



# PHA Plans

5 Year Plan for Fiscal Years 2001 - 2005  
Annual Plan for Fiscal Year 2001

**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:** Springfield Metropolitan Housing Authority

**PHA Number:** OH021

**PHA Fiscal Year Beginning:** 10/2001

**Public Access to Information**

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

- X 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)

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

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

**5-YEAR PLAN**  
**PHA FISCAL YEARS 2001 - 2005**  
[24 CFR Part 903.5]

**A. Mission**

- X The PHA's mission is: To provide decent, safe and sanitary affordable housing and to promote among the residents we service Economic independent, pride in the Community, Self-Sufficiency, Self Worth, Upward Mobility and their participation in the economic and political system of the Springfield and Clark County.

**B. Goals**

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

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

- X PHA Goal: Expand the supply of assisted housing  
Objectives:
- X Apply for additional rental vouchers: Mainstream, Family Unification, Housing Choice and others when available.
  - X Reduce public housing vacancies: By half over 3 years to 25 (<3%)  
Leverage private or other public funds to create additional housing opportunities:  
Acquire or build units or developments  
Other (list below)
- X PHA Goal: Improve the quality of assisted housing  
Objectives:
- X Improve public housing management: (PHAS score) by 10% next year.
  - X Improve voucher management: (SEMAP score) by 5% next year.
  - X Increase customer satisfaction: All scores over 80% by next year.
  - X Concentrate on efforts to improve specific management functions: ( unit turnaround (reduce to under 60 days next year), emergency work order follow-up (99% done within 24 hours next year versus 95% this year), economic self-sufficiency (develop programs and meet goals next year) and rent reasonableness databases in the Housing Voucher Program (populate complete database and utilize information)).

- X Renovate or modernize public housing units: All units not subject to Demo/Dispo.
- X Demolish or dispose of obsolete public housing: Not yet designated; scattered site units older than 1978 and far too costly to maintain; elderly units no longer meeting the demographic needs of our clients. Provide replacement public housing:  
Provide replacement vouchers:  
Other: (list below)
  
- X PHA Goal: Increase assisted housing choices  
Objectives:
  - X Provide voucher mobility counseling: At each briefing session.
  - X Conduct outreach efforts to potential voucher landlords 3 times per year.
  - X Increase voucher payment standards by maintaining 110% of FMR
  - X Implement voucher homeownership program: Design and implement program this year.
  - X Implement public housing or other homeownership programs: Design program this year.  
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**

- X PHA Goal: Provide an improved living environment  
Objectives:
  - X Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments: Collect data & analyze; develop strategies this year. Implement next year.
  - X Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments: (Same as above).
  - X Implement public housing security improvements:
  - X Designate developments or buildings for particular resident groups (elderly, persons with disabilities) Modify existing designation and submit for approval.  
Other: (list below)

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

- X PHA Goal: Promote self-sufficiency and asset development of assisted households  
Objectives:
  - X Increase the number and percentage of employed persons in assisted families: Analyze and develop strategies this year. Implement next year.  
Provide or attract supportive services to improve assistance recipients' employability:
  - X Provide or attract supportive services to increase independence for the elderly or families with disabilities: Document need and design strategies accordingly for this year. Implement next year.  
Other: (list below)

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

- X PHA Goal: Ensure equal opportunity and affirmatively further fair housing  
Objectives:
  - X Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability: Target advertisements to achieve fair housing goals.  
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. Be proactive in avoiding potential litigation situations. Resolve existing cases this year and incur no additional cases.**

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

**i. Annual Plan Type:**

- X     **Standard Plan: Focus on improving curb appeal. Monitor Maintenance Plan execution to ensure procedures for routine checks of developments Address curb appeal issues. Improve sites by resolving findings on physical inspections from REAC. Focuses on monitoring HA progress to Ensure achievements of goals are sustained and required reports are submitted on time. Focus on maintaining a 95% occupancy rate and 30-day unit turnaround rate, improving applicant screening and improve marketing efforts. Discretionary policies maybe implemented in the future.**

**Streamlined Plan:**

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

**Troubled Agency Plan**

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

[24 CFR Part 903.7 9 (r)]

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

**The Springfield Metropolitan Housing Authority (SMHA) is presently recovering from two years of troubled status. Improving basic operations, infrastructure, and customer service are the highest priorities for the foreseeable future. Project-based management, a preventive maintenance program, and increased professionalism among the staff are to be implemented during the next year in order to provide higher levels of service to our residents and the community.**

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

[24 CFR Part 903.7 9 (r)]

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

#### **Table of Contents**

	<u>Page #</u>
<b>Annual Plan</b>	
i. Annual Plan Type	4
ii. Executive Summary	4
iii. Table of Contents	5
1. Housing Needs	8
2. Financial Resources	14
3. Policies on Eligibility, Selection and Admissions	15
4. Rent Determination Policies	25
5. Operations and Management Policies	29
6. Grievance Procedures	30
7. Capital Improvement Needs	31
8. Demolition and Disposition	33
9. Designation of Housing	34
10. Conversions of Public Housing	37
11. Homeownership	38
12. Community Service Programs	40
13. Crime and Safety	43
14. Pets (Inactive for January 1 PHAs)	45
15. Civil Rights Certifications (included with PHA Plan Certifications)	45
16. Audit	45
17. Asset Management	45
18. Other Information	46

#### **Attachments**

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

**SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

**Required Attachments:**

- Admissions Policy for Deconcentration
- X FY 2001 Capital Fund Program Annual Statement
- X Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

**Optional Attachments:**

- X PHA Management Organizational Chart
- X FY 2001 Capital Fund Program 5 Year Action Plan
- X Public Housing Drug Elimination Program (PHDEP) Plan
- X Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- Other (List below, providing each attachment name)

**Supporting Documents Available for Review**

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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
XX	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
XX	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
XX	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
XX	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
XX	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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
XX	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
XX	Public housing rent determination policies, including the methodology for setting public housing flat rents X check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
XX	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
XX	Section 8 rent determination (payment standard) policies X check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
XX	Public housing grievance procedures X check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
XX	Section 8 informal review and hearing procedures X check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
XX	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
N/A	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
XX	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
N/A	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
XX	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	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
XX	Policies governing any Section 8 Homeownership program <input type="checkbox"/> 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
XX	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
XX	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
XX	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
XX	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 903.79 (a)]

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

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

<b>Housing Needs of Families in the Jurisdiction by Family Type</b>							
<b>Family Type</b>	<b>Overall</b>	<b>Afford-ability</b>	<b>Supply</b>	<b>Quality</b>	<b>Access-ibility</b>	<b>Size</b>	<b>Loca-tion</b>

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	2,882	5	5	5	N/A	5	3
Income >30% but <=50% of AMI	1,478	3	4	3	N/A	3	N/A
Income >50% but <80% of AMI	2,540	2	2	2	N/A	2	N/A
Elderly	1,062*	2	1	1	N/A	1	N/A
Families with Disabilities	33	5	5	5	5	5	N/A
White	5,280	1	N/A	N/A	N/A	N/A	N/A
Black	1,576	1	N/A	N/A	N/A	N/A	N/A
Race/Ethnicity							
Race/Ethnicity							

\*Information taken from page 31 & 32 of the Consolidated Plan and represents rental households only.

