

Fair Market Rent (Effective 10/1/98)

<u>0 BR</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>4 BR</u>	<u>5 BR</u>	<u>6 BR</u>
453	550	645	866	1021	1174	1327

EXHIBIT C

EFFECTIVE DATES OF RECERTIFICATION

FEBRUARY

**Club Boulevard
Oxford Manor
Birchwood Heights**

APRIL

**Oldham Towers
Liberty Street
Henderson Housing Center
Forest Hill Heights**

JUNE

**Few Gardens
Scattered Sites
Hoover Road**

	Kerrwood Estates
AUGUST	McDougald Terrace
OCTOBER	Fayetteville Street Cornwallis Road
DECEMBER	Morreene Road Damar Court

**EXHIBIT D
RESOLUTION NO. 1000
RESOLUTION AUTHORIZING THE REVISION OF THE RESIDENT ASSIGNMENT PLAN**

WHEREAS, the Civil Rights Act, inclusive of the Fair Housing Act, provides that no person in the United States shall, on the grounds of race, color or national or ethnic origin, religion, family, age, familial status, marital status, handicap or disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the Department of Housing and Urban Development has issued revised regulations that require assurance of the local authority of compliance with said Act/Nondiscriminatory laws and the filing of a revised statement of such compliances.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Housing Authority of the City of Durham, North Carolina, and the Housing Authority of the City of Durham will not, on account of race, creed, national or ethnic origin, religion, family, age, familial status, marital status, handicapped or disability, deny to any family the opportunity to apply for admission, or deny to any eligible applicant the opportunity to lease or rent an apartment suitable to its needs in any community.

The central application pool will be maintained and in so far as solvency permits, residents will be selected there from for appropriate size apartments according to the date and time applications were filed. However, the skipping of a family on the waiting list to select another family to achieve the goals of the deconcentration policy shall not be considered a violation of the law.

Applications will be filed by apartment size required and within apartment size, application date and

time, and said applicants will be placed on a community-wide list in accordance with the criteria here in above stated.

The applicant at the top of the community-wide list will be offered a vacant apartment at the location containing the largest number of vacancies. If such offer is refused, the applicant will be offered an apartment at the location containing the next highest number of vacancies. If the applicant refuses two (2) such offers, the applicant will be notified, at that time, that because they refused the second offer, the date and time of their application will be changed to the date and time of the second offer and the application will be moved to the bottom of the list. The Durham Housing Authority staff will notify the applicant, verbally and in writing, that the next offer will be made when their application reaches the top of the waiting list.

If the applicant presents satisfactory evidence that acceptance of any offered apartment will result in undue hardship not related to race, color or national origin, the refusal shall not count as a refusal. A record will be maintained in the application folder (or on the application) as to the apartments offered, including location, date and circumstances of each offer and rejection or acceptance.

BE IT FURTHER RESOLVED, that this amendment to the Resident Assignment Plan becomes effective immediately upon adoption for all applications received for public housing operated by the Housing Authority of the City of Durham, North Carolina, and the admissions policies and the resident assignment plan are not to be constructed as a mandate to the Housing Authority or a contract, or an offer of contract by the Housing Authority, with any potential applicant for admission to residency, but staff for administrative purposes.

Done this 24th day of June 1999.

(SEAL)

Secretary

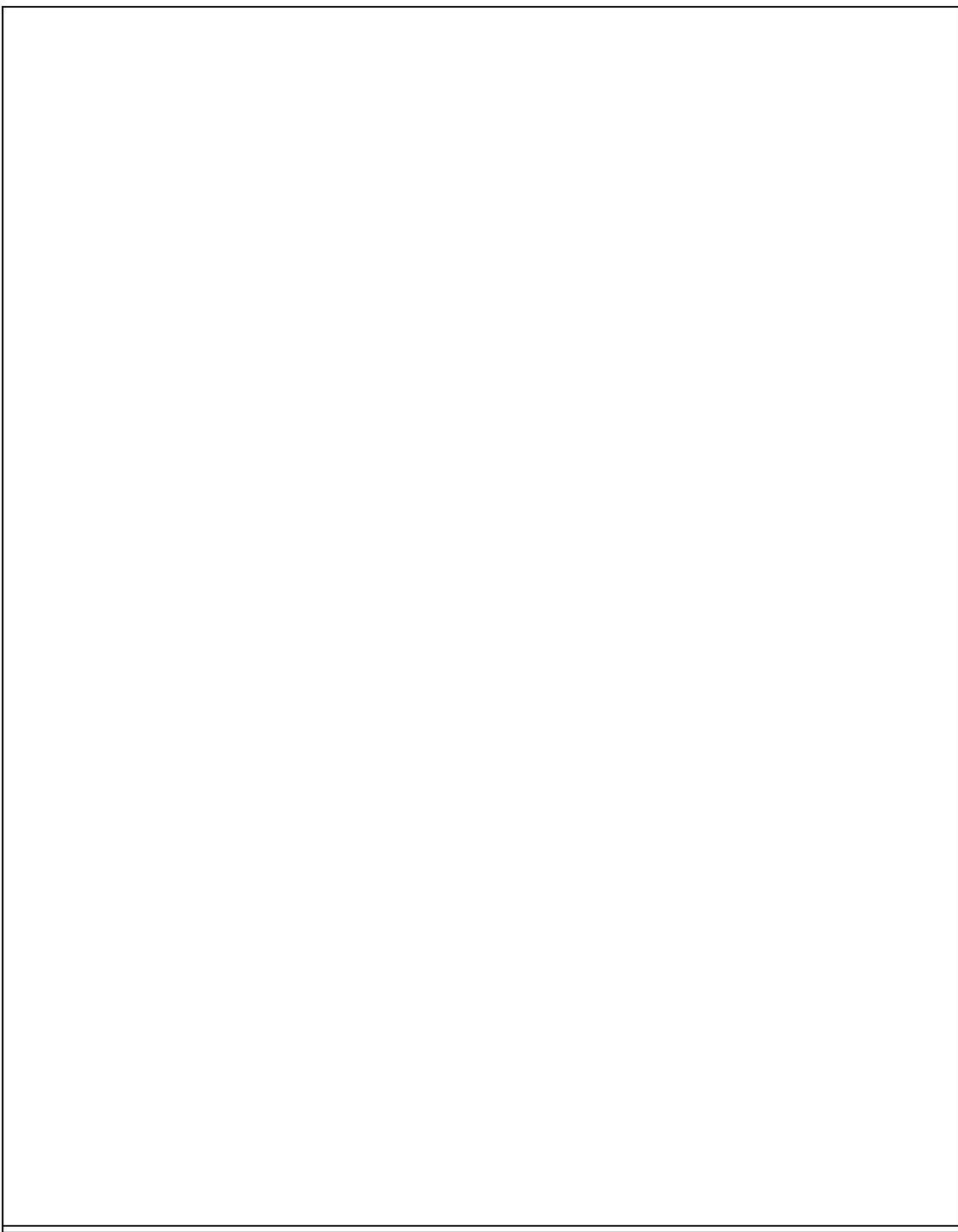


EXHIBIT F

GRIEVANCE PROCEDURE

- 1.A Grievance Hearing Request Form shall be completed and delivered within ten calendar days after notification of any violation or disposition.**
- 2. Failure to comply within ten calendar days will automatically waive the hearing process and the termination becomes effective and final.**
- 3. When a 30-day lease termination letter is mailed, the resident/participant has ten calendar days to request a grievance hearing review with the Housing Manager/Section 8 Administrator.**
- 4. If the resident/participant is not satisfied with the decision of the Housing Manager/Section 8 Administrator, resident/participant is informed they have ten calendar days to request a hearing with the Hearing Officer.**
- 5. If the resident/participant is not satisfied with the decision of the Hearing Officer, resident/participant is informed that they have ten calendar days to request a hearing with the Director of Housing.**
- 6. If the resident/participant is not satisfied with the decision of the Director of Housing, resident/participant is informed that they have ten calendar days to request a hearing with the Board of Commissioners.**
- 7. If the resident/participant is not satisfied with the decision of the Board of Commissioners, resident/participant is informed they have ten calendar days to file legal papers with the Durham County Court System.**

EXHIBIT G

HOUSING AUTHORITY OF THE CITY OF DURHAM, NORTH CAROLINA DWELLING LEASE

DEVELOPMENT NAME _____ ACCOUNT NO. _____
 DEVELOPMENT NO. NC013 _____

1. DESCRIPTION OF PARTIES AND PREMISES.

A. The Housing Authority of the City of Durham (hereinafter called "DHA") does hereby lease to _____ (hereinafter called "Resident") the dwelling located at _____, containing _____ bedroom(s) under the terms and conditions as follows:

The premises are for the exclusive use and occupancy of the Resident and his/her household consisting of the named individuals as listed in Subsection 1B below who will reside in the dwelling unit. Resident shall date and initial the following list whenever a family member moves into or out of the apartment. DHA must approve all additions of household members to the lease and reserves the right to refuse admission or continued occupancy to household members who do not meet criteria as outlined in the Statement of Policies Governing Admission and Continued Occupancy of Public Housing ("Admissions Policy") or whose admission would result in a violation of occupancy standards as outlined in the Admissions Policy. Resident agrees that no person who has not been listed herein as a member of the household with the approval of DHA shall occupy the apartment or any part thereof as a dwelling. A violation of this agreement shall be considered a serious violation of this lease.

B. MEMBERS OF HOUSEHOLD. The members of a Resident's household shall be limited to a member of his/her family which includes two or more persons sharing residency whose income and resources are available to meet the needs of the family and who are related by blood, marriage or operation of law (i.e. foster children, adopted children, step children) or who evidenced a stable family relationship over a period of time (not less than 24 months). Evidence of "stable family relationship" may include any of the following: birth certificates of the children, joint tax returns, prior lease (held jointly), joint bank accounts, insurance policies or equivalent documentation as determined by DHA.

NAME	RELATIONSHIP	DATE OF BIRTH	SOCIAL SECURITY #	CHECK ONE	INITIAL	DATE

2. TERM OF LEASE. The lease shall begin on _____ and shall end at midnight on _____. The term shall be one year and shall renew automatically for another year unless otherwise terminated as provided herein. The initial rent (prorata) for the first month is _____ which is due and payable prior to the first day of occupancy.

3. MONTHLY RENT. The monthly rent shall be \$ _____ and shall be due and payable on or before _____ first day of each month and is overdue after the seventh (7th) day of the month. A late fee will be assessed _____ if rent has not been paid by the tenth (10th) day of the month.

_____ This rent calculation method is based upon DHA-determined flat rent for this unit.

_____ This rent calculation method is based upon income and other information reported by Resident.

Resident may change rent calculation method at any recertification meeting. Resident who has chosen the DHA-determined flat rate option may request a reexamination and change to the income-based option at any time if _____ Resident experiences financial hardship as determined by DHA.

If a family is paying the minimum rent and its circumstances change creating an inability to pay the rent, the family may request suspension of the minimum rent because of a recognized hardship which will be verified and approved by the Manager.

4. **UTILITIES.** DHA agrees to furnish utilities to the Resident in accordance with the schedule which is posted in the development office. The Resident agrees to pay for excess consumption, if any, in accordance with the schedule. DHA will not be liable for failure to supply utility services for any cause whatsoever unless it fails to exercise reasonable diligence to remedy the failure.

5. **SECURITY DEPOSIT.** The Resident shall pay a security deposit of _____. The Resident shall have the option of paying the full amount of the deposit on the occupancy date or in monthly installments of not less than \$25.00 each month until the full amount has been deposited, the first of such payment being due on the date of occupancy.

6. **REQUIRED PAYMENTS.** In addition to the amount fixed as rent as above provided, the Resident agrees to pay DHA required payments as follows:

A. Amounts chargeable for excess consumption of utilities, additional or special services, and use of special equipment--all according to the schedule of amounts fixed for each of said categories by DHA; and charges for repair will be adopted by DHA from time to time and shall be posted in the Central Office and each development. Said schedules are hereby incorporated in this lease by reference;

B. Reasonable costs of repairs for damage to the leased dwelling, development facilities or other development areas intentionally/negligently caused by the Resident, by members of the Resident's family, or by their guests;

C. Charges for consumption of excess utilities and for maintenance/repairs beyond normal wear and tear shall become due and collectible the first day of the second month following the month in which the charge is incurred; and

D. A \$15.00 charge for late payments of monthly rent.

7. **REDETERMINATION OF ELIGIBILITY, RENT AND UNIT SIZE.**

(A). Each Resident who has chosen the rental plan based upon income must follow the following redetermination provisions:

1. DHA shall conduct an annual redetermination examination for each Resident who has opted for the income-based rental plan to determine eligibility, monthly rent and size of dwelling unit required. Such Residents agree to provide, in a form prescribed by DHA, accurate information and facts as to the members of the household, including, without limitation, facts about the ages, income and assets, and employment of Resident and members of his/her household. Head of Resident's household and spouse must attend the annual recertification interview and sign the record verifying the information provided;

2. If, upon reexamination, the income of Resident and his/her household warrants a change in rent under DHA's approved schedule of rents posted in the Development Office, a new lease will be executed, incorporating a new monthly rent to be charged, or DHA will mail a written "Notice of Rent Adjustment" to the Resident; and such "Notice of Rent Adjustment" shall automatically constitute an amendment to this lease, adjusting the monthly rent according to that stated in such Notice.

3. If, upon reexamination, DHA determines that the members of the Resident's household no longer conform to DHA's occupancy standards for the unit occupied, Resident will be so notified and DHA may require the Resident to move to a unit of appropriate size;

4. If the Resident fails or refuses to furnish the information requested by DHA or if the Resident misrepresents the facts upon which the monthly rent is based so that the monthly rent charged is less than the monthly rent which should have been charged, DHA upon discovering the misrepresentation, shall charge the rent which would have been imposed had the information been properly revealed retroactively to the date which such increase would have been taken place. This retroactive rent becomes due and payable forthwith upon the charge being made. In addition to the charging of retroactive rent in such cases, the Resident's misrepresentation shall be a serious violation of this lease and grounds for termination;

5. DHA may, at times other than upon annual reexamination, adjust the amount of the monthly rent by giving a "Notice of Rent Adjustment" after DHA has determined that an error occurred in connection with a previous rent decision or that a hardship has arisen affecting the Resident's ability to pay, or that the statutory limitations upon rent are being exceeded;

6. Except as otherwise provided above, increases in monthly rent under this Section shall become effective the first of the second month after the mailing of "Notice of Rent Adjustment." DHA may rely on the statements made by the Resident as required above; and if such statements are found to be incorrect upon verification or investigation, an error will have occurred justifying a rent adjustment under this Section;

7. If, at any regular reexamination or interim redetermination, it is impossible to verify Resident's income, a

temporary monthly rent will be charged, and Resident must report to DHA every 30 days until a regular monthly rent can be determined. Such regular rent will be effective retroactively to the effective date of the temporary rent; and any underpayment will become due and payable immediately to DHA;

8. The commencement or termination of public assistance, social security and or supplemental security, paid to Resident or his/her household, shall be reported immediately to DHA. Failure to report this information will be cause to charge rent retroactively, if appropriate, to the date when such payments commenced. Failure to make such reports shall constitute a violation of this Lease and shall be cause for immediate termination of this Lease at the option of DHA;

9. When DHA redetermines the amount of rent (Total Resident Payment or Resident Rent) payable as monthly rent, not including determination of DHA's schedule of Utility Allowances for families in the DHA communities or determines that the Resident must transfer to another unit based upon family composition, DHA shall notify the Resident that the Resident may ask for an explanation stating the specific ground of DHA's determination, and that if the Resident does not agree with the determination, the Resident shall have the right to request a hearing under the Grievance Procedure.

(B). DHA shall conduct a redetermination examination at least every third year for each Resident who has opted for the DHA- determined flat rate rental plan to determine eligibility, monthly rent and dwelling size of unit required. Upon notice by DHA, such Residents agree to provide, in a form prescribed by DHA, accurate information and facts as to the members of the household, including, without limitation, facts about the ages, income and assets, and employment of all Resident and members of his/her household. Head of Resident's household and spouse must attend the annual recertification interview and sign the record verifying the information provided.

8. **RESIDENT'S RIGHT TO USE AND OCCUPANCY**

During the term of this lease, Resident and the members of his/her household identified above in Section 1B shall have the right to exclusive use and occupancy of the leased premises. Any person who shall visit or be a guest of Resident shall need prior written permission of DHA for such visitation. A violation of this provision shall be cause for termination of this lease at the option of DHA.

9. **PETS.** Upon the payment of \$ _____, a non-refundable pet fee, Resident may own or have a common household pet. Resident acknowledges that the amount is reasonable and agrees that DHA shall not be required to refund the pet fee in whole or in part. In the event that a pet is permitted pursuant to this paragraph, Resident agrees to reimburse DHA for any primary or secondary damages caused thereby whether the damage is to the Premises or to common areas used in conjunction with the Premises, and to indemnify DHA from any liability to third parties which may result from keeping or having such pet or pets.

A. The Resident shall maintain each pet responsibly and in accordance with State and local public health, animal control, and animal cruelty laws and regulations, and with DHA policies which shall be posted in the Development Office and incorporated by reference in the Lease. Non-compliance with these laws, regulations and policies shall be cause for immediate termination of this Lease at the option of DHA.

B. The Resident shall remove any pet previously permitted under this paragraph within 24 hours of written notification from DHA that the pet, in DHA's sole discretion, creates a nuisance or disturbance or is, in DHA's opinion, undesirable.

10. **COMMUNITY SERVICE AND FAMILY SELF SUFFICIENCY.**

A. Resident and adult members of the household shall perform eight (8) hours of community service within the community or participate in an economic self-sufficiency program, as that term is defined by federal law, for eight (8) hours each month unless otherwise exempt.

B. DHA shall make an annual determination regarding the compliance of the Resident and members of the household with the community service and self-sufficiency requirements not later than thirty (30) days prior to the expiration of the lease. If DHA determines that Resident or a member of Resident's household is non-compliant, DHA shall notify Resident of the determination and that the determination is subject to administrative grievance procedures. Resident's lease shall not be renewed unless Resident or the member of the Resident's household who is not in compliance with the community service and self-sufficiency requirements enters into a written agreement with DHA to make up the missed hours by participating in a self-sufficiency program or contributing to community service.

11. **TERMINATION OF LEASE.**

(A). DHA may terminate this lease upon the occurrence of any one of the following events:

1. **Discharge of Firearms.** the discharge or threat to discharge a firearm of any type, including a "B-B" gun, on DHA property anywhere within the City of Durham by Resident or a member of Resident's household, or the use or threatened use of a knife, club or any other weapon against any person on DHA property anywhere within the City of Durham.

2. **Gasoline, Flammable or Explosive Materials.** the keeping by Resident or a member of his/her household of gasoline or any other explosives or highly flammable materials, machinery or equipment containing such explosive or flammable materials on the premises or in or about any property of DHA within the City of Durham. Electric space heaters and kerosene heaters are expressly prohibited by this provision;
3. **Sublease.** the assignment of the lease or sublease of the premises;
4. **Boarder or Lodgers.** the accommodation of boarders or lodgers in the leased premises;
5. **Use of Premises.** the use of the premises for any purposes other as a private dwelling unit solely than for members of the household;
6. **Violation of the Rules.** the violation of any regulations promulgated by DHA for the benefit and well-being of the Development and members of the household, which regulations shall be posted in the Development Office and incorporated by reference in the Lease;
7. **Violation of Housing Codes.** the violation of any applicable provisions of building and housing codes materially affecting the health and safety of members of the household;
8. **Condition of the Premises.** the failure of members of the household to keep the premises and such other areas as may be assigned to them for maintenance and upkeep as clean and safe as the condition of the premises permit. DHA shall conduct an annual inspection of the premises to verify that Resident is keeping the premises in a clean and safe condition and in a condition of continual care;
9. **Disposal of Garbage.** the failure of the members of the household to dispose of garbage, rubbish and other waste from the premises in a sanitary and safe manner;
10. **Use of Utilities.** the failure of the members of the household to use, in a reasonable manner, all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appurtenances, including elevators;
11. **Destruction of Property.** the deliberate or negligent destruction, defacement, damage or removal of any part of the premises or the Development;
12. **Damages to Premises.** the failure to pay reasonable charges for the repair of damages to the premises, the Development building, facilities, or common areas intentionally or negligently caused by members of the household;
13. **Disturbances.** the failure of members of the household to conduct themselves in a manner which will not disturb their neighbors' peaceful enjoyment of their accommodations;
14. **Animals.** the failure to maintain animals in compliance with paragraph 9 of this lease;
15. **Illegal Activities.** the Resident, member of the household, visitors or guests engage or participate in conduct that poses a danger or threat to the health or safety of other tenants, DHA employees or persons residing in the immediate vicinity of the premises and/or in the event that Resident, or a member of the household, guests, or visitors, engage in any drug-related or violent criminal activity on or off the premises or any activity resulting in a felony conviction;
16. **Repairs/Alterations.** the repair, alteration or installation of any equipment in the leased premises without the prior written consent of DHA. Provided that if Resident requests in writing to DHA to make repairs, alterations or install equipment or request that they be allowed to make repairs, alterations, or install equipment and receive no response either affirmative or negative from DHA within 30 days after the request, Resident may make the repairs, alterations, or install the equipment as requested. Provided further that in emergency situations, such as non-working refrigerators, DHA must respond within 24 hours of the request or Resident may make the repairs, alterations or install equipment;
17. **Annual Recertification.** the failure of the Resident or member of Resident's household to attend and cooperate with DHA in the recertification process as described above;
18. **Motorized Vehicles.** the failure of the Resident or members of Resident's household, visitors, or guests to park automobiles in designated parking areas or to refrain from parking or driving on lawns, sidewalks, and common areas not designated for parking. Also to keep motorized vehicles in an operable condition with fully inflated tires and current license plates. Non-operable vehicles left on DHA property for a period of time greater than ten (10) days without the permission of DHA is a violation of this provision;
19. **Trespassed/Banned Individuals.** the failure of the Resident or other members of the household to keep off the premises any individual who has been trespassed or banned from DHA's property anywhere within the City of Durham, provided that Resident has received actual notice that said individual has been trespassed;

20. Obscene or Threatening Language. the Resident or other members of the Resident's household use of obscene or threatening language;

21. Water-filled Furniture. the Resident's keeping of water beds or any other water filled furniture on the premises unless Resident has obtained DHA's prior written consent;

22. False or Misleading Information. the furnishing of false or misleading information in violation of federal or state law or DHA rules and regulations;

23. Community Service and Family Self-Sufficiency Requirement. the Resident's failure to comply with the Community Service and Family Self-Sufficiency requirements pursuant to 24 CFR 960.603-960.611 and DHA policy which shall be posted in the Development Office and incorporated by reference in the Lease;

24. Payment of Rent. the nonpayment of rent, including failure by Resident to pay rent when due three (3) times within a twelve (12) month period. DHA shall have the right to terminate this lease for nonpayment and take possession of the Premises; and Resident shall have forfeited the opportunity to tender the rent and maintain possession of the Premises pursuant to North Carolina General Statute §42.33.