DNA= Does Not Apply

N/A= Not available

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: 2001

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)

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

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

Housing Needs of Families on the Waiting List					
Waiting list type: (select one)					
<input type="checkbox"/> Section 8 tenant-based assistance					
XX 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
	Public Housing	Section 8	Public Housing	Section 8	
Waiting list total	326	909	100 %		
Extremely low income <=30% AMI	307	871	94%	96%	
Very low income (>30% but <=50% AMI)	13	36	4 %	4%	
Low income (>50% but <80% AMI)	1	1	0 %	0%	
Families with children	228	712	70%	79%	
Elderly families	7		21%		
Families with Disabilities	39	161	12%	18%	
Race/ethnicityWhite	190	604	58%	66%	
Race/ethnicityBlack	136	301	42%	33%	
Race/ethnicityOther		4		4%	
Race/ethnicity					
Characteristics by Bedroom Size (Public Housing Only)					

<b>Housing Needs of Families on the Waiting List</b>			
1BR	98	30%	
2 BR	197	60%	
3 BR	21	64%	
4 BR	9	28%	
5 BR	1	0%	
5+ BR	N/A	N/A	
Is the waiting list closed (select one)? XX No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes			

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

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

Analyze market data collection during preparation of the PHA Plan to determine target markets. Improve advertising by placing advertisements in the newspaper, flyers and brochures. Restructure elderly designation. There doesn't seem to be the same need for elderly housing as there was 5 years ago. This process will involve the residents, staff and the Board of Commissioners. Improve curb appeal and customer service.

We have selected this strategy because the only way to properly market the units is by having available what the community needs. Advertising the units is the only way to inform the community of what we have to offer. Curb appeal is the first thing that attracts a person to your property. Once we have housed a resident the only way to keep them happy is by providing good customer service.

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

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

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

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- X Reduce turnover time for vacated public housing units
- X 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:**

Select 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**

Select 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**

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

Select 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**

Select 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 903.7 9 (b)]

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

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2001 grants)</b>		
a) Public Housing Operating Fund	1,301,970	
b) Public Housing Capital Fund	1,584,020	
c) HOPE VI Revitalization	0	

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
d) HOPE VI Demolition	0	
e) Annual Contributions for Section 8 Tenant-Based Assistance	4,163,427	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	203,779	
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant	0	
i) HOME	0	
Other Federal Grants (list below)	0	
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
501-00 Unobligated as of 5/31/2001	979,000	
<b>3. Public Housing Dwelling Rental Income</b>	1,279,744	
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>		
<b>Total resources</b>	9,308,161	

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

[24 CFR Part 903.7 9 (c)]

## **A. Public Housing**

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

### **(1) Eligibility**

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

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (30 days)
- Other: (describe)

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

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

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

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

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

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

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

- Community-wide list
- Sub-jurisdictional lists
- Site-based waiting lists
- Other (describe) A separate one bedroom waiting list is being maintained for the participants of the HOME(Helping Our Men Excel) program. 6 – 12 units will be designated for this program and the maximum number of applicants on the waiting list at any given time will only fill the vacant units set aside for this program. These applicants are referred to the HA by the Springfield Urban League. These applicants will also be allowed to be placed on the Community-wide list.

- 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? 1
  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. X Yes  No: May families be on more than one list simultaneously  
If yes, how many lists? Any/All
  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
  - X Two
  - Three or More
- b. X 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:

X 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)

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

c. Preferences

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

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

Former Federal preferences:

- X Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)  
Victims of domestic violence  
Substandard housing
- X 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
- X 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
- X Other preference(s) (list below)

1. Any family whose child has lead poisoning at 20 mg/kg levels.
2. Families with employment income who pay more than 40% of their income for rent and utilities.
3. Women recovering from drug or alcohol addictions who have successfully completed a rehabilitation program and need to be reunited with their children.

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.

#### 1 Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- 2  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
- X 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)

- X The PHA-resident lease
- X The PHA's Admissions and (Continued) Occupancy Policy
- X 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)

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

**(6) Deconcentration and Income Mixing**

a.  Yes X 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?

Note: SMHA data systems were not capable of collecting data on this basis until October, 2000. Data collection has begun and analysis of the data would indicate which strategies will be most effective in achieving deconcentration.

b. X 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:
- X Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments  
If selected, list targeted developments below:
- Employing new admission preferences at targeted developments

If selected, list targeted developments below:

X Other (list policies and developments targeted below) 21-1 and 21-6  
PHA will allow occupancy standards of overhousing higher income families with the understanding they may be required to move, with 30 days notice, if there are no other units of that size available and there is a family in need of that size unit on the waiting list.

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

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

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

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

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

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

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

## **B. Section 8**

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

### **(1) Eligibility**

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

- 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)

**(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: 30 day extension when documented difficulty in locating a suitable unit.

**(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). Families who are working, elderly or displaced paying more than 40% of their income for rent and utilities. Women who are recovering from drug and alcohol abuse and who have successfully completed a drug or alcohol rehabilitation program so they can be reunited with their families.

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.

1 Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- 2  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
- 2 Other preference(s) (list below) same as other preferences on page 23.

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

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

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

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

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

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

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

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

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

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

- X Through published notices
- Other (list below)

**4. PHA Rent Determination Policies**

[24 CFR Part 903.7 9 (d)]

**A. Public Housing**

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

**(1) Income Based Rent Policies**

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

a. Use of discretionary policies: (select one)

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

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

See Attached

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

1. X 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:

Existing ceiling rents are used to set fixed rents.

Minimum Rent

Rent Phase In (see attached)

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

- X For the earned income of a previously unemployed household member  
 For increases in earned income  
 Fixed amount (other than general rent-setting policy)  
If yes, state amount/s and circumstances below:

- Fixed percentage (other than general rent-setting policy)  
If yes, state percentage/s and circumstances below:

- For household heads  
 For other family members  
 For transportation expenses  
 For the non-reimbursed medical expenses of non-disabled or non-elderly families  
 Other (describe below)

e. Ceiling rents

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

- Yes for all developments
- Yes but only for some developments
- No

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

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

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

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

f. Rent re-determinations:

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

- Never
- At family option
- Any time the family experiences an income increase
- Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold) \$100.00 monthly aggregate.
- Other (list below)

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

## **(2) Flat Rents**

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)
- The section 8 rent reasonableness study of comparable housing
  - Survey of rents listed in local newspaper
  - Survey of similar unassisted units in the neighborhood
  - Other (list/describe below)  
95<sup>th</sup> Percentile Rents

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

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

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

Describe the voucher payment standards and policies.

- a. What is the PHA's payment standard? (select the category that best describes your standard)
- At or above 90% but below 100% of FMR
  - 100% of FMR
  - Above 100% but at or below 110% of FMR
  - Above 110% of FMR (if HUD approved; describe circumstances below)
- b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)
- FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
  - The PHA has chosen to serve additional families by lowering the payment standard
  - Reflects market or submarket
  - Other (list below)

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

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

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

- 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** : SMHA is in the process of evaluating the increase of minimum rent to \$50.00. If the HA decides to increase the minimum rent the increase will be effective 10/1/01.

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 903.7 9 (e)]

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

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

Describe the PHA's management structure and organization.

(select one)

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

<b>Program Name</b>	<b>Units or Families Served at Year Beginning 2001</b>	<b>Expected Turnover</b>
Public Housing	836	29%
Section 8 Vouchers	430	20%
Section 8 Certificates	516	20%
Section 8 Mod Rehab		
Special Purpose Section 8 Certificates/Vouchers (list individually)	Shelter Care Plus McKinney/HOME – 2 New Construction – 32 Tenant Based Assistance - 14	
Public Housing Drug Elimination Program (PHDEP)	836	
Family Self Sufficiency		
Other Federal Programs(list individually)		

**C. Management and Maintenance Policies**

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

1. Personnel Policy

2. Procurement Policy
3. Admissions Continuing Occupancy Plan
4. Investment Policy
5. Fixed Asset Policy
6. Maintenance Procedural Manual
7. Rent Collection Policy
8. Grievance Policy
9. HUD Handbooks
  - a. 7420.3 Section 8 Housing Assistance Payments Program
  - b. 7485.3G Comprehensive Grant Program Guidebook
  - c. 7460.8 Procurement Handbook for PIH
  - d. 7465.1 Public Housing Occupancy Handbook

## **6. PHA Grievance Procedures**

[24 CFR Part 903.7 9 (f)]

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

### **A. Public Housing**

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

If yes, list additions to federal requirements below:

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

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

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

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

If yes, list additions to federal requirements below:

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)
- X PHA main administrative office
- Other (list below)

## **7. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

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

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

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

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

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

Select one:

- X The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment 3

-or-

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

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

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

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

b. If yes to question a, select one:

The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment 3

-or-

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

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

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

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

1. Development name:

2. Development (project) number:

3. Status of grant: (select the statement that best describes the current status)

- Revitalization Plan under development
- Revitalization Plan submitted, pending approval
- Revitalization Plan approved
- Activities pursuant to an approved Revitalization Plan underway

Yes   No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?

If yes, list development name/s below: Lincoln Park

Yes X No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? Not anticipated. If yes, list developments or activities below: Public-private partnerships are under serious consideration at this time.

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

There is a potential for de minimus (5 units or less per year) demolition or disposition of public housing units based on non-viability. This is being framed as a strategic issue for the Board of Commissioners and no action is expected in FY 2001.

**8. Demolition and Disposition**

[24 CFR Part 903.7 9 (h)]

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

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

<b>Demolition/Disposition Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. Activity type: Demolition <input type="checkbox"/>	
Disposition <input type="checkbox"/>	
3. Application status (select one)	
Approved <input type="checkbox"/>	
Submitted, pending approval <input type="checkbox"/>	
Planned application <input type="checkbox"/>	
4. Date application approved, submitted, or planned for submission: (DD/MM/YY)	
5. Number of units affected:	

6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: b. Projected end date of activity:

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

[24 CFR Part 903.7 9 (i)]

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

SMHA currently has an approved designation plan that expires in July 2001 however we will be submitting a revised designation plan for approval.

1. X 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

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

<b>Designation of Public Housing Activity Description</b>
1a. Development name: Cole Manor 1b. Development (project) number: OH 16P021-002
2. Designation type: Occupancy by only the elderly X Occupancy by families with disabilities Occupancy by only elderly families and families with disabilities
3. Application status (select one)

<p>Approved; included in the PHA's Designation Plan X  Submitted, pending approval  Planned application</p>
4. Date this designation approved, submitted, or planned for submission: <u>(7/2001)</u>
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 150 7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development

<b>Designation of Public Housing Activity Description</b>
1a. Development name: Grayhill Homes 1b. Development (project) number: OH 16P021-003
2. Designation type: Occupancy by only the elderly X Occupancy by families with disabilities Occupancy by only elderly families and families with disabilities
3. Application status (select one) Approved; included in the PHA's Designation Plan X Submitted, pending approval Planned application
4. Date this designation approved, submitted, or planned for submission: <u>(7/2001)</u>
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 105 7. Coverage of action (select one) Part of the development <input checked="" type="checkbox"/> Total development

<b>Designation of Public Housing Activity Description</b>
1a. Development name: Hugh Taylor Apartments 1b. Development (project) number: OH 16P021-005
2. Designation type: Occupancy by only the elderly X Occupancy by families with disabilities Occupancy by only elderly families and families with disabilities
3. Application status (select one) Approved; included in the PHA's Designation Plan X Submitted, pending approval

Planned application
4. Date this designation approved, submitted, or planned for submission: <u>(7/2001)</u>
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 105
7. Coverage of action (select one) Part of the development <input checked="" type="checkbox"/> Total development

<b>Designation of Public Housing Activity Description</b>
1a. Development name: Robert C. Henry Homes
1b. Development (project) number: OH 16P021-008
2. Designation type: Occupancy by only the elderly <input checked="" type="checkbox"/> Occupancy by families with disabilities Occupancy by only elderly families and families with disabilities
3. Application status (select one) Approved; included in the PHA's Designation Plan <input checked="" type="checkbox"/> Submitted, pending approval Planned application
4. Date this designation approved, submitted, or planned for submission: <u>(9/7/1996)</u>
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 50
7. Coverage of action (select one) Part of the development <input checked="" type="checkbox"/> Total development

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

[24 CFR Part 903.7 9 (j)]

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

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

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

completing streamlined submissions may skip to component 11.)

2. Activity Description

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

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

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

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

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

[24 CFR Part 903.7 9 (k)]

**A. Public Housing**

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

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

2. Activity Description

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

**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. X 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

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

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

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

b. PHA-established eligibility criteria

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

If yes, list criteria below:

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

[24 CFR Part 903.7 9 (l)]

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

SMHA is in the process of reviewing how to implement the Community Service requirement.

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

1. Cooperative agreements:

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

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

1. Other coordination efforts between the PHA and TANF agency (select all that apply) SMHA is in the process of establishing a partnership with the local TANF agency. This partnership will allow information sharing between agencies.