(B). Resident may terminate this lease at any time for any reason or no reason.

12.

NOTICE OF TERMINATION.

A. In the event of termination of this lease by DHA, DHA shall give Resident written notice of termination, which notice shall be delivered to Resident by hand delivery or prepaid first-class mail properly addressed to Resident. Any such notice given by DHA shall state the reason(s) for termination or, if deemed necessary by DHA, DHA shall inform Resident of the reason(s) for termination in a private conference. The notice shall inform the Residents of his/her right to make such reply as he/she wishes and of his/her right to request a hearing in accordance with DHA's Grievance Procedure.

B. In the event of termination of this lease by Resident, Resident shall give DHA written notice of termination, which notice shall be hand delivered to the Development Office of DHA Central Office, or by prepaid first-class mail properly addressed.

C. A 14 days' notice is required of DHA for termination because of the failure of Resident to pay rent.

D. A reasonable notice period (not to exceed 30 days) is required of DHA for termination in the event that Resident's conduct, or that of a member of the household, guests, or visitors, poses a danger or threat to the health or safety of other tenants, DHA employees or persons residing in the immediate vicinity of the premises and/or in the event that Resident, or a member of the household, guests, or visitors, engage in any drug-related or violent criminal activity on or off the premises or any activity resulting in a felony conviction. DHA, with cause, may initiate an immediate termination action.

E. A 30 days' notice is required of DHA for termination in all other cases except that if a State or local law provides for a shorter period of time, the shorter period shall apply.

F.A five days' notice is required of Resident in all cases.

13.

HOUSING AUTHORITY'S OBLIGATIONS. DHA shall be obligated under the lease to:

A. Maintain the premises and the Development in a decent, safe and sanitary condition;

B. Comply with requirements of applicable building codes, housing codes and HUD regulations materially affecting health and safety;

C. Make necessary repairs, alterations and improvements to the premises necessitated by normal wear and tear;

D. Keep development buildings, facilities and common areas, not otherwise assigned to the Resident for maintenance and upkeep, in a clean and safe condition;

E. Maintain in good and safe working condition: electrical, plumbing, sanitary, heating, ventilation, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by DHA; provided that if maintenance or repairs are made necessary by reason of damages intentionally or negligently caused by the Resident, Resident's family or guests, then the reasonable cost of such maintenance or repairs shall be charged to the Resident;

F. Provide and maintain appropriate receptacles and facilities for the collection of garbage, rubbish, and other waste removed from the premises by the Resident;

G. Supply running water and reasonable amounts of heat at appropriate times of year (according to local custom and usage) except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or where heat or hot water is generated by an installation within the exclusive control of the Resident and supplied by a direct utility connection;

H. Post a list of trespassed or banned persons from DHA property in the Development Office.

14. **PRE-OCCUPANCY AND PRE-TERMINATION EVALUATION.** DHA shall be obligated to evaluate the premises prior to commencement of occupancy by the Resident and furnish the Resident with a written statement of the condition of the premises, the dwelling unit and the equipment provided with the unit. DHA shall be further obligated to evaluate the unit at the time the Resident vacates the unit and furnish the Resident a statement of any charges to be made in accordance with Paragraph 6 above. Provisions shall be made for the Resident's participation in such evaluations, and DHA and the Resident shall be obligated to evaluate the unit.

15. **ENTRY OF PREMISES DURING TERM OF LEASE.** Other provisions of this lease notwithstanding, DHA may enter the premises occupied by the Resident after at least two days' notice for the purpose of examining its condition or for making improvements or repairs. Entry shall be made during reasonable hours. The notice shall be in writing, specifying the date, time and purpose of the entry. However, entry can be made at any time without notice when there is reasonable cause to believe that an emergency exists, likely to endanger the life or health of persons or to destroy or damage property. In the event that the Resident and all adult members of the household are absent from the premises at the time of entry, DHA shall leave on the premises a written statement specifying the date, time and purpose of entry prior to leaving the premises.

16. **GRIEVANCE PROCEDURE.** Except for the consequences of nonpayment of rent set out in paragraph 3 above, all disputes concerning the obligations of the Resident and DHA shall be resolved in accordance with DHA's Grievance Procedures--a copy of which is hereto attached. If required payments are in dispute, the amount in dispute shall be paid to DHA, to be held in escrow pending the settlement of the dispute, and amounts not in dispute paid to DHA.

1. Resident must continue to pay rent while any grievance is pending. If the subject of the grievance is the amount owed by Resident as rent, then as rent comes due while the grievance is pending, Resident shall pay the amount which was due as rent the month before the grievance was initiated. Resident shall continue to pay this amount each month until the grievance is resolved.

2. The amount paid by Resident while a grievance is pending will be held in escrow. If the resolution of the grievance is that the rent should have been less than the amount paid by Resident while the grievance was pending, an appropriate refund shall be promptly made. If the resolution of the grievance requires that Resident pay an amount greater than what Resident paid while the grievance was pending, then Resident shall pay the additional amount in accordance with the decision of the Hearing Officer.

3. Failure to make the rental payments when due while the grievance is pending will result in termination of the grievance procedure.

4. The requirement to pay rent while the grievance is pending may be waived by DHA for good cause shown by Resident.

5. Resident's failure to make rental payments while the grievance procedure hearing is pending will not affect Resident's right to contest DHA's decision in an appropriate judicial proceeding.

17. **ABANDONMENT OF DWELLING AND PROPERTY.** The premises shall be deemed abandoned by DHA once clear and convincing evidence shows that the premises have been voluntarily vacated by Resident without notice to DHA. Clear and convincing evidence shall be determined on a case by case basis. A presumption of abandonment shall arise ten (10) or more days after DHA has posted conspicuously a Notice of Suspected Abandonment both inside and outside of the premises and has received no response from Resident that the property has not been abandoned. In the event of abandonment, DHA shall exercise its rights under North Carolina law.

18. **ADDITIONAL COMMENTS OF LEASE.** Resident shall abide by and be governed by the provisions of Residents Handbook and the Statement of Policies Governing Housing Developments which are mandatory and which have been posted in the Central Office and each Development, not inconsistent with the provisions of the lease.

19. **CHANGES IN LEASE.** Except for the Term of Lease and Monthly Rent, the terms of this lease shall not be changed or modified except by agreement in writing duly executed by DHA and Resident.

This lease is executed on the _____ day of _____, _____.

**HOUSING AUTHORITY OF THE
CITY OF DURHAM, NORTH CAROLINA**

By: _____
DHA Representative

Resident

Date

Date

Revised 10/04/99

ATTACHMENT B

The Housing Authority of the City of Durham
Durham, North Carolina

**SECTION 8
ADMINISTRATIVE
PLAN**

This Administrative Plan covers the current requirements for the Section 8 Certificate and Voucher Programs.

Approved by the Housing Authority Board of Commissioners:
Submitted to HUD:

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SECTION I. INTRODUCTION:

1. Mission Statement: Our goal is to ensure decent, safe, sanitary, and affordable housing; provide opportunities for self-sufficiency and economic independence; for eligible Section 8 participants and Public Housing residents.

In order to achieve this mission, we will:

- ☞ Recognize residents as our ultimate customer;
 - ☞ Improve Public Housing Authority management and customer service delivery efforts through effective and efficient management of Housing Authority staff;
 - ☞ Seek problem-solving partnerships with residents, participants, landlords, community, and government leadership; and
 - ☞ Apply limited HA resources to the effective and efficient management and operation of Section 8 and Public Housing programs.
2. Purpose of Policy: The purpose of this plan is to establish guidelines for the HA staff to follow in determining eligibility for the Section 8 programs. The basic guidelines for this plan is governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for local policies and procedures. The Policies and Procedures governing admissions and continued occupancy are outlined in this plan and these requirements are binding upon applicants, residents, landlords and this HA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

Federal Regulations shall mean those found in Section 24 CFR (Code of Federal Regulations)

3. Primary Responsibilities of the HA:

- . Informing eligible families of the availability of Section 8 assistance;
- . Encouraging owners to make their units available for lease by Section 8 participants;
- . Determining the maximum amount of housing assistance payments that can be used for family-paid utilities; and posting the utility allowances annually;
- . Receiving applications from families and determining their eligibility for assistance;
- . Evaluating/Inspecting Section 8 units to determine that they meet or exceed Section 8 Housing Quality Standards;
- . Approving leases;
- . Making Housing Assistance Payments to owners;
- . Perform annual and periodic recertifications of income, family composition and redetermination of rent.

4. Objectives: The objectives of this plan are to:

- A. Promote the overall goal of decent, safe and sanitary housing by using the Section 8 program to house eligible families in private rental housing; therefore, increasing the housing stock for very low-income families.
- B. Improve Durham's housing stock by requiring participating landlords to meet Section 8 Housing Quality Standards for their rental property.
- C. Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the Section 8 program and staff.
- D. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to ensure that occupancy in assisted housing is administered without regard to race, color, religion, sex, handicap, familial status and national origin.
- E. The Housing and Community Development Act of 1974 reflects Congress's intent that, where possible, the nation's existing housing stock should be preserved. The Section 8 Program will allow the HA to utilize existing housing stock and allow a family who qualifies for Section 8 Assistance and lives in substandard housing to remain, if the owner brings the house up to Housing Quality Standards and the Section 8 participant decides to remain in that unit.

5. Outreach:

- A. Outreach to Owners: The HA will encourage participation by owners of suitable units located outside areas of low income or minority concentration by distributing and communicating information concerning property owners leasing units under the Section 8 programs through the local media (newspaper, radio, television, etc.).
- B. Outreach to Potential Clients: The HA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for Section 8 rental assistance. The HA shall take affirmative actions to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income, are less likely to apply for Section 8 rental assistance. The HA may hold meetings concerning the Section 8 programs with local social community agencies.

SECTION II. FAIR HOUSING POLICY AND EQUAL OPPORTUNITY HOUSING PLAN

- 1. Fair Housing Policy: The Fair Housing Policy of the HA is 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 and with the

Americans with Disabilities Act.

Specifically, the HA shall not on the basis of race, color, religion, sex, handicap, familial status, and national origin, deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Programs, within the requirements and regulations of HUD and other regulatory authorities. To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide access to information to Section 8 participants regarding "discrimination". Also, this subject will be discussed during the orientation session and any complaints will be documented and made part of the applicants/participants file.

For families and/or individuals who report apparent discrimination in obtaining assisted housing, the HA shall assist them by providing the family/individual with a HUD Housing Discrimination Complaint Form, HUD - 903. The individual can complete this form and report apparent discrimination to the Atlanta HUD Office of Fair Housing and Equal Opportunity; Federal Building; 75 Spring Street, S.W., Atlanta, Georgia 30303-3388. For example, a resident may be trying to obtain other rental housing and/or is attempting to purchase a home and experiences apparent discrimination.

2. Equal Opportunity Housing Plan: The HA is a participant in the tenant-based program and is required to comply with equal opportunity requirements imposed by contract or federal law (Ref: 24 CFR 982.54). This includes applicable requirements under:

- A. The fair housing act, 42 U. S. C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
- B. Title VI of the Civil Rights Act of 1964, 42 U. S. C. 2000d (implementing regulations at 24 CFR part1);
- C. The age discrimination act of 1975, 42 U. S. C. 6101-6107 (implementing regulations at 24 CFR, part 146);
- D. Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR1253 (1980), as amended, Executive Order 12892, 59FR 2939 (1994) (implementing regulations at 24 CFR, part 107);
- E. Section 504 of the Rehabilitation Act of 1973, 29 U. S. C. 794 (implementing regulations at 24 CFR, part 8; and
- F. Title II of the Americans with Disabilities Act, 42 U. S. C.12101, et seq.

3. Equal Opportunity Posting Requirements:

There shall be maintained in the HA's Central office foyer a bulletin board, which will accommodate the following posted materials:

- A. Statement of Policies and Procedures Governing the Section 8 Administrative Plan.

- B. Open Occupancy Notice (Applications being Accepted and/or Not Accepted)
- C. Income Limits for Admission.
- D. Utility Allowances.
- E. Informal Review and Hearing Procedure.
- F. Fair Housing Poster.
- G. "Equal Opportunity in Employment" Poster.

SECTION III. PRIVACY RIGHTS

Applicants will be required to sign the Federal Privacy Act Statement which states under what conditions HUD will release information concerning Section 8 participants. Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations (Reference HUD Form 9886).

SECTION IV. DEFINITION OF TERMS

Section 24 part 5 and Section 982.4 Definitions effective from time to time are incorporated by reference as if fully set out herein. Copies of this regulation are available in the HA Office.

1. Absorption: In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family.
2. Adjusted Income: Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:
 - A. A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is:
 - (1) seventeen (17) years of age or younger, or
 - (2) who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
 - B. A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) under thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).

- C. A deduction of \$400.00 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.
- D. A deduction for any elderly family:
 - (1) That has no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.
 - (2) That has Handicapped Assistance Expenses greater than or equal to three (3%) percent of Total Annual Family Income, an Allowance for Handicapped Assistance computed in accordance with paragraph E of this Section, plus an allowance for medical expenses that is equal to the Family's medical expenses.
 - (3) That has Handicapped Assistance Expenses that are less than three (3%) percent of Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three (3%) percent of Total Annual Family Income. Expenses used to compute the deduction cannot be compensated for nor covered by insurance.
- E. A deduction for any family that is not an elderly family but has a handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expense in excess of three (3%) percent of Total Annual Family Income, but this allowance may not exceed the employment received by family members who are eighteen (18) years of age or older as a result of the Assistance to the Handicapped or Disabled person.
- F. Child Care Expenses: Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges is determined by the HA, by conducting surveys of local child care providers. The results are posted in the HA office(s).

Note:

If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.

- 3. Administrative Fee: Fee paid by HUD to the HA for administration of the program and will include hard-to-house fees paid for moves by families with three or more minors, and extra counseling money that may be authorized by HUD.
- 4. Administrative Fee Reserve: (formerly "operating reserve") Account established by HA from

excess administrative fee income. HA administrative fees may only be used to cover costs incurred to perform HA administrative responsibilities for the program in accordance with HUD regulations and requirements.

5. Administrative Plan: The administrative plan describes HA policies for administration of the tenant-based programs. This document is the administrative plan for the HA.
6. Admission: The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.
7. Adult: An adult is:
 - . 18 years of age or older
 - . A person that has been relieved of the disability of non-age by the juvenile court (Emancipated Minor).

Note:

Only persons who are adults shall be eligible to enter into a lease agreement for occupancy

8. Amortization Payment: In a manufactured home space rental, the monthly debt service payment by the family to amortize the purchase price of the manufactured home.
9. Annual Contributions Contract (ACC): A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.
10. Annual Income: Annual Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or recertification of income, exclusive of certain other types of income specified in this policy. Annual Income includes, but is not limited to, the following:
Ref: CFR 5.609
 - A. The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses);
 - B. Net income from the operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining Net Income.) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
 - C. Interest, dividends and other net income of any kind from real or personal property.

(For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). All allowance for depreciation is permitted only as authorized in Paragraph "B" of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has Net Family Assets in excess of \$5,000.00, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD;

- D. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment;
- E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay;
- F. Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that are subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - (1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus
 - (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the families' welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular (monthly) contributions gifts, including amounts received from any persons not residing in the dwelling.
- H. All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.) received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other family member whose dependents are residing in the dwelling (see "hazardous duty pay").
- I. Payments to the head of the household for support of a minor or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support;
- J. Veterans Administration compensation (Service Connected Disability or Death Benefits).

Note:

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

Participants that receive lump-sum payments that are included as income and fall in the categories listed above, must report the income to the Section 8 Recertification Specialist as soon as possible but no later than ten (10) calendar days after receipt of the funds and the applicable portion of the payment that is due as subsidy to the HA is due fourteen (14) days after the HA notifies the family of the amount due.

Unreported Income: If a Section 8 participant fails to report changes in income, as required, the Section 8 assistance will be terminated.

11. Applicant: (applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.
12. Budget Authority: An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.
13. Certificate: A document issued by an HA to a family selected for to the rental certificate program. The certificate describes the program, and the procedures for HA approval of a unit selected by the family. The certificate also states the obligation of the family under the program.
14. Certificate or Voucher Holder: A family holding a certificate or voucher with unexpired search time.
15. Certificate Program: Rental Certificate program.
16. Child - A member of the family, other than the family head or spouse, who is under 18 years of age.
17. Child Care Expenses: Child Care Expenses are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment. The HA will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing child care.

18. Child Custody: An applicant/participant family who does not have full custody of a child/children may only claim a child as a dependent by the following:
 - A. The applicant/participant must have primary custody of the child.
 - B. The applicant/participant must provide sufficient evidence that the child would reside with the Section 8 participant.

Note:

The same child cannot be claimed by more than one applicant.

19. Citizen: A citizen or national of the United States.
20. Common Space: In shared housing: Space available for use by the assisted family and other occupants of the unit.
21. Congregate Housing : Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.
22. Contiguous Metropolitan Statistical Area (MSA): In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.
23. Continuously Assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Section 8 program.
24. Contract Authority: The maximum annual payment by HUD to an HA for a funding increment.
25. Cooperative Housing (Term includes mutual housing): Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.
26. Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.
27. Disabled Person: (See “Handicapped Person”)
28. Displaced Family: A person, or family, displaced by governmental action, or 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.
29. Domicile: The legal residence of household head or spouse as determined in accordance with State and local law.

30. Drug-Related Criminal Activity: Term means:
- A. Drug-trafficking, which is: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the controlled substances act (21 U. S. C. 802), or
 - B. Illegal use, or possession for personal use, of a controlled substance (as defined in Section 102 of the controlled substances act (21 U. S. C. 802)
31. Elderly Family: A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, or disabled, or handicapped and 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 or her care and well being.
32. Elderly Person: A person who is at least sixty-two (62) years of age.
33. Evidence of Citizenship or Eligible Immigration Status - The documents which must be submitted to evidence citizenship or eligible immigration status (Reference CFR 5.508(b)).
34. Exception Rent: In the certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. For certificates, exception rent is approved by HUD, and is used in determining the initial contract rent. In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.
35. Fair Market Rent (FMR): The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the Federal Register in accordance with 24 CFR, part 888.
36. Familial Status - A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons (Reference Federal Register published February 13, 1996, pages 5,662 and 5,663). In Section II “Reinventing Parts 812 and 912 of the Federal Register states:

“The April 10, 1992 proposed revisions to parts 812 and 912, which concern section 5(b) of the Fair Housing Amendments Act of 1988 (FHAA) and the treatment of single, pregnant women obtaining custody, are not included in this final rule. The statutory prohibition against housing discrimination towards such persons is sufficiently clear and enforceable. Since the percentage limit for occupancy by single persons (which could have been used to mask instances of discrimination against persons in these protected classes) has been eliminated, it is no longer necessary to distinguish persons in the FHAA-protected classes from other single persons.”

Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons and only entitled subsidy for a zero or one-bedroom family unit size.

37. Family - (See Below) The term "family" as used in this policy means:

- A. Two or more persons related by blood, marriage, or by operation of law, (i.e. foster children, adopted children), or two or more persons sharing residency whose income and resources are available to meet the family's needs; or who evidence a stable relationship over a period of time (not less than 24 months). A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size); who live regularly together as a single household in the dwelling unit. By definition, a family must contain a competent adult of at least 18 years of age or a minor legally emancipated to enter into a contract and capable of functioning as the head of the household.

Note:

Evidence of "stable family relationship" may include any of the following: birth certificates of the children, joint tax returns, lease (held jointly), joint bank accounts, insurance policies or equivalent documentation as determined by the HA. The head of household and the spouse and/or other adult member(s) must be parties to the lease. There must be some concept of family living beyond the mere sharing or intention to share housing accommodations by two or more persons to constitute them as a family within the meaning of this policy. Some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family (Refer Definition No. 103); and
- G. A single person who is not elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Note:

Housing assistance limitation for single persons. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided (for tenant-based assistance) housing assistance for which the family unit size exceeds the one bedroom level (Ref. 982.207 Housing assistance limitation for single persons, published in the Federal Register on 2/13/96).

The rule does not prohibit a single person from residing in a larger unit (2 or more bedrooms) with the amount of subsidy for a zero or one-bedroom family unit size. The limit is on the amount of subsidy paid NOT the SIZE of the UNIT!

38. Family Self-Sufficiency (FSS) Program: The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services (42 U. S. C. 1437u). Reference 24 CFR, part 984.
39. Family Share: The portion of rent and utilities paid by the family.
40. Family Unit Size: The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.
41. FMR/Exception Rent Limit: The Section 8 Existing Housing fair market rent published by HUD Headquarters, or any exception rent. For a regular tenancy in the Certificate program, the initial rent to owner plus any utility allowance may not exceed the FMR/exception rent limit (for the selected dwelling unit or for the family unit size). For a tenancy in the voucher program the HA may adopt a payment standard up to the FRM/exception limit. For an over-FMR tenancy in the Certificate program, the payment standard is the FMR/exception rent limit.
42. Foster Children: With the prior written consent of the HA, a foster child may be added as a Section 8 participant. The factors considered by the HA in determining whether or not consent is granted may include:
 - A. Whether the addition of a new occupant may require the issuance of a new certificate or voucher, and whether such documents are available.
 - B. The Section 8 landlord's obligation to allow reasonable accommodation for handicapped persons.
43. Full-Time Student: A member of a family (other than the head of household or spouse) who is carrying a subject load which 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 diploma, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.
44. Funding Increment: Each commitment of budget authority by HUD to an HA under the consolidated ACC for the HA program.
45. Gross Rent: The sum of the rent to owner plus any utility allowance.
46. Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any Live-in Aid).
47. Handicapped Assistance Expense: Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the Handicapped or Disabled member) to be employed, provided that the

expenses are neither paid to a member of the family nor reimbursed by an outside source.

48. Handicapped Person and/or Disabled Person: A person having a physical or mental impairment which:
- A. Is expected to be of long-continued and indefinite duration,
 - B. Substantially impedes his/her ability to live independently; and
 - C. Is of such a nature that such disability could be improved by more suitable housing conditions.

Note:

All three conditions must be met to qualify as handicapped.

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) of the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6001(7)), or is handicapped as defined below:

- D. Section 223 of the Social Security Act defines disability as:
 - (1) "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or
 - (2) in the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in Section 416(I)1 of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
 - E. Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

"A disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary (of Health and Human Resources) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual."
49. Hazardous Duty Pay: Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
50. Head of Household - The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.

51. Homeless Family: Any individual or family who:
- A. Lacks a fixed, regular, and adequate nighttime residence;
 - B. Has a primary nighttime residence that is:
 - (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);
 - (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
 - C. A homeless family does not include:
 - (1) Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or
 - (2) Any individual who is a Single Room Occupant that is not considered substandard housing.
 - (3) Families who are residing with friends or relatives on a temporary basis.

Homeless families may maintain their place on the waiting list while completing a transitional housing program.

An applicant's certification that they qualify for a preference may be accepted without verification. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified. If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

52. Housing Agency (HA): Housing Agency (formerly Public Housing Agency (PHA), PHA and HA are the same thing) A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

53. Housing Assistance Payment (HAP): The monthly assistance payment by the HA. The total assistance payment consists of:

- A. A payment to the owner for rent to owner under the family's lease.
- B. An additional payment to the family if the total assistance payment exceeds the rent to owner. In the certificate program, the additional payment is called a "utility reimbursement". [The HA may elect to pay the appropriate amount directly to the utility provider.](#)

54. Housing Assistance Payment (HAP) Contract: A written contract between an HA and an owner, in the form prescribed by HUD, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

55. Housing Quality Standards (HQS): The HUD minimum quality standards for housing assistance under the tenant-based programs.

56. HUD - Housing & Urban Development: The U. S. Department of Housing and Urban

Development.

57. HUD Requirements: HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.
58. Income Exclusions:
Annual Income does not include such temporary, non-recurring or sporadic income as the following:
- A. Temporary: Casual, sporadic, temporary, nonrecurring income, including gifts.
 - B. Medical Reimbursements: Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical care.
 - C. Lump-Sum Additions to Family Assets: Such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.
 - D. Scholarships: Full amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States government to a veteran for use in meeting the cost of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student.
 - E. Relocation Payments: Made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).
 - F. Food Stamps: The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 [7 USC 2017(b)].
 - G. Domestic Volunteers Service Act: Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044(g), 5058].
 - H. Income of a live-in aide: (as defined in this policy).
 - I. Job Training Partnership Act: Payments received from the Job Training Partnership Act [29 USC 1552(b)].
 - J. Hazardous Duty Pay: For a family member in the Armed Forces away from home and exposed to hostile fire.
 - K. Minor's Income: Income from employment of children (including foster children) under the age of eighteen (18).

- L. Foster Care: Payment received for the care of foster children.
- M. Alaska Native Claims Settlement Act: Payments received under the Alaska Native Claims Settlement Act [43 U.S.C. 1626(a)], or reparation payments made by foreign governments in connection with the Holocaust.
- N. Submarginal Land Income: Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 U.S.C. 459(e)].
- O. Home Energy Assistance Program: Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program [42 U.S.C. 8624(f)].
- P. Grand River band of Ottawa Indians: Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
- Q. Indian Claims Commission or the Court of Claims: The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior [25 U.S.C. 117(b), 1407].
- R. Older Americans Act: Payments from Programs under Title V of The Older Americans Act of 1965 [42 U.S.C. 3056(f)].
- S. HUD Training: Amounts received under training programs funded by the Department of Housing and Urban Development.
- T. Plan to Attain Self-Sufficiency: Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- U. Other Publicly Assisted Programs: Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
- V. Earned Income Tax Credit Refund: For taxable years after December 31, 1990, the earned income tax credit refund. Effective Date: July 25, 1994.
- W. A Resident Service Stipend: A resident stipend is a modest amount (i.e., \$200 or less per month), received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and resident management. No resident may receive more than

one such stipend during the same period of time. The exclusion exempts resident service stipends from annual income, but only if the resident service stipend does not exceed \$200 per month. Compensation from state or local employment training programs and the training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance.

- X. Adoption Assistance Payments: Income payments received for the care of adopted children to the extent that the payments exceed \$480 per adopted child.
- Y. Student Financial Assistance: This exclusion exempts from annual income all amounts received from student financial assistance. Student financial assistance is interpreted broadly to include various scholarships, educational entitlements, grants, work-study programs and financial aid packages.
- Z. Earned Income of Full-Time Students: This exclusion exempts earnings in excess of \$480 for each full-time student eighteen years old or older, except for the head of household and spouse. The exemption only applies to earnings in excess of \$480 since the family already receives a \$480 deduction from income for any full-time student.
- AA. Adult Foster Care Payments: This exclusion removes from the computation of annual income payments for the care of foster adults, usually individuals with disabilities, unrelated to the participant family, who are unable to live alone. Currently, only payments for the care of foster children are excluded from annual income. In adding this exclusion, the Department is not requiring that housing authorities or owners permit foster adults in assisted housing.
- BB. Compensation from state or local Job Training Programs and Training of Resident Management Staff: this exclusion exempts compensation received from qualifying employment training programs and the training of resident management staff. To qualify under this exclusion, the compensation received must be a component of a state or local Employment Training Program with clearly defined goals and objectives. Moreover, only the compensation received incident to the training program is excluded, (i.e., any additional income received during the training program, such as welfare benefits, will continue to be counted as income). In addition, this exclusion only covers compensation received while the resident participates in the employment training program and the duration of participation must be for a limited period determined in advance. An example of compensation which falls under this exclusion is compensation received from on-the-job training and during apprenticeship programs.
- CC. Property Tax Rebates: This provision excludes state rent credits and rebates for property taxes paid on a dwelling unit.
- DD. Home Care Payments for Developmentally Disabled Children or Adult Family Members: This exclusion exempts amounts paid by a state agency to families who have

developmentally disabled children or adult family members living at home. States that provide families with home care payments do so to offset the cost of services and equipment needed to keep a developmentally disabled family member at home.

- EE. Deferred periodic payments: Of supplemental security income and social security benefits that are received in a lump sum payment.
59. Infant: A child under the age of two years.
60. Initial Contract Rent: In the certificate program, the contract rent at the beginning of the initial lease term.
61. Initial HA: In portability, the term refers to both:
- A. An HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.
 - B. An HA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing HA.
62. Initial Lease Term: The initial term of the assisted lease. The initial lease term must be for at least one year.
63. Initial Payment Standard: The payment standard at the beginning of the HAP contract term.
64. Initial Rent to Owner: The rent to owner at the beginning of the initial lease term.
65. Interim Redetermination of Rent: Changes of rent between admissions and reexaminations and the next succeeding reexamination.
66. INS - The U. S. Immigration and Naturalization Service.
67. Jurisdiction: The area in which the HA has authority under State and local law to administer the program.
68. Lease:
- A. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA.
 - B. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement established the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the

HA. For purposes of part 982, the cooperative is the Section 8 “owner” of the unit, and the cooperative member is the Section 8 “tenant”.

69. Lease Addendum: In the lease between the tenant and the owner, the lease language required by HUD.
70. Live-in-Aide: A person who resides with an Elderly, Disabled, or Handicapped person or persons and who:
 - A. Is determined by the HA to be essential to the care and well-being of the person(s),
 - B. Is not obligated for support of the person(s),
 - C. Would not be living in the unit except to provide supportive services. The income of a Live-in-Aide that meets these requirements is not included as income to the tenant family; and,
 - D. A Live-in-Aide must be approved, in advance, by the HA.
71. Low-Income Family: A family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD with adjustments for smaller and larger families. (Section 982.201(b) describes when a low-income family are income-eligible for admission to the certificate or voucher program).
72. Manufactured Homes: A Manufactured structure that is built on a permanent chassis, that is designed for use as a principal place of residence, and meets the HQS.
73. Manufactured Home Space: In manufactured home space rental: a space leased by an owner to a family. An manufactured home owned and occupied by the family is located on the space.
74. Medical Expense: Those necessary 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. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only.
75. Military Service: Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.
76. Minimum Rent: Families assisted under the Public Housing program pay a monthly “minimum rent” of not more than \$50.00 per month. The HA has the discretion to establish the “minimum rent” from \$0 up to \$50. The minimum rent established by this HA is \$25.00.
77. Minimum Rent Hardship Exemptions:
 - A. The HA shall immediately grant an exemption from application of the minimum monthly

rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:

- B. The family has lost eligibility for, or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
 - C. The family would be evicted as a result of the implementation of the minimum rent.
 - D. The income of the family has decreased because of changed circumstance, including loss of employment.
 - E. A death in the family has occurred which affects the family circumstances.
 - F. Other circumstances which may be decided by the HA on a case by case basis.
 - (1) All of the above must be proven by the Resident providing verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.
 - (2) If a resident requests a hardship exemption (prior to the rent being delinquent) under this section, and the HA reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A resident may not be evicted during the ninety day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long term basis, the HA shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety day period. This Paragraph does not prohibit the HA from taking eviction action for other violations of the lease.
78. Minor: A "minor" is a person under nineteen years of age. Provided, that a married person 18 years of age or older shall be considered to be of the age of majority. (An unborn child may not be counted as a minor.)
79. Mixed Family - A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
80. Monthly Adjusted Income: One-twelfth of Adjusted Annual Income.
81. Monthly Income: One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as monthly income.
82. Mutual Housing: See definition of "cooperative housing," above.

83. National - A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
84. Net Family Assets: Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks, bonds, cash on hand, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.) In determining Net Family Assets, this HA shall include the value of any business or family assets disposed of by an applicant or Tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or Tenant receives important consideration not measurable in dollar terms.
85. Noncitizen - A person who is neither a citizen nor national of the United States.
86. Notice of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the federal register document that invites applications for funding. The document explains how to apply for assistance and the criteria for awarding the funding.
87. Over-FMR Tenancy In the Certificate program: the tenancy for which the initial gross rent exceeds the FMR/exception rent limit.
88. Owner: Any person or entity with the legal right to lease or sublease a unit to a participant.
89. Participant: A family that has been admitted to the HA program, and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family.
90. Payment Standard: In a voucher or over-FMR tenancy the maximum subsidy payment for a family (before deducting the family contribution). For a Voucher tenancy, the HA sets a payment standard in the range from 80 percent to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.
91. Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.
92. Preferences; Local: At the option of the HA, a preference system can be used to select among applicant families (elderly, handicap, homeless, disabled, displaced)..

93. Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.
94. Private Space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.
95. Program: The tenant-based certificate or voucher program.
96. Project Based: Rental assistance that is attached to the structure.
97. Project Based Certificate Program: Project-based assistance under 24 CFR, part 983, using funding under the consolidated ACC for the HA certificate program.
98. Reasonable Rent: A rent to owner that is not more than either:
- A. Rent charged for comparable units in the private unassisted market; or
 - B. Rent charged by the owner for a comparable unassisted unit in the building or premises.
99. Receiving HA: In portability, an HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher, and provides program assistance to the family.
100. Recertification: Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.
101. Recertification Date: The date on which any rent change is effective or would be effective if required as a result of the annual recertification of eligibility and rent.
102. Regular Tenancy: In the certificate program: a tenancy other than a over-FMR tenancy.
103. Remaining Member of the Participant Family: The person(s) of legal age remaining in the subsidized unit after the person(s) who signed the certificate or voucher has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must have received housing subsidy under the program to which he/she claims head of household status for one year before becoming eligible for Section 8 subsidy as a remaining family member. This person must complete forms necessary for Section 8 assistance within ten calendar days from the departure of the leaseholder and may remain in the unit for a reasonable time (not more than 60 calendar days from the date an individual request head of household status) pending the verification and hearing process. This person must, upon satisfactory completion of the verification process, then execute all required Section 8 subsidy documents and cure any monetary obligations in order to maintain assistance. Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to an informal hearing.

The informal hearing process is described in Section XI., of this policy.

104. Rent to Owner: The total monthly rent payable to the owner under the lease for the unit. Rent to Owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.
105. Residency Preference: An HA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area.
106. Residency Preference Area: The specified area where families must reside to qualify for a residency preference.
107. Set-Up Charges: In a manufactured home space rental: charges payable by the family for assembling, skirting and anchoring the manufactured home.
108. Shared Housing: A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family.
109. Single Person: A person who lives alone or intends to live alone, and who does not qualify as an elderly family or a displaced person, or as the remaining member of a tenant family.
110. Single Room Occupant (SRO): Single Room Occupancy (SRO) Housing is a unit which does not contain sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and is suitable for occupancy by an eligible individual who is capable of independent living. SRO Housing is not substandard solely because it does not contain sanitary facilities or food preparation facilities, or both.
111. Special Admission: Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.
112. Spouse: A spouse is the legal husband or wife of the head of the household. This includes common law marriage.
113. Subsidy Standards: Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and composition.
114. Suspension: Stopping the clock on the term of a family's certificate or voucher on the date that the HA receives the request for lease approval by the family (See also Section XIII. 3, E ,(1).
115. Temporarily Absent Family Members: Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.
116. Tenant: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

117. Tenant-Based: Rental assistance that is not attached to the structure.
118. Tenant Rent: The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. The tenant payment is the amount the tenant pays toward rent and allowance for utilities. To arrive at tenant rent, the utility allowance is subtracted from total tenant payment or minimum rent. If the utility allowance is greater than the total tenant payment or minimum rent, the tenant rent is zero and there is a utility reimbursement payment (URP). The URP is the difference between the total tenant payment or minimum rent and the utility allowance.
119. Total Tenant Payment (TTP): The TTP for families participating in the certificate and moderate rehabilitation programs must be at least \$25.00 which is the minimum rent established by the HA.
- A. For the Certificate and Moderate Rehabilitation Programs, the TTP must be the greater of:
- (1) 30 percent of family monthly adjusted income;
 - (2) 10 percent of family monthly income;
 - (3) Welfare rent (if applicable) in as-paid states; or
 - (4) \$25.00, which is the minimum rent set by the HA.

Note:

It is possible for certificate and moderate rehabilitation families to qualify for a utility reimbursement despite the requirement of a minimum rent. For example, if a certificate family's TTP is the minimum rent of \$25 and the HA's utility allowance for the size and type unit the family has selected is \$60, the family would receive a utility reimbursement of \$35 (\$60 less \$25) for tenant purchased utilities.

- B. For the Voucher Program.
- (1) the TTP is the same as A (1), (2) and (3) above. The utility allowance is applicable for the Voucher Program. Voucher families will pay the owner the difference between the monthly rent and the housing assistance payment. Voucher families will also pay the cost of tenant-furnished utilities under the lease (Reference Notice 96-7 (HA) for Section 8 Voucher Program Minimum Rent Calculation Worksheet).
 - (2) For families admitted to the program after 12/20/1998, and when the HA adopted payment standard exceeds the gross rent and the family remains in the same unit or complex the gross rent will be used as the payment standard.
120. Utilities: Utilities may include water, electricity (including air conditioning if applicable. See CFR 982.517), [gas, garbage, and sewage services and, where applicable, trash and garbage collection.](#)
121. Utility Allowance: The utility allowance, if any, determined for the Section 8 program for tenant

purchased utilities (except telephone) that are normally included in rent.

122. Utility Hook-Up Charge: In a manufactured home space rental: costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical or sewer line.
123. Utility Reimbursement Payment (URP) Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment or minimum rent for the family occupying the unit.
124. Very Low-Income Family: A lower Income Family means a family whose annual income does not exceed fifty (50%) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.
125. Violent Criminal Activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.
126. Voucher: A document issued by an HA to a family selected for admission to the voucher program. The voucher describes the program, and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.
127. Wage Earner: A person in a gainful activity who receives any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowances, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeably.
128. Waiting List Admission: An admission from the HA waiting list.
129. Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

SECTION V. APPLYING FOR ASSISTANCE

1. How to Apply:
 - A. Families wishing to apply for housing assistance shall complete a preliminary application for housing assistance.
 - B. Applications will be accepted at the following location: Durham Housing Authority-Central Office, 330 East Main Street.
 - C. Applications are taken to compile a waiting list. Due to the demand for housing in the HA's jurisdiction, the HA may take applications on an "open enrollment" basis, depending on the length of the waiting list.

- D. Completed applications will be accepted for all applicants and the information will be verified by the HA.
 - E. Applications may be made in person at the HA during specified dates and business hours posted at the HA's Office.
 - F. The application must be dated, time-stamped, and referred to the HA's office where Section 8 applications are processed.
 - G. Individuals who have a physical impairment which would prevent them from completing an application in person may call the HA to make special arrangements to complete their application. A Telecommunication Device for the Deaf (TDD) is available for the deaf. If the applicant is visually impaired, all notices must be in a format understandable by applicant.
2. Closing of Application Taking: If the HA is taking applications, the HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to be housed within the next 12 month period.
3. Opening of Application Taking: When the HA decides to start taking applications the following procedures will be followed:

Note:

The HA will 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 eligible families.

The Notice must contain the following:

- A. The HA will publish the date applications will be accepted and the location where applications can be completed.

Note:

If the HA anticipates suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.

- B. Advise families that applications will be taken at the designated office;
- C. Briefly describe the Housing Assistance program; and
- D. State that applicants for Section 8 assistance must specifically apply for Section 8 assistance and that applicants for Section 8 assistance may also apply for Public Housing and they will not lose their place on the Section 8 Housing waiting list if they also apply for Public Housing.

- E. To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.
4. Application Period (Dates): The application taking closing date may be determined administratively at the same time that the HA determines to open enrollment. The open enrollment period shall be long enough to allow enough applicants as required by the projected turnover and the number of Section 8 Certificates or Housing Vouchers allocated.

SECTION VI. MISSED APPOINTMENTS FOR APPLICANT OR PARTICIPANT

1. Missed Appointment Without Notification: An applicant or person receiving assistance who fails to keep an appointment without notifying the HA and without re-scheduling the appointment shall be sent a notice of termination of the process or assistance for failure to supply such certification, release of information or documentation as the HA or HUD determines to be necessary (or failure to allow the HA to evaluate the dwelling unit at reasonable times and after reasonable notice, if applicable) in the following situations:
- A. Complete Application
 - B. Bringing in Verification Information
 - C. Program Briefing
 - D. Leasing Signature Briefing
 - E. HQS Evaluations
 - F. Recertification
 - G. Interim Adjustment
 - H. Other Appointments or Requirements to Bring in Documentation as Listed in this Plan
 - I. Scheduled Counseling Sessions
2. Process when Appointment(s) are Missed: For most of the functions above, the family may be given two appointments. If the family does not appear or call to reschedule the appointment(s) required, the HA may begin the termination process. The applicant or participant will be given an opportunity for an informal review or hearing pursuant to Section XI.

If the representative of the HA makes a determination in favor of the applicant or participant, the HA will comply with decision unless the HA is not bound by a hearing decision concerning a matter for which the HA is not required to provide an opportunity for a hearing pursuant to 24

CFR 982.554(c) and 982.555(b).

3. Letters Mailed to Applicants by the HA: If an applicant claims they did not receive a letter mailed by the HA, that requested the applicant to provide information or to attend an interview, the HA will determine whether the letter was returned to the HA. If the letter was not returned to the HA, the applicant will be assumed to have received the letter.

If the letter was returned to the HA and the applicant can provide evidence that they were living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the application in effect at the time the letter was sent.

Applicants must notify the HA, in writing, if their address changes during the application process.

SECTION VII. MISREPRESENTATION BY THE APPLICANT OR PARTICIPANT

If an applicant or Section 8 participant is found to have made willful misrepresentations at any time which resulted in the applicant or Section 8 participant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and the Section 8 participant will be terminated because of the act of fraud by the applicant/Section 8 participant. If such misrepresentation resulted in the Section 8 participant paying a lower rent than was appropriate, the Section 8 participant shall be required to pay the difference between the actual payments and the amount which should have been paid. In justifiable instances, the HA may take such other actions as it deems appropriate, including referring the Section 8 participant to the proper authorities for possible criminal prosecution.

SECTION VIII. SECTION 8 ELIGIBILITY CRITERIA

1. Eligibility: All individuals who are admitted to the Section 8 Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant must meet the following requirements:
 - A. The applicant family must qualify as a family as defined in Section IV.
 - B. The applicant family's Annual Income as defined in Section IV, must not exceed income limits established by HUD for the Section 8 Programs.
 - C. Head of Household must be:
 - (1) 18 years of age or older,
 - (2) A person that has been relieved of the disability of non-age by a juvenile court. (Emancipated Minor).
2. Ineligible: Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on a waiting list or offered Section 8 assistance under the following circumstances:

If the applicant's annual family income exceeds the Income Limits established by HUD and published in the Federal Register, the applicant will be declared ineligible.

3. Informed of Ineligibility: If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten calendar days from the date stated on the ineligible letter to request an informal review. The applicant may bring any person he/she wishes to represent them at the informal review. The request for an informal review may be submitted in writing and/or the request may be verbal. However, the request must be received by the HA within the time frame established by the HA for the meeting.
4. Single Person: In addition, under Section 24 CFR 5.405, the HA is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family (Ref CFR 5.403). Single persons are only eligible for a one bedroom certificate or voucher.
5. Declaration of Citizenship: Section 214 of the Housing and Community Development Act of 1980 prohibits HAs from making financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible noncitizens in HUD's assisted housing programs. This law is referred to as the Noncitizens Rule" and is effective June 19, 1995.
6. Adding a Person to the Program: Once an applicant becomes a participant in the HA's tenant-based program, the head of household must request permission to add another person to the program (Except for birth, adoption or court-awarded custody of a child).The person being added must meet all eligibility requirements before the HA will approve any addition to the tenant-based program.

SECTION IX. VERIFICATION AND DOCUMENTATION

Families are required to provide Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued SSN by the Social Security Administration. All members of the family defined above must provide either:

1. Social Security Number (SSN): Submit SSN; or sign a certification if they have not been assigned a SSN. If the individual is under 18, the certification must be executed by his or her parent or guardian. If the participant who has signed a certification form obtains a SSN, it must be disclosed at the next regularly scheduled reexamination, or next rent change.

Verification will be done through the providing of a valid Social Security card issued by the Social Security Administration.

The HA will accept copies of the Social Security card only when it is necessary for the HA to verify by mail the continuing eligibility of participating families.

If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by the HA to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided;

These documents include:

- ☞ Drivers license, that displays the SSN.
- ☞ Identification card issued by a Federal, State or local agency
- ☞ Identification card issued by an employer or trade union
- ☞ Identification card issued by a medical insurance company
- ☞ Earnings statements or payroll stubs
- ☞ Bank statements
- ☞ IRS Form 1099, or W-2 Form
- ☞ Benefit award letters from government agencies
- ☞ Medicaid Cards
- ☞ Unemployment benefit letter
- ☞ Retirement benefit letter
- ☞ Life insurance policies
- ☞ Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- ☞ Verification of Social Security benefits with the Social Security Administration

Note:

If the HA verifies Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

Applicants may not become participants until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances requires an extension. The decision will be made by a HA representative and documented, in writing, and placed in the applicant's file.

2. Employer Identification Number (EIN) and applicable consent form.

3. Additional Documentation that may be required in determining eligibility:

- ☞ Temporary Assistance To Needy Families (TANF)
- ☞ Birth Certificate, or Drivers License that displays the date of Birth and/or form(s) that are issued by a Federal, State, City or County Agency that displays the date of Birth.
- ☞ Child Care Verification
- ☞ Credit References (History)
- ☞ Employer's Verification

- ☞ Landlord Verification
- ☞ Social Security Benefits
- ☞ Assets Verification
- ☞ Bank Accounts: Checking Accounts - \$500 + Balance
- ☞ Saving Accounts - \$100 + Balance
- ☞ Marriage Certificate: If a marriage certificate is not available the following information is acceptable
 - ☞ Drivers License that displays the same address and last names
 - ☞ Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax reporting period.
 - ☞ Other acceptable forms of documentation of marriage would include any document that has been issued by a Federal, State, City or County Government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple.
 - ☞ The couple also certifies in their application for housing that they are married.
- ☞ Personal References: Personal references (other than from family members) may be used when an applicant cannot produce prior rental history records. Personal References must be notarized.
- ☞ Police Report(s)
- ☞ Current reports from drug treatment centers or facilities
- ☞ Supplemental Social Security Income (SSI) Benefits
- ☞ Unemployment Compensation
- ☞ VA Benefits
- ☞ Documentation to support medical expenses
- ☞ Any other reasonable information needed to determine eligibility may be requested by the HA.