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
- Preference/eligibility for section 8 homeownership option participation
- Other policies (list below)

b. Economic and Social self-sufficiency programs

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

<b>Services and Programs</b>				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
<i>Family Self Sufficiency</i>	<i>88</i>	<i>Specific criteria</i>	<i>PHA main office</i>	<i>Section 8</i>

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

a. Participation Description

<b>Family Self Sufficiency (FSS) Participation</b>		
Program	Required Number of Participants (start of FY 2001 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8	44	44 as of 31 May 2001

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

If no, list steps the PHA will take below:

**C. Welfare Benefit Reductions**

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- X Adopting appropriate changes to the PHA's public housing rent determination policies and training staff to carry out those policies
- X Informing residents of new policy on admission and reexamination
- Actively notifying residents of new policy at times in addition to admission and reexamination.
- X Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other: (list below)

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

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

[24 CFR Part 903.7 9 (m)]

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

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

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

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

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

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

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

Lincoln Park, Woodford

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

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

- Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities

- Crime Prevention Through Environmental Design
- Activities targeted to at-risk youth, adults, or seniors
- Volunteer Resident Patrol/Block Watchers Program
- Other (describe below)

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

**Lincoln Park, Woodford**

**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)

**Lincoln Park, Woodford**

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

PHAs eligible for FY 2001 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- X Yes  No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- X Yes  No: Has the PHA included the PHDEP Plan for FY 2001 in this PHA Plan?
- X Yes  No: This PHDEP Plan is an Attachment. (Attachment Filename: \_\_\_\_)

**14. RESERVED FOR PET POLICY**

[24 CFR Part 903.7 9 (n)]

Appendix XIX of A.C.O.P. attached in the Index

**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. X 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. X Yes  No: Was the most recent fiscal audit submitted to HUD? FY 1999
3. X Yes  No: Were there any findings as the result of that audit?
4. X Yes  No: If there were any findings, do any remain unresolved?  
If yes, how many unresolved findings remain? 3
5. Yes X No: Have responses to any unresolved findings been submitted to HUD?  
If not, when are they due (state below)? J

## **17. PHA Asset Management**

[24 CFR Part 903.7 9 (q)]

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

1. X 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  
X Development-based accounting  
X Comprehensive stock assessment  
 Other: (list below)
3.  Yes X No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

## **18. Other Information**

[24 CFR Part 903.7 9 (r)]

**RAB Members: David Downing, Phyllis Palmer, and Jan Ayers.**

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

1. Yes  XNo: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?
  
2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)  
 Attached at Attachment (File name)  
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. r.e. Pet Policy  
The PHA changed portions of the PHA Plan in response to comments  
List changes below:

Capital Grant reflects concerns of residents regarding improvements. Elevator modernization is a top priority. Raising skill level of maintenance staff is a high priority and additional laborers who do custodial work and groundskeeping have been hired.

Other: (list below)

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

1.  Yes X 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. X 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) Any duly-elected resident council officer.

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) Any duly-elected resident council officer.

### **Other Comments:**

Currently there aren't any vacancies on the SMHA Board. The first opportunity we have to fulfill this requirement will not occur until July 2001. Mayor Warren Copeland (City Commission) has expressed his commitment to appoint a resident to fill this vacancy resident. The SMHA has forwarded a resident board candidate to the Mayor to be appointed to the vacant board seat. It is anticipated that he will appoint this candidate to this board seat before the August, 2001 meeting.

Attached is a list of the SMHA Board Members and their term appointments.

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

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

1. Consolidated Plan jurisdiction: City of Springfield, Ohio.

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)

X 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.

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

X 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) Working cooperatively with SMHA to further common goals.

**D. Other Information Required by HUD**

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

## **Attachments**

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

- Attachment 1: Admissions and Continued Occupancy Policy
- Attachment 2: Deconcentration and Income Mixing
- Attachment 3: Administrative Plan
- Attachment 4: Capital Plan, CGP Annual Statement/Performance Evaluation Reports, and Five Year Action Plan
- Attachment 5: Operating Budget
- Attachment 6: Public Housing Drug Elimination Program Plan (PHDEP)
- Attachment 7: PHA Management Organizational Chart
- Attachment 8: Certifications and Approvals



# PHA Plan Table Library

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

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

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

Original Annual Statement

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

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

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

**Annual Statement**

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

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

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

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

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



**Component 3, (6) Deconcentration and Income Mixing**

a. X Yes  No: Does the PHA have any general occupancy (family) public housing developments covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.

b. X Yes  No: Do any of these covered developments have average incomes above or below 85% to 115% of the average incomes of all such developments? If no, this section is complete.

If yes, list these developments as follows:

<b>Deconcentration Policy for Covered Developments</b>			
<b>Development Name:</b>	<b>Number of Units</b>	<b>Explanation (if any) [see step 4 at §903.2(c)(1)(iv)]</b>	<b>Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)]</b>
21 - 1	210	Below 85 %	See ACOP
21 - 6	32	Below 85%	See ACOP
21 - 9	30	Above 115%	Scattered Site
21 - 11	11	Above 115%	Scattered Site
21 - 13	11	Above 115%	Scattered Site
21 - 14	32	Above 115%	Scattered Site

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# **SPRINGFIELD (OH) METROPOLITAN HOUSING AUTHORITY**

FINAL DRAFT

## **ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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Adopted

Note:

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

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

## TABLE OF CONTENTS

---

	<b>Page</b>
I. GENERAL STATEMENT OF MISSION, NONDISCRIMINATION AND PRIVACY .....	1
II. ELIGIBILITY FOR ADMISSION .....	2
A. Eligibility Criteria.....	2
B. Ineligibility Because of Prior Eviction for Drug-Related Activity.....	3
C. Screening Out Illegal Drug Users and Alcohol Abusers.....	3
D. Eligibility Restrictions Regarding Noncitizens .....	4
E. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide.....	6
F. Tenant Selection Criteria .....	7
III. APPLICATION FOR ADMISSION .....	14
A. Application Intake .....	14
B. Criteria for Placement on Waiting List .....	14
C. Organization of the Waiting List.....	14
D. Maintaining an Active List.....	14
E. Responsibility to Report Changes .....	15
F. Removal from the Waiting List.....	15
G. Record Keeping.....	15
H. Eligibility Determinations .....	15
IV. SELECTION FROM THE WAITING LIST.....	18
A. Overview of Local Preferences .....	18
B. Local Preferences .....	19
C. Offer of a Unit.....	20
V. UNIT SIZE AND OCCUPANCY STANDARDS.....	21
A. Appropriate Unit Size.....	21
B. Additional Factors in Dwelling Unit Size Determination.....	22
C. Bedroom Size Determinations for Single Pregnant Individual .....	22
D. Reasonable Exceptions in Emergency Situations .....	22
E. Requirements for Live-In Aide .....	22
F. Handicap Accessible Units.....	23
VI. LEASE .....	23
A. Lease Execution. ....	23
B. Security Deposits.....	24

## TABLE OF CONTENTS (Cont'd)

	<b>Page</b>
C. Tenant Orientation .....	25
D. Dwelling unit Inspection Policy .....	25
E. Rent, Other Charges and Rent Adjustments .....	26
<b>VII. REEXAMINATION OF INCOME, ADJUSTMENTS AND FAMILY COMPOSITION .....</b>	
A. Annual Reexamination Procedures .....	27
B. Eligibility for Continuing Occupancy .....	29
C. Interim Reexaminations .....	30
D. Changes in Household Composition .....	31
E. Visitors .....	31
F. Adding New Family Members .....	32
<b>VIII. UNIT TRANSFERS.....</b>	<b>33</b>
A. Introduction .....	33
B. Types of Transfers .....	34
C. Unit Offers.....	35
D. Extended Family.....	36
E. Revision or Suspension of Transfer Policy .....	36
<b>IX. TERMINATIONS .....</b>	<b>36</b>
A. Termination Notices .....	36
B. Reasons for Termination .....	37
C. Written Records.....	38
D. Abandonment of the Unit.....	39
<b>X. POSTING REQUIREMENTS/REVISIONS .....</b>	<b>39</b>
A. Posting Requirements.....	39
B. Revisions .....	39
<b>XI. REVISION OF OCCUPANCY POLICY RESULTING FROM CHANGES IN LOCAL, STATE, OR FEDERAL LAW OR REGULATION .....</b>	<b>40</b>
<b>XII. MISREPRESENTATION.....</b>	<b>40</b>
<b>XIII. GRIEVANCE PROCEDURE .....</b>	<b>40</b>
<b>XIV. PET POLICY .....</b>	<b>41</b>