Note:

For the purposes of this plan, if a member of the current family has committed acts of fraud or has an arrest record, including a drug related arrest, that reflects that the family member may be a danger to the health, safety, or welfare of the community then that person will not be allowed to be a participant on the program. The HA shall prohibit assistance to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

Individuals who have been evicted from any housing complex for engaging in criminal activities, including drug-related criminal activities may be denied assistance.

4. Separation with Children: Separation means the ending of co-habitation by mutual agreement. If an applicant is separated from a person and has children by that person or former spouse, applicant must provide at least one of the verifications listed below:
 - A. A FINAL divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.

- B. Receiving court-ordered child support from former spouse.
 - C. Verification that applicant is pursuing child support through Department of Human Resources, Child Support Unit or Clerk of Courts Office.
 - D. If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system, either through the Clerk of Courts Office, Department of Human Resources, or through a court referee.
 - E. Receiving TANF through the Department of Human Resources for former spouse's children.
 - F. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
 - G. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
 - H. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.
 - I. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.
 - J. Food stamp verification. If no other documentation is available.
5. Separation - No Children: If applicant is separated from a person and has no children by that person, applicant must provide at least one of the verifications listed below:
- A. A FINAL divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.
 - B. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
 - C. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
 - D. Written statement from Lawyer that applicant has filed suit for divorce because of physical abuse.
 - E. A written statement from an abuse shelter, law enforcement agencies, social services agencies that applicant needs housing due to physical abuse.

F. Food Stamp Verification. If no other documentation is available.

Note:

This section also applies to program participants.

6. U. S. Citizenship Verification and Appeal Procedures: The housing authority (HA) must follow the verification procedures (to be provided by HUD) and verify the person or persons declaration of U. S. citizenship through the INS SAVE system.

Once the verification is completed and verification from the INS SAVE system confirms the declaration of U. S. Citizenship and the applicant(s) meets all other conditions for occupancy, as outlined in the Admissions and Continued Occupancy Policy (ACOP), Section VIII Admission Eligibility Criteria, or the Section 8 Administrative Plan, Section VIII Section 8 Eligibility Criteria (as appropriate), the application will be processed for assistance.

If the INS SAVE system does not confirm U. S. citizenship, the HA must request that a manual search be conducted of INS records. The HA must request the secondary verification (manual search) by INS within ten calendar days of receipt of the initial failed verification. INS will issue a decision within 30 days of its receipt of the request for a secondary verification. If the secondary verification fails to confirm eligible immigration status, the HA shall notify the family of the right of appeal to INS. If INS is unable to issue a decision within 30 days, the INS will inform the family and the HA of the reasons for the delay. When the HA receives a copy of the INS decision (and the decision does not confirm the declaration of U. S. citizenship), the HA will notify the family of its right to request an informal hearing. The informal hearing will be conducted in accordance with Section XI.

- A. Assistance to an applicant may not be delayed, denied, or terminated, if:
- (1) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
 - (2) The family member of whom required evidence has not been submitted has moved;
 - (3) The family member who is determined not to be in an eligible immigration status following INS verification has moved;
 - (4) The INS appeals process has not been concluded;
 - (5) For a participant, the HA hearing process has not been concluded;
 - (6) Assistance is prorated;
 - (7) Assistance for a mixed family is continued.
- B. Assistance to an applicant shall be denied, and a participant's assistance shall be terminated, upon the occurrence of any of the following:
- (1) Evidence of citizenship (i.e., the declaration) is not timely submitted;
 - (2) Evidence of citizenship and eligible immigration status is timely submitted but INS primary and secondary verification does not verify eligible immigration status;
 - (3) The family does not pursue INS appeal or HA informal hearing rights;
 - (4) INS appeal and informal hearing rights are pursued, but the final appeal or

hearing decisions are decided against the family member.

- C. Notice must be given to the family and shall advise:
- (1) That financial assistance or housing will be denied or terminated, and provide a brief explanation of the reasons;
 - (2) That they may be eligible for proration of assistance;
 - (3) In the case of a participant, the criteria and procedures for obtaining relief for mixed families and other families; and,
 - (4) Any future appeal rights have been exercised.

7. Criminal Records Management Policy: All adult applicants and participants shall complete an "Authorization for Release of Police Record." The HA shall request an National Crime Information Center (NCIC) check for criminal history for an applicant or participant. Applicants and tenants may be requested to furnish fingerprints for this purpose through the local law enforcement office to be sent to the FBI. NCIC information shall be furnished to the HA pursuant to the agreement between the U.S. Department of Housing and Urban Development and the U. S. Department of Justice Regarding Access to National Crime Information Center Data.

For the purpose of screening applicants, lease enforcement and eviction the HA or its Agents will attempt to obtain NCIC reports and any police records from law enforcement agencies related to a persons criminal conviction records for persons eighteen (18) years of age or older.

The HA may also request this information for juveniles, to the extent that the release of such information is not prohibited by State, local, or tribal laws.

Before the HA takes any adverse action based on a criminal conviction record, the HA or its Agents must provide the applicant or participant with a copy of the criminal record and an opportunity to dispute the accuracy or relevancy of the record. For applicants, the copy will be provided at a hearing. The hearing is afforded to each applicant that is denied admission and provides the applicant the opportunity to dispute any information used to deny an applicant housing assistance. For participants, the copy will be provided in accordance with the HA's Informal Review or Hearing Procedure.

The HA will keep all criminal records received confidential and not misuse or improperly disseminate the information. Criminal records of any adult applicant/participant which are used as the basis of denying tenancy or eviction are confidential and shall not be disclosed to any person or entity other than for official use or for use in court proceedings. The term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law. Said records shall be maintained in separate files and shall be kept in a locked, secure location. Access shall be limited to those employees approved by the Executive Director.

Records shall be destroyed once action is taken and any grievance procedure, or court proceeding is completed. A notice of record destruction shall be maintained in a separate file.

The HA will work through their local law enforcement agencies to obtain information from

members to submit request forms.

- I. Misrepresents income, family composition or any other information affecting eligibility. Such misrepresentation will result in the family being declared ineligible.
 - J. Fails to sign a release allowing the HA to request a copy of a police report from the National Crime Information Center, Police Department or other Law Enforcement Agencies. The applicant and all adult members of the household are required to execute these documents and also to provide fingerprints if so requested. Should the HA use the information obtained in accordance with the Criminal Records Management Policy to deny or terminate assistance, the HA shall provide a copy of the information the applicant upon request.
 - K. If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of program requirements, the applicant may be declared ineligible.
 - L. If the HA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this requirement if:
 - (1) The person demonstrates to the HA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - (2) has successfully completed a supervised drug or alcohol rehabilitation program;
 - (3) has otherwise been rehabilitated successfully; or
 - (4) is participating in a supervised drug or alcohol rehabilitation program.
 - M. If any household includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
2. Notification of Denial: If an applicant is denied admission, the HA will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal review on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal review in writing with the HA. (Reference Section XI)
3. Time Frames for Denial: As a general rule applicants may be denied admission to the Section 8 Programs for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below: (Notices PIH 96-97 and 97-29)
- A. Denied admission for three years for violation of certificate/voucher illegal use, or possession for personal use, of a controlled substance or abuse of alcohol.
 - B. Denied admission for three (3) years for the following:
 - (1) Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity (possession) are ineligible for admission to public housing and/or Section 8 for a three-year period beginning on the date of such eviction.

The HA can waive this requirement if: the person demonstrates to the HA's

satisfaction successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.

- (2) Trespassing (Conviction and/or charge)
 - (3) Larceny (Conviction and/or charge)
 - (4) Repeated disturbances, as defined in the lease
 - (5) Breaking and Entering (Conviction and/or charge)
- C. Denied admission for five (5) years for the following:
- (1) The furnishing of false or misleading information to the HA in violation of federal or state law or HA rules and regulations.
 - (2) An arrest or conviction record that indicates that the applicant poses a threat to and/or negative influence on other residents. The five year ineligible period shall begin on the date of the last reported act, arrest, conviction, completion of active sentence, or completion of probation, whichever is later.
 - (3) Drug related criminal activity (Intent to sell).
- D. Denied admission for ten (10) years for a conviction of Drug Trafficking.
- E. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- F. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of the assisted housing. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

SECTION XI. APPLICANT DENIED ASSISTANCE AND PROVIDED OPPORTUNITY FOR INFORMAL REVIEW OR PARTICIPANT ASSISTANCE IS TERMINATED AND PROVIDED OPPORTUNITY FOR INFORMAL HEARING

1. Applicant Informal Review: The HA must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the HA decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review. The request must be in writing and presented to the HA within ten calendar days of the notice of denial.
 - A. Informal Review Process: The HA must give an applicant an opportunity for an informal review of the HA decision denying assistance to the applicant. The review may be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of this person. The applicant must be given an opportunity to present written or oral objections to the HA decision. The HA must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision.

B. Informal Review Not Required: An informal review is not required to be given by the HA in the following circumstances:

- 1 Discretionary administrative determinations by the HA.
- 2 General policy issues or class grievances.
- 3 A determination of the family unit size under the HA subsidy standards.
- 4 An HA determination not to approve the suspension or extension of a certificate or voucher term.
- 5 A determination not to grant approval to lease a unit under the program, or to approve a proposed lease.
- 6 A determination that a unit selected by the applicant is not in compliance with HQS.
- 7 A determination that the unit is not in accordance with HQS because of the family size or composition.

2. Participant Informal Hearing: The HA must give an opportunity to the participant for an informal hearing to consider whether the HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and HA policies. Under the following circumstances:

A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.

A determination of the appropriate utility allowance for tenant-paid utilities from the HA utility allowance schedule.

A determination of the family unit size under the HA subsidy standards.

A determination that the certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.

A determination to terminate assistance for a participant family because of the family's action or failure to act.

A determination to terminate assistance because the participant family has been absent from the assisted unit for more than fourteen days in a calendar year.

Note:

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

A. The HA is not required to give an informal hearing for any of the following:

Discretionary administrative determinations by the HA.

General policy issues or class grievances.

Establishment of the HA schedule of utility allowances for families in the program.

A HA determination not to approve an extension or suspension of a certificate or voucher term.

A HA determination not to approve a unit or lease.

A HA determination that an assisted unit is not in compliance with HQS.

Provided, however, that the HA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in the Certificate/Voucher/Lease Addendum, or in other HUD rules and regulations or HA policies.

A HA determination that a unit is not in accordance with HQS because of the family size.

A HA determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.

- B. Notice to the Family: The HA must notify the family that the family may ask for an explanation of the basis of the HA determination, and if the family does not agree with the determination, the family may request an informal hearing on the decision. The housing authority must give the family prompt written notice that the family may request a hearing, and this notice must contain a brief statement of the reasons for the decision, state that if the family does not agree with the decision, the family may request an informal hearing on the decision. The family has ten calendar days from the date of the notice to request in writing an informal hearing. The hearing will be scheduled by the HA within ten calendar days from the date of the request.
- C. Hearing Procedures: The HA must give the participant an opportunity for an informal hearing of the HA decision terminating assistance to the participant. The hearing may be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of this person. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA hearing procedures. The HA and the participant shall each have the right to review any and all relevant documents which may be used in the hearing. If these documents are not made available for review, they may not be used in the hearing. Any fees for copying or procuring the documents shall be at the expense of the requesting party. The participant may be represented by a lawyer or other representative at the hearing. Costs of representation shall be the responsibility of the participant. The participant must be given an opportunity to present written or oral objections to the HA decision. The HA and the family must be given the opportunity to present evidence, and may question any witnesses.

Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The HA must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision. Factual determination relating to the individual circumstances of the family shall be based upon a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

SECTION XII. SECTION 8 APPLICANT SELECTION PROCESS

1. Certificate or Housing Voucher Selection and Participation Process:
 - A. Equal Opportunity: The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This HA shall not deny any family the opportunity of applying for a Certificate of Family Participation or Housing Voucher.
 - B. Types of Selection: The HA may admit an applicant for participation in the program either:
 - (1) as a special admission (see definition below), or
 - (2) as a waiting list admission. Also, a Section 8 Participant is responsible for finding an existing housing unit suitable to the holder's needs and desires (Reference 24 CFR 982.353, Where family can lease a unit).
 - C. Special Admissions: If HUD awards the HA program funding that is targeted for families living in specified units:
 - (1) The HA must use the assistance for the families living in these units.
 - (2) The HA may admit a family that is not on the HA waiting list, or without considering the family's waiting list position. The HA must maintain records showing that the family was admitted with HUD-targeted assistance.
 - (3) For housing covered by the Low-Income Housing Preservation and Resident Home ownership Act of 1990 (41 U.S.C. 4101 et seq.):
 - (4) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
 - (5) A non-purchasing family residing in a HOPE 1 or HOPE 2 project.
2. Organization of the Waiting List: The HA waiting list must contain the following information for each applicant listed:
 - A. Applicant name;
 - B. Family unit size (number of bedrooms for which family qualifies under HA occupancy guidelines);
 - C. Date and time of application;
 - D. Local Preferences; all local preferences will be treated equally.
3. Order of Selection from the Waiting List:
 - A. When a Certificate or Housing Voucher is available, the HA will select the family at the top of the waiting list in accordance with Section XII., 2. above. The order of admission from the waiting list MAY NOT be based on family size, or on the family unit size for which the family qualifies for under the HA occupancy guidelines. If the HA does not have sufficient funds to subsidize the family unit size of the family at the top the waiting list, the HA MAY NOT skip the top family to admit an applicant with a smaller

family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

- B. Provided, however, the provisions of the Deconcentration Rule, contained within this policy, shall supercede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal.
4. Maintaining the Waiting List: The HA will remove an applicants name from the waiting list for the following:
- A. The HA will remove names of applicants who do not respond to HA request for information or updates.
 - B. The HA will remove the names of applicants who refuse the HAs offer of tenant-based assistance.

Note:

An applicant on the HA's Section 8 waiting list may refuse the HA's initial offer of a housing voucher, if the family wants to wait for a certificate. The family does not lose its place on the waiting list because of its refusal. The family also may refuse a HA's initial offer of a certificate if it wants to wait for a housing voucher. If the family refuses the second form of assistance, the HA will remove the family from the waiting list (as outlined below).

5. Procedure for Removing an Applicants Name from the Waiting List. The applicant will be notified by the HA, in writing, that they have ten (10) calendar days, from the date of the written correspondence, to respond to the HAs request. The correspondence will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The HAs system of removing applicants names from the waiting list WILL NOT violate the rights of a disabled person(s). If an applicant's failure to respond to a request from the HA for information or updates was caused by the applicant's disability, the HA will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to allow an applicant to be reinstated on the waiting list based on the original date and time of their application if the applicant indicates that they did not respond due to a disability. If the disability is not apparent, the HA may request the applicant to have a doctor submit a written statement indicating that the applicant did not respond due to their disability.
6. Purging the Waiting List: To ensure that the HA's waiting list reflects the most current applicant information the waiting list will be updated and purged annually.
7. Verification of Preference (timing), if applicable: At the time of application, initial determinations of an applicant's entitlement to a Preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

SECTION XIII. ORIENTATION OF FAMILIES AND ISSUANCE OF CERTIFICATE OR HOUSING VOUCHER

1. Briefing: The purpose of the briefing is to go over the Certificate or Housing Voucher holders packet in order to fully inform the participant about the program so that he/she will be able to discuss it with potential landlords.

2. Briefing Attendance Requirement: All families (head of household) are required to attend the briefing when they are initially issued a Certificate or Housing Voucher. No Certificate or Housing Voucher will be awarded unless the household representative has attended a briefing.

Failure to attend a scheduled briefing (without notice to the HA) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of an inability to attend a briefing will be scheduled for the next briefing.

Failure of a applicant, without good cause, to participate in a scheduled briefing shall result in withdrawal of his/her application. The applicant will be notified of such withdrawal and determination of ineligibility and of his/her right to an informal review as outlined in Section XI above.

3. Format of the Briefing: When a Family initially receives its Certificate of Family Participation or Housing Voucher, a full explanation (oral) of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions depending on the circumstances). Also, families will be given adequate opportunity to raise questions and to discuss the information listed below: (Reference 24 CFR 982.301).
 - A. A description of how the program works;

 - B. Family and Owner Responsibility; and

 - C. Where the family may lease a unit, including renting a dwelling unit inside or outside the HA jurisdiction.

Note:

For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing must include a explanation of how portability works. The HA may not discourage the family from choosing to live anywhere in the HA jurisdiction, or outside the HA jurisdiction under portability procedures.

- D. If the family is currently living in a high poverty census tract in the HA jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.

- E. When issuing a Certificate or Housing Voucher, the HA shall give the Family a Section 8 Participant's Packet, which includes: (Reference 24 CFR 982.301).
- (1) The term of the certificate or voucher is 60 days. A Certificate and Voucher is valid for a period of 60 days from the date of issuance. Prior to expiration, the family may contact the HA to inquire about assistance the HA can provide the family in locating suitable housing. The family must submit a Request for Lease Approval within the 60-day period unless an extension has been granted by the HA. Once the family has submitted a Request for Lease Approval the clock is stopped and/or suspended on the term of the certificate or voucher (See "Suspension"). When the clock is stopped (suspended), the time remaining will be reinstated to the initial 60-day period of the Certificate or Voucher, if necessary. If the unit is not approved for any reason, the remaining days will be reinstated to the initial term of the certificate/voucher. If the initial term is not adequate for finding a unit to lease, the family may request an extension of the initial term as described below.
 - (2) Requesting for extensions of the term. A family may request an extension of the Certificate or Voucher time period. All requests for extensions should be received prior to the expiration date of the Certificate or Voucher. Extensions are permissible at the discretion of the HA primarily for the following reasons:
 - (a) 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 time period. The HA representative will verify the extenuating circumstances prior to granting an extension.
 - (b) The family has evidence that they have made a consistent effort to locate a unit and request support services from the HA, throughout the initial 60-day period with regard to their inability to locate a unit.
 - (c) The family has turned in a Request for Lease Approval prior to the expiration of the 60-day time period, but the unit has not passed HQS.
 - (d) Time Period for extensions: A HA representative may grant one or more extensions not to exceed a total of 60 days. The initial term plus any extensions MAY NOT exceed 120 calendar days for the beginning of the initial term.
 - (e) Extensions for Disabled Persons: The HA representative must grant an extension of up to 120 days for persons who are disabled.
 - (3) How the HA determines the housing assistance payment for a family;
 - (a) For the certificate program, information on the FMRs and the HA utility allowance schedule; and
 - (b) For the vouchers program, information on the payment standard and the HA utility allowance schedule.
 - (4) How the HA determines the maximum rent for an assisted unit;
 - (5) What the family should consider in deciding whether to lease a unit, including:
 - (a) The condition of the unit;
 - (b) Whether the rent is reasonable;
 - (c) The cost of any tenant-paid utilities and whether the unit is energy-efficient; and

- (d) The location of the unit, including proximity to public transportation (if applicable), centers of employment, schools and shopping.
- (6) Where the family may lease a unit. For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the information packet must include an explanation of how portability works;
- (7) The HUD-required “lease addendum” (The lease addendum is the language that must be included in the lease).
- (8) The form of request for lease approval, and an explanation of how to request HA approval to lease a unit;
- (9) A statement of the HA policy on providing information about a family to prospective owners (See Section XV. 3 below);
- (10) The HA subsidy standards, including when the HA will consider granting exceptions to the standards;
- (11) The HUD brochure on how to select a unit;
- (12) The HUD lead-based paint (LBP) brochure;
- (13) Information on federal, state and local equal opportunity laws, and a copy of the housing discrimination complaint form;
- (14) A list of landlords or other parties known to the HA who may be willing to lease a unit to the family, or help the family find a unit;
- (15) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the HA that may be available;
- (16) Family obligations under the program;
- (17) The grounds on which the HA may terminate assistance for a participant family because of family action or failure to act; and
- (18) The informal hearing procedures. This information must describe when the HA is required to give a participant family the opportunity for an informal hearing, and how to request a hearing.

4. Approval of Lease and Execution of Related Documents: Reference: 24 CFR 982.302 and 982.305.

When a family finds a unit, and the owner is willing to lease the unit under the program, the family may request the HA to approve the lease and unit.

Note:

Property Owners cannot participate in the program if they are disapproved by the HA as outlined in Section XIV below.

- A. If the HA determines that a unit which an Eligible Family wishes to lease meets HQS and the proposed Lease is approved, the HA shall notify the Owner and the Family of its determination of Lease approval.
- B. After receiving notification from the HA, the Owner and HA representative shall schedule a meeting to execute and sign the Contract. After the contract is executed, the Owner and Family shall execute and sign the Lease and provide a copy to the HA.

- C. The HA shall retain the following in its files:
 - (1) The Request for Lease Approval;
 - (2) The approved Lease;
 - (3) Evaluation report;
 - (4) HA certification that the current rent being charged for comparable units in the private unassisted market, taking into account the location, size, type, quality, amenities, facilities and management and maintenance service of such unit. This certification will be maintained for three years to comply with HUD regulations and HUD evaluations; and,
 - (5) Executed Contract.

SECTION XIV. HA DISAPPROVAL OF OWNER

- 1. Owner Debarred: The HA must not approve a unit if the HA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation. Also, when directed by HUD, the HA must not approve a unit if:
 - A. The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and the action is pending; or
 - B. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
- 2. HA Administrative Discretion: The HA will deny approval to lease a unit from an owner for any one of the following:
 - A. Owner has violated obligations under a HAP contract.
 - B. Owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
 - C. The owner has engaged in drug-trafficking.
 - D. The owner has a history or practice on non-compliance with the HQS requirements, State or local housing codes.
 - E. The owner has not paid State or local real estate taxes, fines or assessments.

Note:

After May 18, 1998, if the owner is a parent, child, grandparent, grandchild, sister, or brother of any member of the participant family, the HA must not approve the unit. However, if the housing authority determines that approval of the unit would provide reasonable accommodation for a family member who is a disabled person, the unit may be approved.

SECTION XV. OWNER RESPONSIBILITY FOR SCREENING PARTICIPANTS

1. Suitability for Tenancy: The HA must inform the owner that the HA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility.
2. Family's Background: An owner may consider a family's background with respect to such factors as:
 - A. Payment of rent and utility bills.
 - B. Caring for a unit and premises.
 - C. Respecting the rights of others to the peaceful enjoyment of their housing.
 - D. Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others and compliance with other essential conditions of tenancy.
3. Information Provided Owner Concerning Tenancy: The HA must give the owner the family's current address (as shown in the HA records) and the name and address of the landlord at the family's current and prior addresses, if known to the HA. The HA will provide information to an owner for all participants when the HA possesses the following:
 - A. The tenancy history of family members, or
 - B. The history of drug-trafficking by family members.

SECTION XVI. WHERE A FAMILY CAN LEASE A UNIT WITH TENANT-BASED ASSISTANCE AND PORTABILITY PROCEDURES

1. Assistance in the Initial HAs Jurisdiction: The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction of the initial HA.
2. Portability - Assistance Outside the Initial HA Jurisdiction: Families living in the jurisdiction of the initial HA may receive tenant-based assistance to lease a unit outside the initial HA jurisdiction:
 - A. In the same State as the initial HA;
 - B. In the same Metropolitan Statistical Area (MSA) as the initial HA, but in a different State;
 - C. In an MSA that is next to the same MSA as the initial HA, but in a different State; or,

- D. In the jurisdiction of an HA anywhere in the United States that is administering a tenant-based program.

Note:

Nonresident applicants (applicants that do not live in the legal jurisdiction of the initial HA) that apply for tenant-based assistance do not have any right to lease a unit outside the initial HAs jurisdiction during the twelve (12) month period from the time the family is admitted to the program. However, the family may lease a unit outside the initial HAs jurisdiction under portability procedures if both the initial HA and receiving HA agree.

3. Income Eligibility:

- A. For admission to the certificate or voucher program, a family must be income eligible in the area where the family initially leases a unit with assistance in the certificate or voucher program.
- B. A portable family transferring between the certificate and voucher programs must be income eligible for the new program in the area where the family leases an assisted unit. This requirement applies if the family is either: transferring from the initial HAs certificate program to the receiving HA voucher program, or transferring from the initial HAs voucher program to the receiving HAs certificate program.
- C. If a portable family was already a participant in the initial HA certificate or voucher program, income eligibility is not redetermined unless the family transfers between the programs.

4. Leasing in Place: If the dwelling unit is approveable, a family may select the dwelling unit occupied by the family before selection for participation in the program.

5. Freedom of Choice: When the family selects eligible housing that meets all program requirements the HA may not directly or indirectly reduce the family's opportunity to select among available units.

6. Portability - Administration by the Initial HA Outside the Initial HAs Jurisdiction:

- A. When a family moves under portability to an area outside the initial HAs jurisdiction, the initial HA must administer the assistance for the family if: the unit is located within the same State as the initial HA, in the same MSA as the initial HA (but in a different State), or in an MSA that is next to the same MSA as the initial HA (but in a different State), and no other HA with a tenant-based program has jurisdiction in the area where the unit is located.
- B. If the above conditions exist, the family remains in the program of the initial HA. The initial HA has the same responsibilities for administration of assistance for the family living outside the HAs jurisdiction as for other families assisted by the HA within the

HAs jurisdiction.

- C. The initial HA may choose to use another HA, a private management entity or other contractor or agent to help the initial HA administer assistance outside the HAs jurisdiction.

7. Portability - Administration by Receiving HA:

- A. When a family moves under portability to an area outside the initial HA jurisdiction, another HA (the receiving HA) must administer assistance for the family if a HA with a tenant-based program has jurisdiction in the area where the unit is located. When this situation exist, the HA with jurisdiction in the area where the family wants to lease a units must issue the family a certificate or voucher. If there is more than one such HA, the initial HA may choose the receiving HA.
- B. The receiving HA has the choice of assisting the family under either the certificate program or the voucher program. If the family was receiving assistance under the initial HAs certificate program, but is ineligible for admission to the voucher program, a receiving HA that administers a certificate program must provide continued assistance under the certificate program. If the family receiving assistance under the initial HA voucher program, but is ineligible for admission to the certificate, a receiving HA that administers a voucher program must provide continued assistance under the voucher program.

8. Portability Procedures: The initial HA must determine whether the family is income-eligible in the area where the family wants to lease a unit. The initial HA must advise the family how to contact and request assistance from the receiving HA. The initial HA must promptly notify the receiving HA to expect the family. The family must promptly contact the receiving HA, and comply with receiving HA procedures for incoming portable families. The initial HA must give the receiving HA the most recent HUD Form 50058 for the family, and related verification information. If the receiving HA opts to conduct a new reexamination, the receiving HA may not delay issuing the family a voucher or certificate or otherwise delay approval of a unit unless the recertification is necessary to determine income eligibility. When the portable family requests assistance from the receiving HA, the receiving HA must promptly inform the initial HA whether the receiving HA will bill the initial HA for assistance on behalf of the portable family, or will absorb the family into its own program. The receiving HA must determine whether to extend the certificate or voucher term. The family must submit a request for lease approval to the receiving HA during the term of the receiving HA certificate or voucher. The receiving HA must determine the family unit size for the portable family. The family unit size is determined in accordance with the subsidy standards of the receiving HA. The receiving HA must promptly notify the initial HA if the family has leased an eligible unit under the program, or if the family fails to submit a request for lease approval for an eligible unit within the term of the certificate or voucher. To provide tenant-based assistance for portable families, the receiving HA must perform all HA functions, such as reexamination of family income and composition.

9. Absorption by the Receiving HA: If funding is available for the receiving HA, when a certificate

or voucher is received, the receiving HA may absorb the family into the receiving HAs certificate or voucher program.

Note:

HUD may require a receiving HA to absorb all or a portion of the portable families.

10. Portability Billing: The receiving HA may bill the initial HA for housing assistance payment and administrative fees. The initial HA must promptly reimburse the receiving HA for the full amount of the housing assistance payments (HAP) made by the receiving HA for the portable family. The amount of the HAP for a portable family in the receiving HAs program is determined in the same manner as for other families in the receiving HA program. The initial HA must promptly reimburse the receiving HA for 80 percent of the initial HAs on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving HA. HUD may reduce the administrative fee to an initial HA, if the HA does not promptly reimburse the receiving HA for housing assistance payments or fees on behalf of portable families.

SECTION XVII. ABSENCE FROM THE ASSISTED UNIT

Absence means that no member of the family is residing in the unit. Families participating in the program may be absent for a period of 14 calendar days without notifying the HA. If the family anticipates being absent for more than 14 consecutive calendar days, the Head of Household must request written permission from the HA prior to leaving the assisted unit. The written request must be submitted 30 calendar days in advance of the anticipated absence. The HA may approve absences in excess of 14 consecutive calendar days for vacation, hospitalization or other good cause as presented to the HA by head of household. The HA will respond in writing within 10 calendar days of the receipt of the request for approved absence. The HA will not approve any request for absence for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

Note:

If an emergency situation exist, such as hospitalization, the head of household must notify the HA by telephone as soon as possible and request a determination via the telephone. Verbal request for determination may only be made in emergency situations. The HA will respond verbally and follow-up its verbal determination in writing within ten calendar days of the verbal request.

SECTION XVIII. CONTINUED ASSISTANCE AFTER FAMILY BREAK-UP

The HA shall determine which family members will continue to receive assistance after a family break-up. The head of household, spouse or any adult member of the household must notify the HA that there has been a family break-up and continued assistance is being requested. The assisted family member making the request must submit the request in writing to the HA and request a determination. The request must be made with 10 calendar days of the break-up. The HA will consider the following factors in making this determination:

1. Assisted Unit: Whether the assistance should remain with family members remaining in the original assisted unit.
2. Interest of Family Members: The interest of minor children or of ill, elderly or disabled family members.
3. Physical Violence: Whether family members are forced to leave the unit as a result or actual or threatened physical violence against family members by a spouse or other member of the household.

The HA will issue a determination within 10 calendar days of receipt of the request for a determination. The person requesting the determination may request an Informal Hearing in accordance with the HA established procedures if they disagree with the determination of the HA.

Note:

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

SECTION XIX. SUBSIDY STANDARDS

The following subsidy standards shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing:

Subsidy Standard Chart

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

Section 8 participants shall be issued a Certificates or Voucher based on the subsidy standard listed above. In determining family unit size for a particular family, the HA may grant an exception to the above subsidy standard if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, unless a live-in-aide resides with the family. Any live-in-aide must be approved by the HA, in

advance, and reside in the unit to care for a family member who is disabled or is at least 50 years of age. A live-in-aide must be counted in determining the family unit size.

A family that consists of a pregnant woman (with no other persons) must not be treated as a two-person family.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

SECTION XX. EVALUATIONS OF PRIVATE LANDLORD'S PROPERTY:

When the HA receives a Request for Lease approval the HA shall evaluate the unit for compliance with the HA's housing quality standards (HQS). The HA's evaluator will evaluate the unit for compliance with HQS standards and send the owner the results of the evaluation. If there are defects or deficiencies which must be corrected in order for the unit to comply with HQS standards, the Owner shall be advised, in writing, by the HA of the work required to be done before a Contract can be executed. The unit will be re-evaluated to ascertain that the necessary work has been performed and the unit meets HQS standards for occupancy.

The HA will maintain a copy of every evaluation and re-evaluation report for three years, with one exception. If the unit evaluated requires testing for Lead Based Paint and/or the unit requires treatment of chewable surfaces based on the testing, the HA shall keep indefinitely the test results and, if applicable, the Owner certification of the treatment. The evaluation reports will specify the defects or deficiencies which must be corrected in order for the unit to be corrected for the unit to meet HQS standards. The evaluation report will also reflect any other defects or deficiencies, that do not cause the unit to fail, in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

SECTION XXI. EVALUATION STANDARDS:

Before a unit can be approved of Occupancy under the Section 8 program, the unit must meet the performance requirements set forth in 24 CFR 982.401, which are the Housing Quality Standards (HQS's).

1. HQS Evaluation Areas: The following areas are included in HQS evaluations:
 - Sanitary facilities;
 - Food preparation and refuse disposal;
 - Space and security;
 - Thermal environment;
 - Illumination and electricity;
 - Structure and materials;
 - Interior air quality;
 - Water supply;
 - Lead based paint;

- . Access;
- . Site and neighborhood;
- . Sanitary condition; and
- . Smoke Detectors.

Note:

The HA's evaluation only certifies that the unit meets HQS federal regulations and the HA is not responsible for items not included in the HQS evaluation. The HA will use HUD approved evaluation forms to perform Section 8 Evaluations.

2. Types of HQS Evaluations:

- A. Initial Evaluations: Performed by the HA staff after receiving the Request for Lease Approval from the applicant.
- B. Yearly evaluations as required by HQS for participants continuing to receive assistance and remaining in the same unit.
- C. Re-Evaluations: Evaluations that are performed by HA staff for the purpose of verifying that deficiencies noted in the previous evaluation have been corrected and meet HQS.
- D. Quality Control Evaluations: The Section 8 HQS Portability Compliance Specialist will re-evaluate five (5) percent (based on a random sample) of the total number of Section 8 units under HAP contract to insure that evaluations are being performed in compliance with HQS standards. The Section 8 Administrator may perform some of the re-evaluations, if necessary. The Section 8 HQS Portability Compliance Specialist will maintain a file that documents the quality control evaluations.
- E. Special Evaluations: These types of evaluations may be necessary when a Federal Official visits the HA to perform a compliance review of the HA and/or the Owner may request a special evaluation be performed to document the condition to the unit.
- F. Move-out Evaluations: These evaluations are performed after the participant moves out of the unit and the Owner and/or the Owner's representative will be required to attend the move-out evaluation. If the participant plans to remain in the unit and the HAP contract is going to be canceled, the evaluation can be performed with the participant in place. Move-out evaluations substantiate possible damage claim/violation of family obligations. The Owner may write the HA and indicate that there are no damages and a move-out evaluation is not required. If an Owner requests a move out evaluation to substantiate a damage claim/violation of family obligation the evaluation must be completed prior to the work being done that will correct the damage. The Owner must request an evaluation within 5 business days of the move-out in order to submit a damage claim, if applicable. If the HA cannot schedule the evaluation prior to re-rental of the unit, the HA may give the Owner permission to submit a damage claim/violation of family obligation with pictures of the unit, to substantiate the damage. The HA may use this evidence to terminate the continuing assistance to the participant because of a family violation.

Note:

The HA may only be responsible for a portion of a damage claim for HAP contracts existing prior to October 2, 1995

SECTION XXII. DETERMINATION OF PARTICIPANT RENT AND RE-CERTIFICATION OF INCOME AND FAMILY CIRCUMSTANCES

Rent as initially determined or at annual recertification will remain in effect for the period between regular recertification of family income and composition unless the following changes in family circumstances occur. Also, Section 8 participant agrees to report, in writing, and provide certification following any change in annual income within ten (10) calendar days of the occurrence.

Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family member's income;

Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age; or

To correct errors made when determining eligibility or at recertification.

Note:

If an error results in a retroactive rent payment due to the participant not providing correct information concerning annual income, the Section 8 participant may request the HA representative to approve a repayment schedule. The Section 8 participant must make the request, in writing, to the HA representative. The amount of the repayment will be the higher of \$25.00 per month or 10 percent of the monthly adjusted income. The HA representative will provide the Section 8 participant with a written response to their request and if approved the written notification will include the amount of the monthly repayment plus the due date of the first payment.

The final estimate of Family Income will be made by the HA on the basis of verified information regarding income.

There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income (as defined in Section IV which is not being reported).

Families may not be required to apply for public assistance, but it may be suggested to them. If the family reports zero income, the HA will have the family sign a verification form to verify that no income is being provided.

Families will be required to report any changes in their income status within ten (10) calendar days of the occurrence of employment and/or any other type of income is received. Families with zero income may be requested to recertify more frequently.

1. Annual Recertification:

- A. Once each year, or as required by this HA, the HA must recertify the income and family composition of all families participating the Section 8 Program in accordance with 24 CFR 5.617. Verifications acceptable to the HA shall be obtained and determinations made. In the event of failure or refusal of the family to report the necessary information, the HA may terminate the assistance.
 - B. Records shall be maintained by the HA to ensure that every participant's income and family composition has been recertified within a twelve month period.
 - C. Upon completion of recertification and verification, the participant shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following: (A copy of such notification is to be retained in the participant's file.)
 - (1) Any change in rent and the date on which it becomes effective.
 - (2) Any change required because of a change in the composition of the family.
2. Interim Redetermination of Rent: Rent as set at admission or Annual Recertification will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. The participant is required and agrees to report, in writing, the following specified changes in family income and composition within ten (10) calendar days of occurrence.
- A. Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family member's income. Any such additions, other than birth, must be approved by the HA in advance, and must qualify, the same as an applicant or any prospective new participant.
 - B. Employment, unemployment or changes in income for employment of a permanent nature of the family head, spouse, or other wage earner eighteen (18) years of age or older.
 - C. The starting of or stopping of, or an increase or decrease of any benefits or payments received by any member of the family or household from Old Age Pension, Aid for Dependent Children, Black Lung, Railroad Retirement, Private Pension Fund, Disability Compensation, Veterans Administration, Child Support, Alimony, Regular Contributions or Gifts. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.
 - D. Cost of living increases in Social Security or public assistance grants need not be reported until next recertification and redetermination of rent.
 - E. Errors of omission made at admission or recertification shall be corrected by the HA. Retroactive payments will be made to the participant if the error is in the his/her favor.

- D. A participant who has had a rent reduction/ increase after initial occupancy or after annual recertification must report all changes in income within ten (10) calendar days regardless of the amount or source.
3. Notice of Temporary Rent: On occasions, the HA is required to compute rent based on information that is supplied by the participant and third party information that has not or will not be provided by the employer. When this situation occurs the HA will compute a temporary rent based on the information available. Once the information is verified the participant will be notified in writing. If an underpayment was made based on the information provided the participant will have fourteen (14) days from the date of the HA notification to pay the amount specified. If the participant has made an overpayment, that amount will be credited to his/her account, with the landlord. The Head of Household and Spouse (if applicable) and a HA representative signs this Notice of Temporary Rent and it is filed appropriately with a copy provided to the participant.
4. The Effective Dates of Interim Redetermination of Rent:
- A. Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.
- B. The participant agrees to pay any increase in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and to pay any back rent due because of failure to report such increase in family income.
- (1) Any interim change in rent will require reverification of all family income that has not been verified within ninety (90) calendar days of the previous rent determination.
- (2) Participant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United States Department of Housing and Urban Development.
- (3) Temporary employment/unemployment or increases and decreases in wages "for any reason" of less than 30 days will not constitute a rent adjustment.
- (4) If it is found that a participant has misrepresented or failed to report facts upon which rent is based so that the participant is paying less than they should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the participant may be subject to civil and criminal penalties. Misrepresentation is a serious program violation which may result in termination.
5. Special Reexaminations: Special reexaminations are pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:

- A. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special reexamination shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The participant shall be notified, in writing, of the date of the special reexamination.
- B. If the family income can be anticipated at the scheduled time, the reexamination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special reexamination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
- C. Rents determined at special reexaminations shall be made effective as noted in 4 A and B above.

6. Minimum Rent Hardship Exemptions:

- A. The HA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:
 - (1) The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
 - (2) The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent or increase to the existing minimum rent).
 - (3) The income of the family has decreased because of changed circumstance, including loss of employment.
 - (4) A death in the family has occurred which affects the family circumstances.
 - (5) Other circumstances which may be decided by the HA on a case by case basis.

All of the above must be proven by the participant providing verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.

- B. If a participant requests a hardship exemption (prior to the rent being delinquent) under this section, and the HA reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A participant may not be evicted during the ninety day period for non-payment of rent. In such a case, if the participant thereafter demonstrates that the financial hardship is of a long term basis, the HA shall retroactively exempt the participant from the applicability of the minimum rent requirement for such ninety day period. This Paragraph does not prohibit the HA from

taking eviction action for other violations of the lease.

7. Reduction of Welfare Benefits: If the Section 8 participant requests an income re-examination and the rent reduction is predicated on a reduction in participant income from welfare, the request will be denied, but only after obtaining written verification from the welfare agency that the families benefits have been reduced because of:
 - A. Noncompliance with economic self-sufficiency program or;
 - B. Work activities requirements or;
 - C. Because of fraud.
8. Exception to Rent Reductions: Families whose welfare assistance is reduced specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement will not affect their Section 8 tenant-based assistance.

SECTION XXIII. ADJUSTMENT TO UTILITY ALLOWANCES AND CONTRACT RENTS, PLUS MONTHLY HOUSING ASSISTANCE PAYMENTS

1. Utility Allowances: At least annually, the HA shall determine whether there has been a substantial change in utility rates or other charge of general applicability, and whether an adjustment is required in the Allowance of Utilities and Other Services by reason of such changes or because of errors in the original determination. If the HA determines that an adjustment should be made, the HA shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors and shall furnish HUD with a copy of the adjusted schedule. (Reference 24 CFR 882.214)
2. Contract Rents: Contract Rents may be adjusted by the HA on an annual basis and for special adjustments as provided below:
 - A. Annual Adjustment: Upon request from the owner to the HA an annual adjustment may be made if the Contract unit is in decent, safe and sanitary condition and the Owner is otherwise in compliance with the terms of the Lease and the HAP Contract. Annual adjustments as of any anniversary date shall be determined by using the Section 8 Annual Adjustment Factor most recently published by HUD in the Federal Register. The Contract rent may be adjusted upward or downward. However, in no case shall the adjusted rent be less than the Contract rent on the effective date of this Contract.
 - B. A special adjustment: Subject to HUD approval, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates or similar costs (i.e. assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual

adjustments provided for in number 1 above of this section. The Owner shall submit financial statements to the HA which clearly support the increase.

Overall Limitation of Adjustments of 2 A and B above: Notwithstanding any other provisions of this part, adjustments as provided for in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units.

3. Monthly Housing Assistance Payment (HAP) Payments: Monthly payments will be made to an owner on behalf of a family participating in the Section 8 Program. Payments will be issued in accordance with the Housing Assistance Payment Contract. The checks will be issued on a monthly basis and mailed directly to the participating owner (due on the fifth (5) day of each month for the current month.) A copy of the check will be kept and serve as a record of payment.

SECTION XXIV. FAIR MARKET RENT (FMR), PAYMENT STANDARD FOR VOUCHERS AND RENT REASONABLENESS LIMITATION

1. Three Types of Tenancy in the Section 8 Tenant-based Programs: Some requirements of this section are the same for all three types of tenancy. Some requirements only apply to a specific type of tenancy. Unless specifically stated, requirements of this subpart are the same for all tenancies in the tenant-based programs.
 - A. A regular tenancy under the certificate program
 - B. An over-FMR tenancy under the certificate program; and
 - C. A tenancy under the voucher program.
2. Negotiating Rent to Owner. The owner and the family negotiate the rent to owner. At the family's request, the HA must help the family negotiate the rent to owner.
3. Rent to Owner: Reasonable Rent.
 - A. HA determination.
 - (1) The HA may not approve a lease until the HA determines that the initial rent to owner is a reasonable rent.
 - (2) The HA must redetermine the reasonable rent:
 - (3) Before any increase in the rent to owner;
 - (4) If there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary; or
 - (5) If directed by HUD.
 - (6) The HA may also redetermine the reasonable rent at any other time.
 - (7) At all times during the assisted tenancy, the rent to owner may not exceed the

reasonable rent as most recently determined or redetermined by the HA.

- B. Comparability. The HA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units.
- C. Owner certification of rents charged for other units. By accepting each monthly housing assistance payment from the HA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the HA information requested by the HA on rents charged by the owner for other units in the premises or elsewhere.

4. Maximum Subsidy: FMR/Exception Rent Limit.

- A. Purpose.
 - (1) Fair market rents (FMRs) are published by HUD. In the tenant-based programs, the FMR/exception rent limit is used to determine the maximum subsidy for a family.
 - (2) For a regular tenancy under the certificate program, the FMR/exception rent limit is the maximum initial gross rent under the assisted lease.
 - (3) For the voucher program, the FMR/exception rent limit is the maximum “payment standard” (maximum subsidy) for a family.
 - (4) For an over-FMR tenancy under the certificate program, the FMR/exception rent limit is the “payment standard” (maximum subsidy) for a family.
- B. Determining exception rent.
 - (1) Area exception rent: HUD approval.
 - (a) At HUD's sole discretion, HUD may approve an area exception rent for all units, or all units of a given size (number of bedrooms), leased by program families in a part of the fair market rent area that is designated as an “exception rent area”. A HUD-approved area exception rent applies to all HAs with jurisdiction of the exception rent area.
 - (b) An area exception rent may not exceed 120 percent of the FMR.
 - (c) HUD will determine the area exception rent by either of the two following methods:
 - (i) Median rent method. In the median rent method, HUD determines the area exception rent by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception rent area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception rent area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census data products.
 - (ii) 40th percentile rent method. In this method, HUD determines that the area exception rent equals the 40th percentile of rents to

lease standard quality rental housing in the exception rent area. HUD determines the 40th percentile rent in accordance with the methodology described in 24 CFR 888.113 for determining fair market rents. An HA that asks HUD to approve an area exception rent determined by the 40th percentile rent method must present statistically representative rental housing survey data that justify exception rent approval by HUD.