**TABLE OF CONTENTS (Cont'd)**

**Page**

XV. RELOCATION .....	41
XVI. DECONCENTRATION RULE .....	41
XVII. CLOSING OF FILES AND PURGING INACTIVE FILES .....	42
XVIII. PROGRAM MANAGEMENT PLAN -Organization Plan .....	42
XIX. ADDITIONAL HA POLICIES AND CHARGES .....	42

**APPENDICES**

APPENDIX A: UTILITY ALLOWANCES .....	i
APPENDIX B: INFORMAL REVIEW PROCEDURES.....	ii
APPENDIX C: GLOSSARY OF TERMS .....	iv
APPENDIX D: INCOME LIMITS .....	xviii
APPENDIX E: RENT COLLECTION POLICY .....	xix
APPENDIX F: PET POLICY .....	xxi
APPENDIX G. CRIMINAL TRESPASS POLICY .....	xxiv
APPENDIX H. MAINTENANCE CHARGES FOR TENANT DAMAGE/NEGLECT ...	xxx
APPENDIX I. RESIDENT GRIEVANCE PROCEDURE.....	xxxii

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# POLICY ON ADMISSIONS AND CONTINUED OCCUPANCY

## **I. GENERAL STATEMENT OF MISSION, NONDISCRIMINATION AND PRIVACY**

It is the intent of the Springfield (OH) Metropolitan Housing Authority (hereinafter referred to as SMHA, the Public Housing Authority or the PHA) to provide safe, decent housing for lower income tenants and families which is conducive to healthful living. SMHA will not discriminate because of race, color, gender, sexual preference, religion, age, disability, national origin or familial status in the leasing, rental, or other disposition of housing or related facilities (including property) including any housing development(s) under its jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

It is the policy of SMHA to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968, amended by the Community Development Act of 1974, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disability Act, and any other legislation protecting the individual rights of tenants, applicants, or staff, which may subsequently be enacted.

The Public Housing Authority shall not automatically deny admission to any particular group or category of otherwise eligible families nor will any criteria be applied, or information be considered, pertaining to attributes or behavior that may be imputed by some to a particular group or category. All criteria applied and information considered in administering this policy shall relate solely to the attributes and behavior of the individual members of the household.

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

SMHA is committed to identifying and eliminating situations which create barriers to equal housing for all. In accordance with the Americans with Disability Act and Section 504 of the Rehabilitation Act of 1973 as amended, SMHA will make such procedural, administrative,

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locational, or physical changes as will reasonably accommodate persons with disability and which do not impose an unreasonable burden either administratively or financially on the Housing Authority.

## **II. ELIGIBILITY FOR ADMISSION**

### **A. Eligibility Criteria**

It is the policy of SMHA to admit only eligible applicant families according to the following criteria:

1. Those who qualify as a family, single person, elderly person, near-elderly person, displaced person or remaining adult member of a tenant family (See Appendix C- Glossary of Terms).
2. Those whose annual income at the time of admission does not exceed the income limits or guidelines as prescribed by HUD for federally-assisted housing. A copy of the most current income limits or guidelines shall be conspicuously posted at SMHA's offices.
3. Those whose members age 6 or older have been issued a Social Security Number (SSN) and have disclosed it to the satisfaction of SMHA. Where a SSN has not been assigned, certification to that effect must be executed.
4. Those whose members are U.S. Citizens or noncitizens who have eligible immigration status.
5. Those whose household composition is appropriate for the housing types and unit sizes available in SMHA developments in accordance with the occupancy standards outlined herein (For definition of housing type, see Appendix C - Glossary of Terms).
6. Those who do not maintain another residence in addition to a SMHA unit.
7. Those whose members have not committed fraud in connection with any Federal Housing Assistance program.
8. Those whose members have not been evicted from public housing, Indian Housing, Section 23, or any Section 8 program because of criminal and/or drug-related criminal activity for a three-year period beginning the date of the eviction (See Section II B).

- 
9. Those who meet or exceed the tenant selection criteria outlined in this Policy.
  10. Those who have been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of the public housing project are denied for life.

B. Ineligibility Because of Prior Eviction for Criminal and/or Drug-Related Criminal Activity

1. Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Pursuant to federal law, persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing at SMHA for a three-year period beginning on the date of such eviction.
2. Applicants are denied admission for life who have been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of the public housing project. Premises is defined as the building or complex in which the dwelling is located, including common areas and grounds.
3. SMHA may waive at its sole discretion this restriction except for number 2 above, if the applicant can demonstrate to the satisfaction of SMHA that:
  - a. the person successfully completed a rehabilitation program approved by SMHA, or
  - b. the circumstance(s) leading to the eviction no longer exists. For example, the person involved in drugs and responsible for the eviction is no longer part of the household; and
  - c. the person is committed to being drug-free and not participating in drug-related criminal activity as evidenced by executing an addendum imposing reasonable additional lease restrictions such as enrollment in a local drug rehabilitation approved by SMHA as may be deemed necessary by SMHA to guarantee the health, safety and welfare of other residents.

C. Screening Out Illegal Drug Users and Alcohol Abusers

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1. SMHA will prohibit the admission to public housing of any person who SMHA determines is illegally using a controlled substance.
  2. SMHA will also prohibit admitting any person to public housing in cases where SMHA determines that there is reasonable cause to believe that the person abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
  3. SMHA may at its sole discretion waive the policies prohibiting admission in these circumstances if the person demonstrates to the HA's satisfaction that:
    - the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol, and
    - has successfully completed a supervised drug or alcohol rehabilitation program;
    - has otherwise been rehabilitated successfully; or
    - is participating in a supervised drug or alcohol rehabilitation program, as verified by an authority from such program.

D. Eligibility Restrictions Regarding Noncitizens

1. As required by HUD (24 CFR 5 subpart E), eligibility for assistance or continued assistance under a Section 214 program, such as public housing, is contingent upon a family's submission of documentation either declaring U.S. citizenship or eligible immigration status. SMHA will require both current tenants and applicants to submit the required citizenship or eligible immigration documentation for every household member in order to receive or continue to receive housing assistance. Documentation will be required of all new admissions at the time an application is processed by the Public Housing Authority. Any current tenant who has not already provided documentation will be required to document citizenship or immigration status at the next reexamination. It is necessary to provide this information only one time for each family member during continued occupancy at SMHA. Whenever a new family member is added, documentation must be provided before the new member can be added to the lease.
2. *Proof of citizenship will take the following form:*

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

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

3. SMHA may not make assistance available to a family applying for assistance until at least the eligibility of one family member has been established, and assistance must be prorated based on the number of individuals in the family for whom eligibility has been affirmatively established.
4. SMHA may not delay, deny, reduce or terminate eligibility of an individual for assistance on the basis of the immigration status of the individual. The family will not be penalized for delays on the part of those entities which must verify eligible immigration status.

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5. Continued assistance provided to an eligible mixed family after November 29, 1996 will be prorated based on the percentage of family members that are eligible for assistance.
  6. SMHA is required to suspend assistance to a family for a period of at least 24 months upon determining that the family has knowingly permitted an ineligible individual to reside on a permanent basis in the family's unit. This provision does not apply if the ineligible individual has already been considered in calculating any proration of assistance for the family.
  7. If SMHA discovers that citizenship information provided is expired, fraudulent, or otherwise invalid, it will notify the family or individual of the results of these findings. The family or individual will then have 30 days from the date of the notification to file an appeal with the INS to correct the problem. The family or individual must provide the Public Housing Authority a copy of the appeal request to the INS, which will become a permanent item in the tenant file. SMHA can extend this 30 day appeal period at its sole discretion if good cause is found.
  8. Any applicant or resident family affected by these provisions has the right to a formal appeal provided the family notifies SMHA, in writing, within 30 days of the action or decision the family wishes to appeal. All appeals will be conducted in accordance with the provisions of SMHA's Informal Review Procedures or Grievance Procedure, whichever applies.
  9. In accordance with Federal rules, mixed families who were living in SMHA's units on June 19, 1995, are permitted to receive continued assistance provided that either the head of household or spouse have eligible immigration status and any ineligible family members are either the head, spouse, parents, or children of the head or spouse.
  10. Families who were living in units operated by SMHA on June 19, 1995 but became ineligible for housing assistance because there are no family members with eligible immigration status may be given a temporary deferral of assistance to transfer to other housing at the discretion of the Public Housing Authority. If the temporary assistance is provided, it will be offered in six month increments and never for longer than a total of 18 months. The maximum period for temporary assistance granted prior to November 29, 1996 will be three years.
  11. Families that no longer qualify for housing assistance due to their citizenship status may apply for prorated assistance to decrease the level of housing assistance

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provided to the household based on the ratio of eligible and ineligible persons in the household.

12. Rental housing assistance is prohibited to noncitizen students and their families. None of the provisions of the rules related to prorated assistance, continued assistance, or temporary deferral of termination of assistance applies to noncitizen students. This prohibition does not include citizen spouses and their children.

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

Some applicants and tenants who would not otherwise be able to fully discharge the responsibilities of tenancy may be able to do so with the assistance of a live-in aide residing in the unit. When an applicant or tenant can provide documentation to the satisfaction of the Public Housing Authority that a live-in aide is required and available, the following provisions shall apply:

1. The live-in aide must submit information as requested and be reviewed by SMHA staff for eligibility under the Tenant Selection Criteria of this policy. If SMHA determines an individual proposed as a live-in aide to be ineligible, the tenant or applicant may propose an alternate live-in aide for screening or may appeal SMHA's determination as provided in the Informal Review Procedure (Appendix B).
2. Unit Size Consideration. The applicant or tenant and the live-in aide may each be allocated a separate bedroom.
3. The Head of household and all other adult family members who sign the lease are responsible for all acts of all household members with respect to the requirements of the dwelling lease. Any violation of lease provisions by the live-in aide may be cause for eviction of the household.
4. The live-in aide does not have rights to continue in occupancy as a remaining member of a tenant family.

F. Tenant Selection Criteria

1. The applicant household must meet or exceed the Tenant Selection Criteria established by SMHA to protect the rights and needs of the public housing communities for a decent, safe and livable environment. It is necessary to deny admission to public housing to those applicants whose habits and practices may be expected to have a detrimental effect on the tenants, the environment of the

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development or financial stability of the property. SMHA provides a decent home and suitable living environment and fosters economic and social diversity in the tenant body as a whole. Selection will be made in such a manner as:

- a. For every fiscal year, SMHA 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, the PHA is required to avoid concentrating very low income families in projects.
  - b. To maintain a tenant body in each project 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 PHA's area of operation as defined by state law.
2. General Requirements. The burden is on the applicant to demonstrate to the satisfaction of SMHA that the applicant family:
- a. Will reliably discharge the financial obligations of renting a unit; and
  - b. Will maintain the unit in a healthy, safe and secure condition; and
  - c. Will live peaceably with neighbors in a residential community; and
  - d. Will accept and abide by the terms of the lease agreement, attachments, addenda and all house rules; and
  - e. Will provide the Public Housing Authority with accurate and complete information on the application form or any other form or document required to determine initial eligibility, preference status, and continued occupancy for public housing. Failure or refusal to comply or provision of falsified information is grounds for a determination of ineligibility and for termination of tenancy and eviction.
3. Documentation. The following information related to an applicant's potential future habits or practices will be used to determine if the applicant meets SMHA's selection criteria:

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- a. The applicant's acceptable past performance in meeting financial obligations, especially rent and utilities. Positive or neutral references from the current landlord and prior landlords from the past five years (or longer if needed to get a minimum of two prior landlords) and neutral or better credit reports, together may constitute adequate evidence that the applicant household meets this criteria.

In determining an applicant's ineligibility based on a previous history on non-payment of rent, the Public Housing Authority will consider whether:

- The applicant was residing in a substandard unit and was lawfully withholding rent payments pending repairs in a manner consistent with State of Ohio Law; or
  - The record of nonpayment or frequent late payment was due to the applicant being required to pay excessive rent relative to his/her income and the applicant demonstrated responsible efforts to resolve the nonpayment problem.
- b. The applicant, members of the applicant household, guests or visitors do not have a record of disturbance of neighbors or destruction of property. Acceptable landlord references, personal references and police and court record reports showing that no household member, guest or visitor engages in these types of activities, together may constitute adequate evidence that the household meets this criteria.
- c. The applicant or members of the applicant household do not have a record of housekeeping practices which may adversely affect the health, safety or welfare of others, or cause damage to SMHA property. Acceptable landlord references and/or a satisfactory or better home visit rating may constitute adequate evidence that the household meets this criteria.
- d. The applicant or any member of the applicant household does not have a record (arrest, conviction or otherwise) of criminal activity or drug-related criminal activity on the part of any household member which would adversely affect the health, safety or right to peaceful enjoyment of others. This includes but is not limited to crimes of physical violence and violence to property. Court and police record reports showing that no household member has a record of such activity may constitute adequate evidence that the household meets this criteria. A record of criminal and drug-related criminal activity shall be defined as:

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1. One (1) conviction over the last twenty (20) years for any of the following:
    - a. murder;
    - b. rape;
    - c. child molestation.
  2. One (1) conviction over the last ten (10) years for any of the following:
    - a. illegal manufacture, sale, or distribution of a controlled substance;
    - b. any act of violence or threat of violence, including the possession of illegal firearms, and aggravated assaults;
  3. One (1) conviction over the last five (5) years for use or possession of a controlled substance.
  4. Two (2) or more arrests over the last three (3) years for any of the above.
- e . The applicant or any member of the applicant household is not a former tenant of a public housing authority, or a former participant in a Section 8 program who had a record of lease violations or whose tenancy was terminated by the Public Housing Authority or private landlord. No previous tenant may be readmitted unless all previous amounts owed have been paid to the public housing authority; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless SMHA has explicitly agreed in writing to grant eligibility upon payment of amounts due. Such agreement must be clear and unequivocal on its face.
- f. There is no reasonable cause to believe that any member of the applicant household has exhibited a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol which interfered with the health, safety, or right to peaceful enjoyment of the premises by other residents. Acceptable landlord references, personal references and court and police record reports showing that no household member has exhibited these patterns may constitute adequate evidence that the household meets this criteria.