- (d) An area exception rent will not be approved unless HUD determines that an exception rent is needed either:
 - (i) To help families find housing outside areas of high poverty; or
 - (ii) Because certificate or voucher holders have trouble finding housing for lease under the program within the term of the certificate or voucher.
 - (e) The total populations of exception rent areas in an FMR area may not include more than 50 percent of the population of the fair market rent area.
 - (f) At any time, HUD may withdraw or modify any approved area exception rent.
- (2) Regular certificate tenancy: Exception rent as reasonable accommodation for person with disabilities: HA approval. For a regular tenancy in the certificate program, on request from a family that includes a person with disabilities, the HA must approve an exception rent of up to 120 percent of the fair market rent if the exception rent is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

5. Voucher Tenancy or Over-FMR Tenancy: (How to calculate housing assistance payment).

- A. Use of payment standard. For a voucher tenancy or for an over- FMR tenancy under the certificate program, a “payment standard” is used to calculate the monthly housing assistance payment for a family. The “payment standard” is the maximum monthly subsidy payment for a family.
- B. Voucher program: Amount of assistance.
 - (1) Voucher payment standard: Maximum and minimum.
 - (a) The HA must adopt a payment standard schedule that establishes payment standards for the HA voucher program. For each FMR area and for each exception rent area, the HA must establish voucher payment standard amounts by unit size (zero-bedroom, one-bedroom, and so on).
 - (b) For a voucher tenancy, the payment standard for each unit size may not be:
 - (i) More than the current FMR/exception rent limit; or
 - (ii) Less than 80 percent of the current FMR/exception rent limit, unless a lower percent is approved by HUD.
 - (2) Voucher assistance formula.

- (a) For a voucher tenancy, the housing assistance payment for a family equals the lesser of:
 - (i) The applicable payment standard minus 30 percent of monthly adjusted income; or
 - (ii) The monthly gross rent minus the minimum rent.
 - (b) The minimum rent is the higher of:
 - (i) 10 percent of monthly income (gross income); or
 - (ii) A higher minimum rent as required by law.
- (3) Voucher payment standard schedule.
- (a) A voucher payment standard schedule is a list of the payment standard amounts used to calculate the voucher housing assistance payment for each unit size in an FMR area. The payment standard schedule for an FMR area includes payment standard amounts for any HUD-approved exception rent area in the FMR area.
 - (b) The voucher payment standard schedule establishes a single payment standard for each unit size in an FMR area and, if applicable, in a HUD-approved exception rent area within an FMR area.
 - (c) Payment standard amounts on the payment standard schedule must be within the maximum and minimum limits stated in paragraph (b)(1)(ii) of this section. Within these limits, payment standard amounts on the schedule may be adjusted annually, at the discretion of the HA, if necessary to assure continued affordability of units in the HA jurisdiction.
 - (d) To calculate the housing assistance payment for a family, the HA must use the applicable payment standard from the HA payment standard schedule for the fair market rent area (including the applicable payment standard for any HUD-approved exception rent area) where the unit rented by the family is located.
- (4) Payment standard for certain subsidized projects. For a voucher tenancy in an insured or noninsured Section 236 project, a Section 515 project of the Rural Development Administration, or a Section 221(d)(3) below market interest rate project, the payment standard may not exceed the basic rental charge (as defined in 12 U.S.C. 1715z-1(f)(1)), including the cost for participant-paid utilities.

C. Over-FMR tenancy: Determining amount of assistance.

- (1) Payment standard. For an over-FMR tenancy, the payment standard for the unit size is the FMR/exception rent limit.
- (2) Over-FMR tenancy assistance formula. For an over-FMR tenancy, the housing assistance payment for a family equals the lesser of:
 - (a) The applicable payment standard minus the total tenant payment; or
 - (b) The monthly gross rent minus the minimum rent as required by law.

D. Payment standard for family.

- (1) This paragraph (d) applies to both a voucher tenancy and an over-FMR tenancy.
- (2) The payment standard for a family is the lower of:
 - (a) The payment standard for the family unit size; or

- (b) The payment standard for the unit size rented by the family.
- (3) If the unit rented by a family is located in an exception rent area, the HA must use the appropriate payment standard for the exception rent area.
- (4) During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
 - (a) The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
 - (b) The payment standard as determined at the most recent regular recertification of family income and composition effective after the beginning of the HAP contract term.
- (5) If there is a change in family size or composition during the HAP contract term, paragraph (d)(4)(i) of this section does not apply at the next regular recertification following such change, or thereafter during the term.

6. Over-FMR Tenancy: HA Approval.

A. HA discretion to approve.

- (1) At the request of the family, the HA may approve an over-FMR tenancy in accordance with this section.
- (2) Generally, the HA is not required to approve any over-FMR tenancy. However, the HA must approve an over-FMR tenancy in accordance with this section, if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.
- (3) The HA generally will approve over-FMR tenancy if it is to aid in furthering of the goals and objectives of fair housing.

B. Requirements.

- (1) Ten percent limit. The HA may not approve additional over-FMR tenancies if the number of such tenancies currently is ten percent or more of the number of incremental certificate units under the HUD-approved budget for the HA certificate program. "Incremental units" means the number of budgeted certificate units minus any units for which HUD provided tenant-based program funding designated for families previously residing in housing with Section 8 project-based assistance.
- (2) Affordability of family share. The HA may not approve an over-FMR tenancy unless the HA determines that the initial family share is reasonable. In making this determination, the HA must take into account other family expenses, such as child care, unreimbursed medical expenses, and other appropriate family expenses as determined by the HA.

C. Amount of assistance. During an over-FMR tenancy, the amount of the housing assistance payment is determined in accordance with Sec. 982.505(c).

D. The method of selection shall be on a first come, first served basis. Persons with a disability shall be given a preference in selection.

7. Regular Tenancy: (How to calculate housing assistance payment).

The monthly housing assistance payment equals the gross rent, minus the higher of:

- A. The total tenant payment; or
- B. The minimum rent as required by law.

8. Regular Tenancy: (Limit on initial rent to owner).

- A. FMR/exception rent limit.
 - (1) The initial gross rent for any unit may not exceed the FMR/exception rent limit on the date the HA approves the lease.
 - (2) The FMR/exception rent limit for a family is the lower of:
 - (a) The FMR/exception rent limit for the family unit size; or
 - (b) The FMR/exception rent limit for the unit size rented by the family.
- B. Reasonable rent. The initial rent to owner may not exceed a reasonable rent as determined in accordance with Sec. 982.503.

9. Regular Tenancy: (Annual adjustment of rent to owner).

- A. When rent is adjusted. At each annual anniversary date of the HAP contract, the HA must adjust the rent to owner at the request of the owner in accordance with this section.
- B. Amount of annual adjustment.
 - (1) The adjusted rent to owner equals the lesser of:
 - (a) The pre-adjustment rent to owner multiplied by the applicable Section 8 annual adjustment factor, published by HUD in the Federal Register, that is in effect 60 days before the HAP contract anniversary;
 - (b) The reasonable rent (as most recently determined or redetermined by the HA in accordance with Sec. 982.503); or
 - (c) The amount requested by the owner.
 - (2) In making the annual adjustment, the pre-adjustment rent to owner does not include any previously approved special adjustments.
 - (3) The rent to owner may be adjusted up or down in accordance with this section.
 - (4) Notwithstanding paragraph (b)(1) of this section, the rent to owner for a unit must not be increased at the annual anniversary date unless:
 - (a) The owner requests the adjustment by giving notice to the HA; and
 - (b) During the year before the annual anniversary date, the owner has complied with all requirements of the HAP contract, including compliance with the HQS.
 - (5) The rent to owner will only be increased for housing assistance payments covering months commencing on the later of:
 - (a) The contract anniversary date; or

- (b) At least sixty days after the HA receives the owner's request.
- (6) To receive an increase resulting from the annual adjustment for an annual anniversary date, the owner must request the increase at least sixty days before the next annual anniversary date.

10. Regular Tenancy: (Special adjustment of rent to owner).

- A. Substantial and general cost increases.
 - (1) At HUD's sole discretion, HUD may approve a special adjustment of the rent to owner to reflect increases in the actual and necessary costs of owning and maintaining the unit because of substantial and general increases in:
 - (a) Real property taxes;
 - (b) Special governmental assessments;
 - (c) Utility rates; or
 - (d) Costs of utilities not covered by regulated rates.
 - (2) An HA may make a special adjustment of the rent to owner only if the adjustment has been approved by HUD. The owner does not have any right to receive a special adjustment.
- B. Reasonable rent. The adjusted rent may not exceed the reasonable rent. The owner may not receive a special adjustment if the adjusted rent would exceed the reasonable rent.
- C. Term of special adjustment.
 - (1) The HA may withdraw or limit the term of any special adjustment.
 - (2) If a special adjustment is approved to cover temporary or one- time costs, the special adjustment is only a temporary or one-time increase of the rent to owner.

11. Rent to Owner: (Effect of rent control).

In addition to the rent reasonableness limit under this subpart, the amount of rent to owner also may be subject to rent control limits under State or local law.

12. Rent to Owner: (In subsidized projects).

- A. Subsidized rent.
 - (1) The rent to owner in an insured or noninsured Section 236 project, a Section 515 project of the Rural Development Administration, a Section 202 project or a Section 221(d)(3) below market interest rate project is the subsidized rent.
 - (2) During the assisted tenancy, the rent to owner must be adjusted to follow the subsidized rent, and must not be adjusted by applying the published Section 8 annual adjustment factors. For such units, special adjustments may not be granted. The following sections do not apply to a tenancy in a subsidized project described in paragraph (a)(1) of this section: Sec. 982.509 (annual adjustment) and Sec. 982.510 (special adjustment).
- B. HOME. For units assisted under the HOME program, rents are subject to requirements of the HOME program (24 CFR 92.252).

- C. Other subsidy: HA discretion to reduce rent. In the case of a regular tenancy, the HA may require the owner to reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants or other subsidized financing.

13. Other Fees and Charges.

- A. The cost of meals or supportive services may not be included in the rent to owner, and the value of meals or supportive services may not be included in the calculation of reasonable rent.
- B. The lease may not require the participant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.
- C. The owner may not charge the participant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized residents in the premises.

14. Distribution of Housing Assistance Payment.

The monthly housing assistance payment is distributed as follows:

- A. The HA pays the owner the lesser of the housing assistance payment or the rent to owner.
- B. If the housing assistance payment exceeds the rent to owner, the HA may pay the balance of the housing assistance payment either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

15. Family Share: (Family responsibility).

- A. The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.
- B. The HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the family share. Payment of the family share is the responsibility of the family.

16. Family Income and Composition: (Regular and interim examinations).

- A. HA responsibility for reexamination and verification.
 - (1) The HA's responsibilities for recertifying family income and composition are specified in 24 CFR part 5, subpart F.
 - (2) The HA must obtain and document in the participant file third party verification of the following factors, or must document in the participant file why third party

verification was not available:

- (a) Reported family annual income;
- (b) The value of assets;
- (c) Expenses related to deductions from annual income; and
- (d) Other factors that affect the determination of adjusted income.

B. When HA conducts interim redetermination.

- (1) At any time, the HA may conduct an interim redetermination of family income and composition.
- (2) At any time, the family may request an interim redetermination of family income or composition because of any changes since the last determination. The HA must make the interim redetermination within a reasonable time after the family request.
- (3) Interim redeterminations must be conducted in accordance with policies in the HA administrative plan.

C. Family reporting of change. The HA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.

D. Effective date of recertification.

- (1) The HA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim redetermination.
- (2) At the effective date of a regular or interim redetermination, the HA must make appropriate adjustments in the housing assistance payment and family unit size.

E. Family member income. Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The HA must conduct a recertification to determine such additional income, and must make appropriate adjustments in the housing assistance payment and family unit size.

17. Utility Allowance Schedule.

A. Maintaining schedule.

- (1) The HA must maintain a utility allowance schedule for all participant-paid utilities (except telephone), for cost of participant-supplied refrigerators and ranges, and for other participant-paid housing services (e.g., trash collection (disposal of waste and refuse)).
- (2) The HA must give HUD a copy of the utility allowance schedule. At HUD's request, the HA also must provide any information or procedures used in preparation of the schedule.

B. How allowances are determined.

- (1) The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing

of similar size and type in the same locality. In developing the schedule, the HA must use normal patterns of consumption for the community as a whole and current utility rates.

- (2) (a) An HA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the HA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.
- (b) In the utility allowance schedule, the HA must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection (disposal of waste and refuse); other electric; refrigerator (cost of participant-supplied refrigerator); range (cost of participant-supplied range); and other specified housing services. The HA must provide a utility allowance for participant-paid air-conditioning costs if the majority of housing units in the market provide centrally air-conditioned units or there is appropriate wiring for participant-installed air conditioners.
- (3) The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, row-house, town house, single-family detached, and manufactured housing) that are typical in the community.
- (4) The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.

C. Revisions of utility allowance schedule.

- (1) An HA must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The HA must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.
- (2) At HUD's direction, the HA must revise the utility allowance schedule to correct any errors, or as necessary to update the schedule.

D. Use of utility allowance schedule.

- (1) The HA must use the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the HA subsidy standards).
- (2) At reexamination, the HA must use the HA current utility allowance schedule.

E. Higher utility allowance as reasonable accommodation for a person with disabilities. On request from a family that includes a person with disabilities, the HA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

SECTION XXV. AFFORDABILITY ADJUSTMENTS AND RENT PROVISIONS-VOUCHERS ONLY

1. Annual Increases of Payment Standards. The HA, in its discretion, may adopt annual increases of payment standards amounts on the payment standard schedule so that families can continue to afford to lease units with assistance under the Housing Voucher Program (Reference 24 CFR 982.617). In determining when an adjustment to the payment is necessary the HA will consider,
 - A. Rent burden (number of families paying more than 30% of income for rent [if more than 40 percent, the HA may adjust the payment standard]),
 - B. Success rate in leasing vouchers [if less than 95 percent the HA may adjust the payment standard] and
 - C. Percentage of FMR [if payment standard is within 100 percent of the FMR, either higher or lower, the HA may adjust the payment standard]. The HA will also consider the financial utilization of funding provided for vouchers. If the HA determines that vouchers are not being leased to properly utilize funding, the payment standard may need to be adjusted to increase utilization of available funding.
2. Rent Negotiation. Under the Housing Voucher Program, the rent to the owner is a matter of negotiation between the owner and the family. The rent must be within the guidelines of “rent reasonableness”, and this rental amount must be certified by the HA as falling within the guidelines of “rent reasonableness”. If requested by the family, the HA must also assist the family in negotiating a reasonable rent with the owner. (Reference 24 CFR 982.309)
3. Rent Increase: The rent to owner may not be increased during the first year of the lease. The lease may provide that the owner may increase the rent at any time after the first anniversary of the lease, but the owner must give the tenant and the HA 60 days written notice of any increase before it takes effect. (Reference 982.309)
4. HA Disapproval of Lease: The HA may disapprove a lease for a rent that is not reasonable, based on rents charged for comparable rental units. HAs may exercise this authority in communities where the market is not functioning normally or where some families are not able to negotiate reasonable rent on their own. For example, where there is a concentration of ownership by a small number of landlords, or where rents charged to voucher holders are greater than rents charged to certificate holders living in comparable units. A HA must document each case in which it disapproves a lease because the rent is not reasonable. (Reference 982.309)

SECTION XXVI. SECURITY DEPOSIT

The owner establishes the amount of the security deposit to be charged. The security deposit should be consistent with private market practice, or security deposits for the owner’s unassisted units. When the

tenant moves out of the dwelling unit, the owner, subject to State and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the participant, damages to the unit or for other amounts the tenant owes under the lease. The owner must give the participant a written list of all charges against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the participant.

Note:

IF THE SECURITY DEPOSIT IS NOT SUFFICIENT TO COVER AMOUNTS THE PARTICIPANT OWES UNDER THE LEASE, THE OWNER MAY SEEK TO COLLECT THE BALANCE FROM THE PARTICIPANT.

Note:

The HA is not responsible for any damages to the unit and will not process any damage claims for HAP contracts signed after October 2, 1995.

SECTION XXVII. TERMINATION OF TENANCY BY OWNER

1. Reasons for Termination: The Owner shall not terminate the tenancy of the Family except for:
 - A. Serious or repeated violation of the terms and conditions of the Lease;
 - B. Criminal Activity by the participant, any member of the household, a guest or another person under the participant's control shall be cause for termination of tenancy. Criminal activity is defined as, criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises.
 - C. Violation of Federal , State or local law that imposes obligations on the participant in connection with the occupancy or use of the premises; or
 - D. Other good cause, which may include, but not be limited to: failure by the family to accept the offer of a new lease or revision; a family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to lease the unit at a higher rental). If the owner terminates the tenancy for a business or economic reason the owner must provide the participant with a 90 day notice.
2. Eviction by Court Action: The Owner may evict the Family from the Contract unit only by instituting a court action. The Owner must notify the HA, in writing, of the commencement of

procedures for termination of tenancy, at the same time that the Owner gives notice to the Family under State law.

3. Written Notice: Owners must provide written notice of not less than 90 days before termination of a participant-based housing assistance payment (HAP) contract and not less than 1 year before termination of a project-based certificate or moderate rehabilitation HAP contract because of an owner opt-out or expiration of the HAP contract. Copies of these notices must be provide to the HA. (Reference HUD Notice PIH 93-54, issued October 19, 1993 and 24 CFR 982.455).
4. Termination During First Year: During the first year of the lease term, the owner may not terminate the tenancy for “other good cause”, unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for “other good cause”, based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of tenancy (See 1 D above).

SECTION XXVIII. TERMINATION OF HOUSING ASSISTANCE PAYMENT (HAP) CONTRACT

1. Termination of HAP Contract When the Unit is too Big or too Small: If the HA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the HA must issue the family a new certificate or voucher, and the family and HA must try to find an acceptable unit as soon as possible. When the subsidy is too big for the family size, for the tenant-based certificate program only, the HA must issue the family a new certificate, and the family and the HA must try to find and acceptable unit as soon as possible. If the family is residing in a dwelling unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standard and the gross rent for the unit(sum of the contract rent plus any utility allowance for the unit size leased) exceeds the FMR or exception rent, the HA must notify the family that exceptions to the subsidy standard may be granted, and the circumstances in which the HA may grant and exception. If an acceptable unit is available for rental by the family within the FMR/exception rent limit, the HA must terminate the HAP contract in accordance with its terms.
2. Breach of Contract: Termination of HAP contract for owner breach of contract. Breaches of the contract are outlined in the contract.
3. Automatic Termination of HAP Contract: The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

SECTION XXIX. PROGRAM MANAGEMENT PLAN - Organization Plan

1. Director of Occupancy and Section 8: Executive Director’s designee is responsible for all

- aspects of the Section 8 Program.
2. Section 8 Administrator: The Section 8 Administrator is responsible for the day to day operations of the Section 8 Program, handles public relations with concerned agencies, landlords and prepares various Section 8 reports.
 3. HQS/Portability Compliance Officer: Responsibilities are portability, 5 percent supervisory evaluations and evaluations staff.
 4. Section 8 Recertification Specialist: Performs certifications and recertifications.
 5. Applications Technician: Processes all applications for the Section 8 Program.
 6. Comptroller: Issues all Section 8 checks and prepares all Section 8 Financial Reports.
 7. Evaluator: Performs evaluations for the Section 8 Program.

**SECTION XXX. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REVIEW OF CONTRACT COMPLIANCE**

HUD will review program operations at such intervals as it deems necessary to insure that the owner and the HA are in full compliance with the terms and conditions of the contract and the ACC. Equal opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

SECTION XXXI. ADMINISTRATIVE FEE RESERVE EXPENDITURES

Expenditures from the administrative fee reserve of the Section 8 programs in excess of \$5,000.00 will be approved by the Board of Commissioners of the HA.

SECTION XXXII. SPECIAL HOUSING TYPES

Note:

The HA Must Select One of the Following:

- This Housing Authority has elected not to permit use of any of SRO's, Congregate housing, Group homes, Shared housing and Cooperative housing types in its program unless a special housing type is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part8

- This Housing Authority has elected to permit the use of Special Housing Types as below:

1. Overview

- A. Special housing types. This subpart describes program requirements for special housing types. The following are the special housing types:
- (1) Single room occupancy (SRO) housing;
 - (2) Congregate housing;
 - (3) Group home;

- (4) Shared housing;
- (5) Cooperative (including mutual housing);
- (6) Manufactured home.

B. HA choice to offer special housing type.

- (1) The HA may permit a family to use any of the following special housing types in accordance with requirements of the program: single room occupancy housing, congregate housing, group home, shared housing or cooperative housing.
- (2) In general, the HA is not required to permit use of any of these special housing types in its program.
- (3) The HA must permit use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.
- (4) For occupancy of a manufactured home, see Sec. 982.620(a).

C. Family choice of housing and housing type. The HA may not set aside program funding for special housing types, or for a specific special housing type. The family chooses whether to rent housing that qualifies as a special housing type under this subpart, or as any specific special housing type, or to rent other eligible housing in accordance with requirements of the program. The HA may not restrict the family's freedom to choose among available units in accordance with Sec. 982.353.

D. Applicability of requirements. Except as modified by this subpart, requirements in the other subparts of this part apply to the special housing types. Provisions in this subpart only apply to a specific special housing type. The housing type is noted in the title of each section.

2. Single Room Occupancy (SRO)

A. SRO: General. Sec. 982.602

- (1) Who may reside in an SRO? A single person may reside in an SRO housing unit.
- (2) When may a person rent an SRO housing unit? A single person may rent a unit in SRO housing only if:
 - (a) HUD determines there is significant demand for SRO units in the area;
 - (b) The HA and the unit of general local government approve providing assistance for SRO housing under the program; and
 - (3) The unit of general local government and the HA certify to HUD that the property meets applicable local health and safety standards for SRO housing.

B. SRO: Lease and HAP contract. Sec. 982.603

For SRO housing, there is a separate lease and HAP contract for each assisted person.

C. SRO: Rent and housing assistance payment. Sec. 982.604

- (1) SRO FMR/exception rent limit. The FMR/exception rent limit for SRO housing is 75 percent of the zero-bedroom FMR/exception rent limit.