In evaluating applicant families under this criteria, SMHA may consider information which demonstrates to the satisfaction of the Public Housing

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Authority that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- has successfully completed a supervised drug or alcohol rehabilitation program;
  - has otherwise been rehabilitated successfully; or
  - is participating in a supervised drug or alcohol rehabilitation program.
- g. The applicant is willing to accept and comply with the terms of the lease agreement and other related documents. Acceptable landlord references and a satisfactory or better home visit rating constitute adequate evidence that the household meets this test.
- h. The applicant has lived responsibly on his/her own or has the maturity necessary to do so. Indicators of maturity may include, but are not limited to: the applicant's school attendance record, handling of finances (such as bill payment) and holding a job or other community responsibility (such as volunteer work).
- i. The applicant has not misrepresented or falsified any information related to eligibility, preference status, selection criteria or income and has provided all information requested and required by SMHA. If at any time during the tenant selection process it is determined that the household has provided information which is false or misleading, or has failed to supply SMHA with any information or documentation required, the applicant household will be considered to have failed this criteria.
- j. There is no evidence relating to previous habits or practices which indicate that the applicant or any member of the applicant household would likely have a detrimental effect on the public housing community if admitted.
4. Verification Procedures. SMHA may use the following procedures to verify if the applicant meets the tenant selection criteria:
- a. References from Landlords and Prior Landlords. SMHA will obtain references from current and prior landlords for the past five years (or longer if needed to get a minimum of two prior landlords), if any, and places great importance on the information obtained from these references as prior landlords have relationships

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with prospective tenants that are similar to the relationship to be established with SMHA.

SMHA will attempt to check court records for evidence of evictions or judgements against members of the household. References from landlords who are related by blood or marriage are generally considered to be insufficient. In addition, SMHA may schedule and perform a home visit and/or attempt to interview the current housing provider and others who are familiar with the behavior and abilities of household members.

- b. *Home Visits.* SMHA staff will perform a home visit for applicants for whom landlord references of acceptable credibility and quality are not available. The purpose of the Home Visit is to obtain information to be used in determining whether the applicant household meets certain of SMHA's tenant selection criteria and will consider the following:
- i. Condition of entrance ways, halls and yards.
  - ii. Cleanliness in each room used by the household, including rooms shared with other households, if applicable.
  - iii. General care of furniture, appliances, fixtures, windows, doors and cabinets.
  - iv. Evidence of destruction of property.
  - v. Evidence of unauthorized occupants.
  - vi. Evidence of criminal activity.
  - vii. Conditions inconsistent with the information supplied in any application or other document submitted by the household.

Applicants will be given at least two days' advance verbal notice of the home visit. If the results of the home visit indicate tenant-caused health or safety hazards, tenant-caused damages, or housekeeping practices leading to infestation by pests or other tenant-caused conditions or practices which would diminish the applicant's ability to meet SMHA's lease obligations, the applicant household will be considered to have failed SMHA's tenant selection criteria.

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- c. *Police and Court Records Check.* SMHA will obtain or have the applicant obtain police and court records for all adult members of the applicant family for evidence of behavior which is relevant to the tenant selection criteria outlined herein.
  - d. *Credit Reports.* SMHA may obtain credit reports on all adult family members to determine the household's history of meeting financial obligations, especially rent and utilities. Lack of credit history will not, in itself, cause an applicant to fail this criteria.
5. Sources of Information. Sources of information that SMHA may use include but are not limited to:
- a. Members of the applicant household.
  - b. Present and prior landlords or housing providers.
  - c. Home visits.
  - d. Present and former neighbors.
  - e. Present and former employers.
  - f. Personal and professional references.
  - g. Credit bureaus.
  - h. Landlord Record services, where applicable.
  - i. Social workers, school officials, drug and alcohol treatment centers, clinics, health care providers and clergy, guidance counselors and school officials.
  - j. Police, sheriff and law enforcement agency or departments, parole officers and court records.
  - k. Department of Economic Security, Internal Revenue Service.
6. SMHA staff will be the final judge of what constitutes adequate and credible information. If there are sufficient doubts with respect to the veracity, credibility, or reliability of any information received, SMHA retains the right to pursue alternative

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sources of information until satisfied that the information received is the best available.

7. In the event that SMHA receives adverse and unfavorable information regarding an applicant household, consideration will be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct and that certain undesirable behavior will not be repeated. In making this consideration, SMHA shall consider all relevant circumstances including but not limited to:
  - a. the severity of the potentially disqualifying behavior or conduct;
  - b. the amount of time which has elapsed since the occurrence of such behavior or conduct;
  - c. the degree of danger, if any, to the health, safety, and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the behavior or conduct recurred;
  - d. the likelihood that the behavior or conduct in the future will be substantially improved.
8. Applicants who fail any of the tenant selection criteria will be sent a Notice of Rejection. These applicants will be considered ineligible for housing at SMHA and will be removed from the waiting list. After the one year period, these applicants may reapply for housing, subject to all conditions outlined herein. See Appendix B for Informal Review Procedures.
9. The Housing Authority shall maintain a record of all applicants determined ineligible as a result of the failure to meet its Tenant Selection Criteria with an indication of the specific reason(s) for the determination of ineligibility.

### **III. APPLICATION FOR ADMISSION**

#### **A. Application Intake**

SMHA will accept applications for admission to SMHA housing only during publicly announced time periods during which all interested persons may apply for admission to SMHA housing. When the number of applicants who can be served within a reasonable period of time is reached, the waiting list(s) may be closed by unit size and/or housing

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type. Notice of opening and closing of the waiting list(s) shall be made in a newspaper of general circulation and may be announced by other suitable means. When the waiting lists for one or more unit sizes or housing type are to be reopened, the Public Housing Authority will clearly state in the public announcement the procedure to be employed to determine the position of each applicant on the waiting list.

B. Criteria for Placement on Waiting List

An applicant will be assigned to the appropriate waiting list(s) according to the date and time that the formal, fully-completed application was initially received, the size and type of unit required, housing type requested, and preferences claimed and/or verified. The applicant will be notified of the assigned application number and how to check his/her status on the waiting list(s).