- (2) Regular tenancy: Limit on initial gross rent. For a regular tenancy in the certificate program, the initial gross rent may not exceed the FMR/exception rent limit for SRO housing.
- (3) Voucher program: Payment standard. The HA must adopt a payment standard for persons who occupy SRO housing with assistance under the voucher program. The SRO payment standard may not exceed the FMR/exception rent limit for SRO housing. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.
- (4) Over-FMR tenancy: Payment standard. While the assisted person resides in SRO housing with assistance under an over-FMR tenancy in the certificate program, the payment standard for the person is the SRO FMR/exception rent limit.
- (5) Utility allowance. The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

 D. SRO: Housing quality standards. Sec. 982.605

- (1) (a) HQS standards for SRO. The HQS in Sec. 982.401 apply to SRO housing. However, the standards in this section apply in place of Sec. 982.401
 - (b) (sanitary facilities), Sec. 982.401(c) (food preparation and refuse disposal), and Sec. 982.401(d) (space and security). Since the SRO units will not house children, the housing quality standards in Sec. 982.401(j), concerning lead-based paint, do not apply to SRO housing.
- (2) Performance requirements.
 - (a) SRO housing is subject to the additional performance requirements in this paragraph (b).
 - (b) Sanitary facilities, and space and security characteristics must meet local code standards for SRO housing. In the absence of applicable local code standards for SRO housing, the following standards apply:
 - (i) Sanitary facilities.
 - (A) At least one flush toilet that can be used in privacy, lavatory basin, and bathtub or shower, in proper operating condition, must be supplied for each six persons or fewer residing in the SRO housing.
 - (B) If SRO units are leased only to males, flush urinals may be substituted for not more than one-half the required number of flush toilets. However, there must be at least one flush toilet in the building.
 - (C) Every lavatory basin and bathtub or shower must be supplied at all times with an adequate quantity of hot and cold running water.
 - (D) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.

- (E) Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them. These facilities may not be located more than one floor above or below the SRO unit. Sanitary facilities may not be located below grade unless the SRO units are located on that level.
- (ii) Space and security.
 - (A) No more than one person may reside in-an SRO unit.
 - (B) An SRO unit must contain at least one hundred ten square feet of floor space.
 - (C) An SRO unit must contain at least four square feet of closet space for each resident (with an unobstructed height of at least five feet). If there is less closet space, space equal to the amount of the deficiency must be subtracted from the area of the habitable room space when determining the amount of floor space [[Page 23866]] in the SRO unit. The SRO unit must contain at least one hundred ten square feet of remaining floor space after subtracting the amount of the deficiency in minimum closet space.
 - (D) Exterior doors and windows accessible from outside an SRO unit must be lockable.
- (3) Access.
 - (a) Access doors to an SRO unit must have locks for privacy in proper operating condition.
 - (b) An SRO unit must have immediate access to two or more approved means of exit, appropriately marked, leading to safe and open space at ground level, and any means of exit required by State and local law.
 - (c) The resident must be able to access an SRO unit without passing through any other unit.
- (4) Sprinkler system. A sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as State or local law may require must be installed in each building. The term ``major spaces'' means hallways, large common areas, and other areas specified in local fire, building, or safety codes.

3. Congregate Housing

- A. Who may reside in congregate housing. Sec. 982.606
 - (1) An elderly person or a person with disabilities may reside in a congregate housing unit.
- 2.
 - (a) If approved by the HA, a family member or live-in aide may reside with the elderly person or person with disabilities.
 - (b) The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec.

982.316 concerning occupancy by a live-in aide.

B. Lease and HAP contract. Sec. 982.607

For congregate housing, there is a separate lease and HAP contract for each assisted family.

C. Rent and housing assistance payment; FMR/exception rent limit. Sec. 982.608

- (1) Unless there is a live-in aide:
 - (a) The FMR/exception rent limit for a family that resides in a congregate housing unit is the zero-bedroom FMR/exception rent limit.
 - (b) However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the FMR/exception rent limit for a family that resides in a congregate housing unit is the one-bedroom FMR/exception rent limit.
- (2) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

D. Housing quality standards. Sec. 982.609

- (1) HQS standards for congregate housing. The HQS in Sec. 982.401 apply to congregate housing. However, the standards in this section apply in place of Sec. 982.401(c) (food preparation and refuse disposal). Congregate housing is not subject to the HQS acceptability requirement in Sec. 982.401(d)(2)(i) that the dwelling unit must have a kitchen area.
- (2) Food preparation and refuse disposal: Additional performance requirements. The following additional performance requirements apply to congregate housing:
 - (a) The unit must contain a refrigerator of appropriate size.
 - (b) There must be central kitchen and dining facilities on the premises. These facilities:
 - (i) Must be located within the premises, and accessible to the residents;
 - (ii) Must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner;
 - (iii) Must be used to provide a food service that is provided for the residents, and that is not provided by the residents; and (iv) Must be for the primary use of residents of the congregate units and be sufficient in size to accommodate the residents.
 - (c) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

4. Group Home

A. Who may reside in a group home. Sec. 982.610

- (1) An elderly person or a person with disabilities may reside in a State-approved group home.

- (2) (a) If approved by the HA, a live-in aide may reside with a person with disabilities.
- (b) The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in aide.
- (3) Except for a live-in aide, all residents of a group home, whether assisted or unassisted, must be elderly persons or persons with disabilities.
- (4) Persons residing in a group home must not require continual medical or nursing care.
- (5) Persons who are not assisted under the tenant-based program may reside in a group home.
- (6) No more than 12 persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

B. Lease and HAP contract. Sec. 982.611

For assistance in a group home, there is a separate HAP contract and lease for each assisted person.

C. State approval of group home. Sec. 982.612

A group home must be licensed, certified, or otherwise approved in writing by the State (e.g., Department of Human Resources, Mental Health, Retardation, or Social Services) as a group home for elderly persons or persons with disabilities.

 D. Rent and housing assistance payment. Sec. 982.613

- (1) Meaning of pro-rata portion. For a group home, the term "pro-rata portion" means the ratio derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any HA-approved live-in aide.
- (2) Rent to owner: Reasonable rent limit.
 - (a) The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.
 - (b) The reasonable rent for a group home is determined in accordance with Sec. 982.503. In determining reasonable rent for the group home, the HA must consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private facilities.
- (3) Maximum subsidy.
 - (a) Family unit size.
 - (i) Unless there is a live-in aide, the family unit size is zero or one bedroom.
 - (ii) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

- (b) Regular tenancy: Limit on initial gross rent. For a person who resides in a group home under a regular tenancy in the certificate program, the initial gross rent may not exceed either:
 - (i) The FMR/exception rent limit for the family unit size; or
 - (ii) The pro-rata portion of the FMR/exception rent limit for the group home size.
 - (c) Voucher tenancy: Payment standard. For a voucher tenancy, the payment standard for a person who resides in a group home is the lower of:
 - (i) The payment standard for the family unit size; or
 - (ii) The pro-rata portion of the payment standard for the group home size.
 - (d) Over-FMR tenancy: Payment standard. For an over-FMR tenancy, the payment standard for a person who resides in a group home is the lower of:
 - (i) The FMR/exception rent limit for the family unit size; or
 - (ii) The pro-rata portion of the FMR/exception rent limit for the group home size.

- E. Utility allowance. The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

- F. Housing quality standards. Sec. 982.614
 - (1) Compliance with HQS. The HA may not give approval to reside in a group home unless the unit, including the portion of the unit available for use by the assisted person under the lease, meets the housing quality standards.
 - (2) Applicable HQS standards.
 - (a) The HQS in Sec. 982.401 apply to assistance in a group home. However, the standards in this section apply in place of Sec. 982.401(b) (sanitary facilities), Sec. 982.401(c) (food preparation and refuse disposal), Sec. 982.401(d) (space and security), Sec. 982.401(g) (structure and materials) and Sec. 982.401(l) (site and neighborhood).
 - (b) The entire unit must comply with the HQS.
 - (3) Additional performance requirements. The following additional performance requirements apply to a group home:
 - (a) Sanitary facilities.
 - (i) There must be a bathroom in the unit. The unit must contain, and an assisted resident must have ready access to:
 - (A) A flush toilet that can be used in privacy;
 - (B) A fixed basin with hot and cold running water; and
 - (C) A shower or bathtub with hot and cold running water.
 - (ii) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.
 - (iii) The unit may contain private or common sanitary facilities.

However, the facilities must be sufficient in number so that they need not be shared by more than four residents of the group home.

- (iv) Sanitary facilities in the group home must be readily accessible to and usable by residents, including persons with disabilities.
- (b) Food preparation and service.
 - (i) The unit must contain a kitchen and a dining area. There must be adequate space to store, prepare, and serve foods in a sanitary manner.
 - (ii) Food preparation and service equipment must be in proper operating condition. The equipment must be adequate for the number of residents in the group home. The unit must contain the following equipment:
 - (A) A stove or range, and oven;
 - (B) A refrigerator; and
 - (C) A kitchen sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.
 - (iii) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.
 - (iv) The unit may contain private or common facilities for food preparation and service.
- (c) Space and security.
 - (i) The unit must provide adequate space and security for the assisted person.
 - (ii) The unit must contain a living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space. The unit must contain at least one bedroom of appropriate size for each two persons.
 - (iii) Doors and windows that are accessible from outside the unit must be locale.
- (d) Structure and material.
 - (i) The unit must be structurally sound to avoid any threat to the health and safety of the residents, and to protect the residents from the environment.
 - (ii) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other significant damage. The roof structure must be firm, and the roof must be watertight. The exterior or wall structure and exterior wall surface may not have any serious defects such as serious leaning, buckling, sagging, cracks or large holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., must not present a danger of tripping or falling.

Elevators must be maintained in safe operating condition.

- (iii) The group home must be accessible to and usable by a resident with disabilities.
- (e) Site and neighborhood. The site and neighborhood must be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the residents. The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mud slides, abnormal air pollution, smoke or dust, excessive noise, vibrations or vehicular traffic, excessive accumulations of trash, vermin or rodent infestation, or fire hazards. The unit must be located in a residential setting.

5. Shared Housing

A. Shared housing: Occupancy. Sec. 982.615

- (1) Sharing a unit. An assisted family may reside in shared housing. In shared housing, an assisted family shares a unit with the other resident or residents of the unit. The unit may be a house or an apartment.
- (2) Who may share a dwelling unit with assisted family?
 - (a) If approved by the HA, a live-in aide may reside with the family to care for a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in-aide.
 - (b) Other persons who are assisted under the tenant-based program, or other persons who are not assisted under the tenant-based program, may reside in a shared housing unit.
 - (c) The owner of a shared housing unit may reside in the unit. A resident owner may enter into a HAP contract with the HA. However, housing assistance may not be paid on behalf of an owner. An assisted person may not be related by blood or marriage to a resident owner.

B. Lease and HAP contract. Sec. 982.616

For assistance in a shared housing unit, there is a separate HAP contract and lease for each assisted family.

C. Rent and housing assistance payment. Sec. 982.617

- (1) Meaning of pro-rata portion. For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

- (2) Rent to owner: Reasonable rent.
 - (a) The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.
 - (b) The reasonable rent is determined in accordance with Sec. 982.503.
- (3) Maximum subsidy.
 - (a) Regular tenancy: Limit on initial gross rent. For a regular tenancy under the certificate program, the initial gross rent may not exceed either:
 - (i) The FMR/exception rent limit for the family unit size; or
 - (ii) The pro-rata portion of the FMR/exception rent limit for the shared housing unit size.
 - (b) Voucher or over-FMR tenancy: Payment standard. For a voucher tenancy or an over-FMR tenancy, the payment standard is the lower of:
 - (i) The payment standard for the family unit size; or
 - (ii) The pro-rata portion of the payment standard for the shared housing unit size.
 - (c) Live-in aide. If there is a live-in aide, the live-in aide must be counted in determining the family unit size.
- (3) Utility allowance. The utility allowance for an assisted family residing in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

D. Housing quality standards. Sec. 982.618

- (1) Compliance with HQS. The HA may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.
- (2) Applicable HQS standards. The HQS in Sec. 982.401 apply to assistance in shared housing. However, the HQS standards in this section apply in place of Sec. 982.401(d) (space and security).
- (3) Facilities available for family. The facilities available for the use of an assisted family in shared housing under the family's lease must include (whether in the family's private space or in the common space) a living room, sanitary facilities in accordance with Sec. 982.401(b), and food preparation and refuse disposal facilities in accordance with Sec. 982.401(c).
- (4) Space and security: Performance requirements.
 - (a) The entire unit must provide adequate space and security for all its residents(whether assisted or unassisted).
 - (b) Each unit must contain private space for each assisted family, plus common space for shared use by the residents of the unit. Common space must be appropriate for shared use by the residents.
 - (ii) The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family may not be less than the family unit size.
 - (iii) A zero or one bedroom unit may not be used for shared housing.

6. Cooperative

- A. Cooperative housing. Sec. 982.619
- (1) When cooperative housing may be used. A family may reside in cooperative housing if the HA determines that:
 - (a) Assistance under the program will help maintain affordability of the cooperative unit for low-income families; and
 - (b) The cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).
 - (2) Rent to owner.
 - (a) The reasonable rent for a cooperative unit is determined in accordance with Sec. 982.503. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.
 - (b) The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. The carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose.
 - (c) Gross rent is the carrying charge plus any utility allowance.
 - (d) For a regular tenancy under the certificate program, rent to owner is adjusted in accordance with Sec. 982.509 (annual adjustment) and Sec. 982.510 (special adjustments). For a cooperative, adjustments are applied to the carrying charge as determined in accordance with this section.
 - (e) The occupancy agreement/lease and other appropriate documents must provide that the monthly carrying charge is subject to Section 8 limitations on rent to owner.
 - (3) Housing assistance payment. The amount of the housing assistance payment is determined in accordance with subpart K of this part.
 - (4) Live-in aide.
 - (a) If approved by the HA, a live-in aide may reside with the family to care for a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in aide.
 - (b) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

7. Manufactured Home

- A. Applicability of requirements. Sec. 982.620
- (1) Assistance for resident of a manufactured home.

- (a) A family may reside in a manufactured home with assistance under the program.
 - (b) The HA must permit a family to lease a manufactured home and space with assistance under the program.
 - (c) The HA may provide assistance for a family that owns the manufactured home and leases only the space. The HA is not required to provide such assistance under the program.
- (2) Applicability.
- (a) The HQS in Sec. 982.621 always apply when assistance is provided to a family occupying a manufactured home (under paragraph (a)(2) or (a)(3) of this section).
 - (b) Sections 982.622 to 982.624 only apply when assistance is provided to a manufactured home owner to lease a manufactured home space.
- (3) Live-in aide.
- (a) If approved by the HA, a live-in aide may reside with the family to care for a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in aide.
 - (b) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

B. Housing quality standards. Sec. 982.621

A manufactured home must meet all the HQS performance requirements and acceptability criteria in Sec. 982.401. A manufactured home also must meet the following requirements:

- (1) Performance requirement. A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.
- (2) Acceptability criteria. A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

C. Space Rental: Rent to owner. Sec. 982.622

- (1) What is included.
 - (a) Rent to owner for rental of a manufactured home space includes payment for maintenance and services that the owner must provide to the participant under the lease for the space.
 - (b) Rent to owner does not include the costs of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.
- (2) Reasonable rent.
 - (a) During the assisted tenancy, the rent to owner for the manufactured

home space may not exceed a reasonable rent as determined in accordance with this section. Section 982.503 is not applicable.

- (b) The HA may not approve a lease for a manufactured home space until the HA determines that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HA must redetermine that the current rent to owner is a reasonable rent.
- (c) The HA must determine whether the rent to owner for the manufactured home space is a reasonable rent in comparison to rent for other comparable manufactured home spaces. To make this determination, the HA must consider the location and size of the space, and any services and maintenance to be provided by the owner in accordance with the lease (without a fee in addition to the rent).
- (d) By accepting each monthly housing assistance payment from the HA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. The owner must give the HA information, as requested by the HA, on rents charged by the owner for other manufactured home spaces.

D. Space rental: Housing assistance payment. Sec. 982.623

- (1) Fair market rent. The FMR for a manufactured home space is determined in accordance with 24 CFR 888.113(e). Exception rents do not apply to rental of a manufactured home space.
- (2) Housing assistance payment: For regular certificate tenancy.
 - (a) Limit on initial rent. For a regular tenancy, the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.
 - (b) Formula.
 - (i) During the term of a regular tenancy, the amount of the monthly housing assistance payment equals the lesser of paragraphs (b)(2)(I)(A) or (b)(2)(ii)(B) of this section:
 - (A) Manufactured home space cost minus the higher of:
 - ((1)) The total tenant payment; or
 - ((2)) The minimum rent as required by law.
 - (B) The rent to owner for the manufactured home space.
 - (ii) “Manufactured home space cost” means the sum of:
 - (A) The amortization cost;
 - (B) The utility allowance; and
 - (C) The rent to owner for the manufactured home space.
- (3) Housing assistance payment: For voucher tenancy or over-FMR tenancy.
 - (a) Payment standard. For a voucher tenancy or an over-FMR tenancy, the payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard for a family renting a manufactured home space is the published FMR for rental of a manufactured home space. The amount of the payment standard is

- determined in accordance with Sec. 982.505(d)(4) and (d)(5).
- (b) Subsidy calculation for voucher tenancy. During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family equals the lesser of paragraphs (c)(2)(I) or (c)(2)(ii) of this section:
 - (i) An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of:
 - (A) The amortization cost;
 - (B) The utility allowance; and
 - (C) The payment standard.
 - (ii) The monthly gross rent for the manufactured home space minus the minimum rent. For a voucher tenancy, the minimum rent is the higher of:
 - (A) 10 percent of monthly income (gross income); or
 - (B) A higher minimum rent as required by law.
 - (c) Subsidy calculation for over-FMR tenancy. During the term of an over-FMR tenancy, the amount of the monthly housing assistance payment for a family equals the lesser of paragraphs (c)(3)(I) or (c)(3)(ii) of this section:
 - (i) An amount obtained by subtracting the family's total tenant payment from the sum of:
 - (A) The amortization cost;
 - (B) The utility allowance; and
 - (C) The payment standard.
 - (ii) The monthly gross rent for the manufactured home space minus the minimum rent as required by law.
- (4) Amortization cost.
- (a) In calculating the subsidy payment for a voucher tenancy, an over-FMR tenancy, or a regular tenancy under the certificate program, the amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount must be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the HA determines that furniture was not included in the purchase price.
 - (b) The amount of the amortization cost is the debt service established at time of application to a lender for financing purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home is not included in the amortization cost.
 - (c) Debt service for set-up charges incurred by a family that relocates its home may be included in the monthly amortization payment made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize such charges.
- (5) Annual income. In determining a family's annual income, the value of equity in the

manufactured home owned by the assisted family, and in which the family resides, is not counted as a family asset.

E. Space Rental: Utility allowance schedule. Sec. 982.624

The HA must establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances must include a reasonable amount for utility hook-up charges payable by the family if the family actually incurs the expenses because of a move. Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place. Utility allowances for manufactured home space must not cover costs payable by a family to cover the digging of a well or installation of a septic system.

SECTION XXXIII. FAMILY SELF-SUFFICIENCY PROGRAMS (If Applicable):

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and assistance under the Section 8 rental certificate program with public and private resources, to enable families eligible to receive assistance under these programs, and to achieve economic independence and self sufficiency.

This HA has developed an action plan and policy and procedures to implement the requirements of this program. A copy of this plan, policy and procedure is attached to this document and is incorporated by reference as if fully set out herein. The FSS plan includes and meets the requirements of Interim HUD Notice 93-24, issued May 27, 1993.

Reduction of Required FSS Program: HA's may reduce their FSS obligation by one family for each FSS graduate fulfilling the family's contract of participation obligations on or after 10/21/1998. Also, minimum FSS program size will not increase when a HA receives incremental Section 8 funding and public housing units on or after 10/21/1998.

SECTION XXXIV. DECONCENTRATION POLICY

The Deconcentration Policy for Section 8 tenant-based assistance is to ensure that no less than 75% of its new admissions are families that have incomes at or below 30% of the area median income. Durham Housing Authority (DHA) will track the status of all new admissions monthly by utilizing income reports generated by its Management Information System (MIS). If DHA is not reaching its goal, families will be skipped on the waiting list to admit a family that has income at or below 30% of area median income. DHA's Section 8 applicant selection process, which is contained in the Section 8 Administrative Plan provides for the skipping of families on the waiting list to accomplish this goal.

SECTION XXXV. CLOSING OF FILES AND/ PURGING INACTIVE FILES

This HA will purge inactive files, after they have been closed for a period of three years, with the exception of troubled cases, or cases involving a household containing a minor with a reported elevated

blood-lead level.

During the term of each assisted lease and for three years thereafter the HA will keep the lease, HAP Contract and the application from the family. In addition, the HA must keep for at least three years the following records:

- . Records with racial, ethnic, gender and disability status data for applicants and participants.
- . The application from each ineligible family and the notice that the applicant is ineligible.
- . HUD required reports and other HUD required files.
- . Lead based paint evaluation reports as required.
- . Unit evaluation reports.
- . Accounts and other records supporting the HA and financial statements.
- . Other records which may be specified by HUD.

The HA shall retain all data for current participants for audit purposes. No information shall be removed which may effect an accurate audit.

ATTACHMENT C

**RESIDENT ADVISORY
BOARD
INPUT**

**THE HOUSING
AUTHORITY OF THE
CITY OF DURHAM**

JUNE 1999

COMPILED AND PUBLISHED BY: POLK'S CONSULTING SERVICES

ABOUT THIS BOOKLET

The Housing Authority of the City of Durham, in response to the Quality Housing and Work Responsibility Act of 1998, contracted with Polk's Consulting Services of Durham to design and facilitate activities to organize the Resident Advisory Board; including the establishment of meeting guidelines; process for addressing issues; and a time line for addressing components. All aimed at assuring adequate input into the Public Housing Authority's Five Year and Annual Plans.

This booklet is a compilation of the finished product of the first Resident Advisory Board. The Board was elected and selected by the residents and Public Housing Authority representing conventional housing and section 8 respectively.

The Resident Advisory Board was oriented and organized by a facilitative process designed by the Consultant that included Group Processing Skills building and a modified Nominal Group Process.

The guiding principle used throughout the process was assurance that what was developed was reflective of residents' thoughts and ownership. Public Housing Authority's staff provided technical knowledge and overview of the requirements, provisions of the Quality Housing and Work Responsibility Act. The orientation included current Public Housing programs, policies and practices as related to each component. The staff made available multiple handouts for reference and use in meeting the mandate that residents must have input into the plans.

The process used provided Resident Advisory Board members the opportunity to individually think and respond to each component. After which small group discussion and prioritization of each suggestion or recommendation was recorded by numerical voting. For each identified component input has been recorded in a top priority to a zero priority format beginning with the top priority being listed first and sequential until all input comments have been recorded.

This process represents twenty hours of Resident Advisory Board meetings facilitated by the Consultant and supported by the Public Housing Authority staff and facilities. Unique to this process was video taping of ALL meetings and activities. The video has been conveyed to the Public Housing Authority for its video library.

A summative evaluation was completed and conveyed to the staff. In summary the process and product was a success. The Resident Advisory Board members' comments and recommendations support the level of success, (Refer to Evaluations).

It is evident by the level of input that the Resident Advisory Board members understood and were committed to the task. Their attendance, attentiveness and dedication to providing INPUT is reflected in their complimentary enthusiasm as recorded by video, this publication and evaluation and specific recommendations.

It is the Consultant's belief that the process undertaken to derive this publication holds significant value and promise far beyond this initial outcome. It is strongly recommended that an ongoing facilitation arrangement be retained.

Respectfully,
J. "Jim" Carlton Polk
Polk's Consulting Services
July 27, 1999

**DURHAM PUBLIC HOUSING AUTHORITY
330 EAST MAIN STREET
DURHAM, NC 27704
(919) 683-1551 EXT. 214**

Durham Public Housing Authority Resident Advisory Board (DPHARAB)
Durham, North Carolina 27704

ARTICLE I: Name

The name of this association is: Durham Public Housing Authority Resident Advisory Board,
Durham, North Carolina 27704

ARTICLE II: Purpose

The purpose of this association is to provide input into DHA annual and five-year plans through
and by the resident advisory board.

Mission Statement:

The mission of this association is to make sure all Public Housing and Section 8 households
know about the annual and five-year plan.

ARTICLE III: Basic Policies

Voting: Is done by the primary representative. In the event of a tie one alternate may vote to
break the tie. Voting by alternates will be on an alphabetical rotating basis.

ARTICLE IV: Membership

Any residents who have been elected by their Resident Council and/or section 8 representative as
determined by PHA

Removal: Any member who misses more than two unexcused absences will be removed from
the board. Any member absent must notify PHA Planning and Development Office, Resident
Council, and their alternate. Any member may be removed for willful negligence or misconduct
after a hearing and a majority vote by the board.

Resignation: Any member may resign by giving two weeks written notice to Resident Advisory
Board, Public Housing Authority, and Resident Council and Community.

ARTICLE V: Meetings

Regular meetings will be determined by the board.

Special meetings may be called by the chair/co-chair.

Notices for meetings shall be provided to the representatives in writing, by mail, and 7 working
days in advance of the meeting date.

Quorum may be declared when 9 representatives are present and a facilitator.

Attendance shall be maintained by a signed roster of all representatives attending the meeting.

Records/Reports are to be written, filed, and copies of records, reports, and minutes shall be
made available upon request to any member of the board in a timely manner.

ARTICLE VI: Officers and Their Election

Each officer of board shall be a member of the board in good standing, meaning having no record of misconduct

The officers of this board shall consist of a chair, co-chair, recorder.

Officers shall be elected by ballot at the annual meeting. However, if there is but one nominee for any office, election for that office may be by voice vote.

Officers shall assume their official duties following the election and shall serve for a term of one year or until their successors are elected.

Attendance: Officers may not have more than one unexcused absence.

Resignation: Any officer may resign by giving a two-week notice in writing to the board.

Vacancy: Any vacancy occurring in any office shall be filled for the unexpired term by a representative elected by a majority vote of the remaining members of the board, notice of such election having been given. In case a vacancy occurs in the office of chair, the co-chair shall serve notice of the election.

Removal: Any officer may be removed for willful neglect or misconduct after a hearing and a simple majority vote by the board.

ARTICLE VII: Duties of Officers

Chair: The chair shall preside at all meetings of the board and of the executive committee at which he/she may be present; shall perform such other duties as may be prescribed in these bylaws or assigned to him/her by the board or by the executive committee; shall be member ex officio of all committees except the nominating committee; and shall coordinate the work of the officers and committees of the board in order that the purpose and mission of the board may be promoted.

Co-chair: The co-chair shall act as aide to the chair and shall perform the duties of the chair in the absence or inability of that officer to serve.

Recorder: The recorder shall record the minutes of all meetings of the board and executive committee, have a current copy of the bylaws, maintain a membership list, and shall perform such other delegated duties as may be assigned.

The recorder is to be appointed at the beginning of each meeting by the chair from the representative present on an alphabetical rotating basis.

ARTICLE VIII: Executive Committee

The executive committee shall consist of the elected officers

The duties of the executive committee shall be to transact emergency business in the interval between board meetings.

The entire executive committee shall constitute a quorum.

Meetings of the executive committee shall be held as needed.

ARTICLE IX: Fiscal Year

The fiscal year of the board shall begin on _____ and end on the following _____.

ARTICLE X: Parliamentary Authority

The rules contained in the current edition of **Robert's Rules of Order Newly Revised** shall govern the board in all cases in which they are applicable and in which they are not in conflict with these bylaws of the board.

OFFICERS FOR 1999-2000

CHAIR: MRS. GLORIA NOTTINGHAM (unanimous)

CO-CHAIR: MS. DARLENE SMITH (unanimous)

RECORDER: To be appointed at each meeting by the chair, in a rotating alphabetical order

COMPONENT WORKSHEET

1. **NEEDS** - A statement of the housing needs of low-income and very low-income families Residing in the jurisdiction served by the PHA, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the PHA intends, to the maximum extent practicable, to address those needs.

RAB INPUT

Emergency housing for families
Need to screen applicants better
Better schedule for community police (visibility, accessibility, and continuity)
More handicapped improved facilities
More homes for elderly
Lease changes for PH persons to assist relatives with emergencies

- Resources:
- A) Section 8
 1. *Organize*
 2. *Education*
 3. *Substance abuse counseling*
 4. *More scatter sites and housing*
 - B) Elderly
 1. *Monitoring neighborhood watch*
 2. *Security (peep holes)*

Consideration given to:

1. *Homeless with small children*
2. *Elderly and disabled (mental illness)*
3. *Over six months - public housing and section 8*

Discharged from hospitals and (other residential treatment facilities)	Location (transportation, parking, shopping, traffic and safety)
Foster care system for elder and children	Lobby more funds from HUD
More housing for elders	More affordable housing for homeless, disabled, mentally disabled, and persons with aids
Housing for disabled younger adults	More section 8 vouchers
More affordable	Have DHA assist with obtaining help due to loss of job in private homes
Budget plan for working people	Need more childcare, job training, transportation
Better rules and regulations	Need lease agreement for property upkeep
Need more recreation in public housing for teenagers	Need more police security, visibility
More recreation for elder in multi-family community	Needs cost telephone bills for persons on fixed income/income cap
Need more police	More homes/shelters for homeless
Speed bumps in all multi-family communities	More activities for children, even preschoolers
Need to shorten the Cap Grant	Families need to be re-evaluated every 3 months, instead of waiting for a letter
Painting units	More computers
The waiting list to get into housing is too long	Need to change section 8 eligibility standards
The DHA staff needs to monitor outsiders	Maintain decent dwelling for
Follow up on lease violation	PHA update applications regularly
Being last 3 times you should not be put out	DHA should leave a note for HOH (household) if they enter and no one is home
No junk cars parking or left in the parking lot	Screening with a probationary period
Rent too high percentage	Non-age specific or disability
Not enough apartments available	
Modernization and new construction	
Housing should be near transportation/handicapped	
More 1 and 2 bedrooms	

COMPONENT WORKSHEET

2. FINANCIAL RESOURCES - A statement of financial resources available to the agency and the planned uses of those resources. This presumably refers to the PHA's annual budget.

RAB INPUT

- Durham Housing Authority should explore more avenues of financial resources
- Explain Budget and sources
- Clarify financial process
- Make loans available to residents for homeownership
- Stay abreast of current and future financial resources

Purchase condemned properties and renovate for sale...
Explain what expenditures are for each category
Durham Housing Authority should identify ways to obtain more dollars

COMPONENT WORKSHEET

- 3. ELIGIBILITY, SELECTION, AND ADMISSION POLICIES** - A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing and Section 8, including:
- A.** The procedure for maintaining waiting lists for admissions to public housing developments, which may include a system of site-based waiting lists; and,
 - B.** The admissions policy for deconcentration of lower-income families.

RAB INPUT

All cholarships, and programs offered by PHA should be available to section 8 residents

Initial screening should be more intense for section 8

Any applicant for public housing paying over 75% of their monthly income in monthly

utilities and rent should be given immediate attention

Residents who are removed from one community to another for a violent crime or drug offense should be closely screened before being allowed to move into another community

Present policy is working fine, but attention should be given to shortening list and waiting time

There should be a 6 months residency requirement and it should be documented

COMPONENT WORKSHEET

- 4. RENT DETERMINATION** - A statement of the policies of the PHA governing rents charged for public housing and rental contributions of families assisted under Section 8.

RAB INPUT

Upon unemployment rent should be adjusted immediately

Change rent rate from ceiling rate to flat rate

Place in resident handbook and state at orientation that a resident cannot be evicted for nonpayment of excess utilities, maintenance repairs, and extra charges. Be able to pay rent at manager's office in the community in which you live

Upon employment a resident should have a grace period of 6 - 12 months before rent is adjusted

Eliminate minimum rent when there is no household income

Rent should be determined on Net income rather than Gross income

No prosecution for fraud, PHA should work out a payment plan to recoup monies owed

COMPONENT WORKSHEET

- 5. OPERATION AND MANAGEMENT** - A statement of the rules, standards, and policies of the PHA governing maintenance and management of housing owned, assisted, or operated by the PHA (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.

RAB INPUT

When maintenance man is called he should respond in a timely manner with a good attitude, and better emergency services

Residents should not have to pay for clogged drains; i.e. bathroom and kitchen

If problem is not corrected resident should not be charged

Apartments should be exterminated every month

Cut labor rate in half to \$9.60 from \$19.20, too high for low income residents

If a call has been for same item over two times the item should be replaced

Good housekeeping inspections should take place every 3 months to make sure resident is maintaining a clean dwelling

Stove and refrigerator should be checked every 6 months

There should be an inspection of each job after completed, i.e. faucet, gas leak, septic tanks

COMPONENT WORKSHEET

- 6. GRIEVANCE PROCEDURE** - A statement of the grievance procedures of the PHA.

RAB INPUT

An impartial hearing officer, independent of employment with PHA

Require Managers to respond to an appeal within 14 working days

Provisions for an automated appeals hearing process with an available advocate

Current grievance procedure is acceptable

COMPONENT WORKSHEET

7. **CAPITAL IMPROVEMENTS** - With respect to public housing developments owned, assisted, or operated by the PHA, a plan describing the capital improvements necessary to ensure the long-term physical and social viability of its developments.

RAB INPUT

Grounds, roof, windows, doors, refrigerator, stoves replaced as needed

Improved quality of all capital materials, i.e. floors, counter tops, window shades

Speed bumps/signs in all PHA communities

Air conditioning for all units

Outside/inside painting every 5 years by maintenance

Playground equipment for children

PHA needs to give quality paint/materials to residents every year.

PHA provide proper installation of ALL air conditioners

Screen doors when and where needed

COMPONENT WORKSHEET

- 8. DEMOLITION AND DISPOSITION** - With respect to public housing developments owned by the PHA, a description of any housing for which the PHA will apply for demolition or disposition and a timetable for the demolition or disposition.

RAB INPUT

No input

COMPONENT WORKSHEET

- 9. DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES -**
With respect to public housing developments owned, assisted, or operated by the PHA, a description of any developments (or portions thereof) that the PHA has designated or will apply or designation for occupancy by elderly and disabled families in accordance with Section 7 of the law.

RAB INPUT

PHA should build more units for elderly and disabled, especially 2 bedrooms (unanimous first choice)

Loosen regulations on home help aides so a family member may reside with the elder family member

Make sure all units are handicapped accessible inside/outside including dumpsters

Assist Section 8 people with disabilities find apartments

PHA should provide residents with information on designated housing for elderly and disabled

Disabled/Elderly housing should be clearly identified

COMPONENT WORKSHEET

- 10. CONVERSION OF PUBLIC HOUSING** - With respect to public housing owned by a PHA:
- A.** A description of any building or buildings that the PHA is required to convert to tenant-based assistance under Section 33 or that the PHA plans to voluntarily convert under Section 22;
 - B.** An analysis of the projects or buildings required to be converted under Section 33; and
 - C.** A statement of the amount of assistance received under this Act to be used for rental assistance or other housing assistance in connection with such conversion.

RAB INPUT

Urge PHA to explore benefits to converting public housing to Section 8

COMPONENT WORKSHEET

- 11. HOMEOWNERSHIP** - A description of any homeownership programs of the agency.

RAB INPUT

Provisions for single, single head of household, single head of household with child(ren).

The percentage of the median income requirement should be less for a single parent with one child

COMPONENT WORKSHEET

- 12. COMMUNITY SERVICE AND SELF-SUFFICIENCY** - A description of:
- A.** Any programs relating to services and amenities provided or offered to assisted families;
 - B.** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families;
 - C.** How the PHA will comply with the requirements relating to community service and treatment of income changes resulting from welfare program requirements.

RAB INPUT

Remove the rule that states that if Section 8 tenants do not complete the Family Self Sufficiency requirement they may lose their Section 8 assistance (unanimous first choice)

Require the Special Services work/worker to maintain confidentiality of resident participants (unanimous second choice)

COMPONENT WORKSHEET

13. **SAFETY AND CRIME PREVENTION** - A plan established by the PHA, which shall be subject to the following requirements:
- A. Safety Measures - The plan shall provide, on a *development-by development or jurisdiction-wide basis*, for measures to ensure the safety of public housing residents.
 - B. Establishment - The plan shall be established in consultation with the police officer or officers in command for the appropriate precinct or police department.
 - C. Content - The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted or to be conducted by the agency, and provide for coordination between the agency and the appropriate police precincts for carrying out such measures and activities.
 - D. Secretarial Action - If the Secretary determines, at any time, that the security needs of a project are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the PHA and the local precinct to resolve any issues of conflict.

RAB INPUT

Establish a monitoring system, and maintain with a check and balancing of community police program

Employee more police to more adequately staff for each community

Provide residents with orientation and communication with community police program

Develop and implement a community based natural disaster evacuation plan

All wheel chair confined residents should be on 1st and 2nd floors

COMPONENT WORKSHEET

14. **PETS** - The requirements of the agency relating to pet ownership in public housing.

RAB INPUT

No dogs with reputation of aggressive behavior

One pet per household

Fine residents for not picking up pet litter

Pets must meet and be certified to management all animal immunizations (shots) and tags registration

Three warnings to pet owners of noisy pets and remove after four times

Any pet prone to make noises during sleep hours (11 p.m. to 7 a.m.) should be with in accordance with noise ordinance

All pets owners should pay monthly pet fee

All rules governing pet ownership should be distributed, posted in all resident communities

Pets should be locked in a secure cage in time of a maintenance service

In the event a pet owner loses his privilege to have a pet a one year time period be required before resident may own another pet

COMPONENT WORKSHEET

15. **CIVIL RIGHTS CERTIFICATION** - A certification by the PHA that the PHA will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

RAB INPUT

No input

COMPONENT WORKSHEET

16. ANNUAL AUDIT - The results of the most recent fiscal year audit of the PHA.

RAB INPUT

Residents should be given access to copies of annual audit

COMPONENT WORKSHEET

17. **ASSET MANAGEMENT** - A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency. It shall include how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs of its properties.

RAB INPUT

No input

18. **OTHER** - Any other information required by law to be included in a public housing agency plan.

RAB INPUT

No information from RAB

Public Hearing Comments for Comprehensive Agency Plan
September 21, 1999
Durham Housing Authority Board Room
6:00 p.m.

1. David Nitzke - Wanted to know what to do about owning his own home. He is a Section 8 participant and is disabled.

2. Gloria Nottingham - What is the plan to maintain the police presence as part of the DHA/Durham Police program? Concerns have been voiced that visibility has decreased, police officers have dual responsibility, and that the program is not continuing in the effort that it was in the initial stages.
3. David Nitzke - Is there a way to have better operators that are familiar with speech impaired persons and others with disabilities? Police and DHA staff have been rude to him on the telephone thinking he was joking.
4. Phyllis Moore - What is the disaster plan for Durham? How do I get information?
5. Darlene Smith - Is there a community wide disaster plan? Is there information that can be given to the residents?
6. Irene Joyner - I am allergic to cats and so are others in Preiss-Steele Place. If pets affect the health of others, they should not be allowed. It deters her from helping others because she can't walk around the building.
7. Debra West - What is the emergency disaster plan? Police are not around as were previously. Pet rules are not equally enforced. Some landlords allow pets. Some do not.
8. Elvin Allen - Drug dealing and disturbing of neighborhoods are a problem.
9. Gloria Nottingham - The police tell criminals who made complaints, so it keeps people from calling them in. She asked about what is going to be done for Section 8 participants, to make landlords accountable for criminal activities in their area (complexes)? Could the program make the landlords accountable, e.g., make them aware of expectations?
10. Valeria Hannah - Some people have to take a stand. Complain until the police take action. Have a community meeting.
11. Alice Taylor - We need to get rid of community prostitutes.
12. David Nitzke - Has problems getting around in the street in his wheelchair. In some areas, the street is the only way available for him to go.
13. Essie Hackney - How were flat rents set? They appear to be high. Should the hearing officer that handles grievances be on DHA's payroll? I don't think they should be on the payroll. I don't like evictions to occur, if a person fails to appear at their hearing. The mail sometimes does not deliver letters. A letter should be hand delivered, if after sending a letter the resident does not appear/ respond to the one mailed. Community Police should be available at night. The recommended Pet Policy deposit of \$300 is too high. Our residents are low income and cannot afford to pay that much. How is the fine for clean up after pets, in the yards, going to be enforced?
14. Phyllis Moore - If drug evicted persons are allowed to come back to DHA, they should be required to be in a program.
15. Essie Hackney - There should be a program to allow families to house someone on a temporary basis, in cases of emergencies.
16. David Nitzke - Why are health programs short term?
17. Darlene Smith - I am concerned about where pets will use the toilet in the communities, especially in

areas where the houses are in close proximities to each others.

Public Housing Drug Elimination Program Plan

Note: THIS PHDEP Plan template (HUD 50075-PHDEP Plan) is to be completed in accordance with Instructions located in applicable PIH Notices.

Annual PHDEP Plan Table of Contents:

1. General Information/History
2. PHDEP Plan Goals/Budget
3. Milestones
4. Certifications

Section 1: General Information/History

- A. Amount of PHDEP Grant \$ 467,593
- B. Eligibility type (Indicate with an "x") N1 _____ N2 _____ R X _____
- C. FFY in which funding is requested 2000
- D. Executive Summary of Annual PHDEP Plan

In the space below, provide a brief overview of the PHDEP Plan, including highlights of major initiatives or activities undertaken. It may include a description of the expected outcomes. The summary must not be more than five (5) sentences long

The Durham Housing Authority's PHDEP Plan's major initiatives include management practices that promptly evict families involved in drug activity, police patrol teams in each community on a full time daily basis, as well as additional recreational activities for the youth and expanded job training opportunities for family members. There will be increased resident involvement throughout program planning and decision making.

E. Target Areas

Complete the following table by indicating each PHDEP Target Area (development or site where activities will be conducted), the total number of units in each PHDEP Target Area, and the total number of individuals expected to participate in PHDEP sponsored activities in each Target Area.

PHDEP Target Areas (Name of development(s) or site)	Total # of Units within the PHDEP Target Area(s)	Total Population to be Served within the PHDEP Target Area(s)
Comwallis Road	200	627
McDougald Terrace	360	1020
Few Gardens	240	599
Liberty Street	108	235
Fayetteville Street	200	623
Oldham Towers	106	108
J. J. Henderson	178	177

F. Duration of Program

Indicate the duration (number of months funds will be required) of the PHDEP Program proposed under this Plan (place an "x" to indicate the length of program by # of months. For "Other", identify the # of months).

6 Months _____ 12 Months _____ 18 Months _____ 24 Months X Other _____

G. PHDEP Program History

Indicate each FY that funding has been received under the PHDEP Program (place an "x" by each applicable Year) and provide amount of funding received. If previously funded programs have not been closed out at the time of this submission, indicate the fund balance and anticipated completion date. For grant extensions received, place "GE" in column or "W" for waivers.

Section 2. PHDEP Plan Goals and Budget

A. PHDEP Plan Summary

In the space below, summarize the PHDEP strategy to address the needs of the target population/target area(s). Your summary should briefly identify: the broad goals and objectives, the role of plan partners, and your system or process for monitoring and evaluating PHDEP-funded activities. This summary should not exceed 5-10 sentences.

B. PHDEP Budget Summary

Enter the total amount of PHDEP funding allocated to each line item.

Budget Line Item	Total Funding
9110 - Reimbursement of Law Enforcement	
9120 - Security Personnel	
9140 - Voluntary Tenant Patrol	
9150 - Physical Improvements	
9170 - Drug Intervention	
9180 - Drug Treatment	
TOTAL PHDEP FUNDING	

A. PHDEP Plan Goals and Activities

In the tables below, provide information on the PHDEP strategy summarized above by budget line item. Each goal and objective should be numbered sequentially for each budget line item (where applicable). Use as many rows as necessary to list proposed activities (additional rows may be inserted in the tables). PHAs are not required to provide information in shaded boxes. Information provided must be concise—not to exceed two sentences in any column. Tables for line items in which the PHA has no planned goals or activities may be deleted.

9110 - Reimbursement of Law Enforcement						Total PHDEP Funding: \$	
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount/Source)	Performance Indicators
1.							
2.							
3.							

9120 - Security Personnel						Total PHDEP Funding: \$	
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount/Source)	Performance Indicators
1.							
2.							
3.							

9130 - Employment of Investigators						Total PHDEP Funding: \$	
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount/Source)	Performance Indicators
1.							
2.							
3.							

9140 - Voluntary Tenant Patrol						Total PHDEP Funding: \$	
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount/Source)	Performance Indicators
1.							

2.							
3.							

9150 - Physical Improvements					Total PHDEP Funding: \$		
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount /Source)	Performance Indicators
1.							
2.							
3.							

9160 - Drug Prevention					Total PHDEP Funding: \$		
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount /Source)	Performance Indicators
1.							
2.							
3.							

9170 - Drug Intervention					Total PHDEP Funding: \$		
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount /Source)	Performance Indicators
1.							
2.							
3.							

9180 - Drug Treatment					Total PHDEP Funding: \$		
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHEDEP Funding	Other Funding (Amount /Source)	Performance Indicators
1.							
2.							

3.							
----	--	--	--	--	--	--	--

9190 - Other Program Costs						Total PHDEP Funds: \$	
Goal(s)							
Objectives							
Proposed Activities	# of Persons Served	Target Population	Start Date	Expected Complete Date	PHDEP Funding	Other Funding (Amount /Source)	Performance Indicators
1.							
2.							
3.							

Section 3 Expenditure/Obligation Milestones

Indicate by Budget Line Item and the Proposed Activity (based on the information contained in Section 2 PHDEP Plan Budget and Goals), the % of funds that will be expended (at least 25% of the total grant award) and obligated (at least 50% of the total grant award) within 12 months of grant execution.

Budget Line Item #	25% Expenditure of Total Grant Funds By Activity #	Total PHDEP Funding Expended (sum of the activities)	50% Obligation of Total Grant Funds by Activity #	Total PHDEP Funding Obligated (sum of the activities)
<i>e.g Budget Line Item # 9120</i>	<i>Activities 1, 3</i>		<i>Activity 2</i>	
9110				
9120				
9130				
9140				
9150				
9160				
9170				
9180				
9190				
TOTAL		\$		\$

Section 4 Certifications

A comprehensive certification of compliance with respect to the PHDEP Plan submission is included in the "PHA Certifications of Compliance with the PHA Plan and Related Regulations."