C. Organization of the Waiting List

Applicants will be assigned to the waiting list(s) based on the date and time of application, housing type requested, preference claimed and/or verified, unit size.

For mixed population developments and for the one bedroom units located in general occupancy properties family classifications will be prioritized on the wait lists as follows:

Priority #1:	Elderly and/or Disabled Persons and Families
Priority #2:	Near Elderly Persons and Families
Priority #3:	Single Persons

In no instance will a single person be housed before any qualified elderly, disabled, or near-elderly applicant regardless of the date and time of the application or preference.

D. Maintaining an Active List

The pool of active applicants will be kept current by requiring each applicant to inform the Housing Authority at least once annually of continued interest. SMHA will send an update letter to the applicant to the most recent address provided by the applicant, requiring the applicant to submit a form indicating continued interest and any updated information, such as change of address or household information within ten (10) days. If the applicant fails to respond within that time frame the application record will be so documented and, the applicant's name will be removed from the waiting list.

E. Responsibility to Report Changes

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Applicants on the waiting list must also report to the Public Housing Authority any changes in income, preference status, family composition, address or any other information provided on the preliminary application as they occur. Any such changes could affect the applicant's status or eligibility for housing. Any applicant knowingly providing false information or fraudulent statements affecting the applicant's status or eligibility for housing will be removed from the waiting list.

F. Removal from the Waiting List

An applicant may withdraw an application at any time. A withdrawn application cannot be reactivated and the applicant who has withdrawn an application shall be required to reapply. Any applicant removed from the waiting list by SMHA will be notified in writing of the reason(s) for which the application is being removed. Such notification shall inform the applicant of his/her right to an informal review of the determination and will be made part of the application record. The Public Housing Authority will provide the applicant, upon written request, received within ten (10) days from the date of the notification, an opportunity for an informal review of the determination of removal from the waiting list.

G. Record Keeping

The Housing Authority will keep a copy of each application received. For each applicant, the Housing Authority will document its determination that the applicant is eligible and meets admission standards, or is ineligible and does not meet admission standards, or is removed from the waiting list for any other reason. The Public Housing Authority will also maintain a record of the dwelling unit(s) offered to an eligible applicant, including the location, date, and circumstances of the offer and its acceptance or rejection. A copy of each application will become a part of a tenant's file during participation in the program. Inactive files will be maintained for a minimum of three years from the date of final action. Waiting list information will contain race or ethnic designation of head of household.

H. Eligibility Determinations

Applicants will be placed on the waiting list based on information provided on the preliminary application form.

1. Preliminary Application Form: SMHA shall utilize a preliminary application form (pre-application). The purpose of the pre-application is to permit SMHA to assess

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family eligibility or ineligibility and to determine placement on the wait list. Duplicate pre-applications, including applications from a segment of an applicant household, will not be accepted. Ineligible applicants or incomplete applications from applicants will not be placed on the waiting list. Preferences will not be verified until the applicant has been invited in for final eligibility determination.

2. If an applicant is determined to be ineligible for placement on the waiting list based on the information provided in the pre-application, the SMHA will notify the applicant in writing, state the reasons, and inform the applicant of his/her right to an informal review in accordance with Appendix B.
3. *Final Eligibility Determination:* When staff estimate that a unit will become available for applicants within the next several months, applicants in wait list order will be invited to attend an interview and submit an application for final eligibility for housing, after which the formal verification process and resident selection process will commence.
4. *Verification and Final Eligibility Determination:* Each applicant household shall be required to provide all information, documents and authorizations necessary to enable SMHA to verify the applicant's qualification for preference status, income eligibility, household composition and conformance to the Housing Authority's Tenant Selection Criteria.
  - a. The qualification for preference(s) must exist at the time the preference(s) is verified regardless of the length of time an applicant has been on the wait list because the preference is based upon current status. If the applicant fails to qualify for the preference claimed, his/her placement on the waiting list will be modified to reflect the current preference(s) and the application will be treated accordingly.
  - b. Information may be required for any or all household members. Verification shall be from third party sources whenever possible. However, the applicant shall not be penalized either by denial of admission or by unreasonable delay of placement solely because third party sources have failed to respond to requests for information.
  - c. Verifications received electronically directly from the source shall be considered third party written verification.

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- d. Third party verification forms shall not be hand-carried by a family member under any circumstances.
  - e. When the applicant and SMHA have made all reasonable efforts to obtain information and the third party source has failed to respond, SMHA shall proceed with verification as follows:
    - Review of documents by staff provided by the applicant and/or acquired by the Housing Authority. Copies shall be obtained whenever possible and placed in the applicant file.
    - Certification by family member. A notarized statement as to the facts and circumstances is required.
  - f. Verifications may not be more than 90 days old at the time of admission and must become a permanent part of the applicant file.
  - g. Each applicant household shall have an interview with a member of the management staff. Every member of the applicant household should be present at the office visit unless there are extenuating circumstances.
6. SMHA shall require the applicant to:
- Sign all forms necessary to determine eligibility and suitability;
  - Provide verification of income, assets, exclusions and deductions from income;
  - Provide verification of family size, age and relationship;
  - Disclose the Social Security Numbers of all family members 6 years of age and older
  - Provide citizenship information;
- Provide the names and addresses of the applicant's current and previous landlords for the past five years (or longer if needed to get a minimum of two prior landlords);
- Provide any other information SMHA determines is necessary to determine eligibility for housing at SMHA.

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7. All verifications and documentation received by SMHA for use in the determination of eligibility for housing at SMHA will be analyzed by staff and a determination made with respect to:
    - Eligibility of the applicant family based on the requirements outlined in Section A of this Policy.
    - Housing type and unit size requirements.
    - Qualification of the applicant with respect to preferences claimed.
    - Qualification of the applicant family with respect to the Tenant Selection Criteria outlined in Section II E.
  8. Applicants determined to be ineligible for housing at SMHA will be promptly notified and will receive a Notice of Ineligibility from the Housing Authority stating the basis for this determination. SMHA will provide such applicants with the opportunity for informal review of the decision in accordance with the HUD regulations and the procedure for informal review contained in Appendix B of this Policy.
  9. Applicants with disability who have been determined to be eligible but who fail the Tenant Selection Criteria will have their cases examined by SMHA to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the selection criteria outlined herein.
  10. Changes in Preferences and/or Unit Size Determination: If, during the final eligibility determination, or at any other time prior to placement, it is determined that the family qualification for certain preferences has changed and/or family composition has changed making the family eligible for a different size unit, the family's application shall be placed on the waiting list for the new unit size based on the original date of the family's pre-application.

#### **IV. SELECTION FROM THE WAITING LIST**

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All otherwise eligible applicants will be assigned to the waiting list according to date and time of the pre-application, unit size and type required, housing type requested, and preference status as follows:

A. Overview of Local Preferences

SMHA applicants who have met all of the eligibility requirements outlined in the previous sections of this Policy will be selected from the waiting list based upon local preferences.

B. Local Preferences

1. Criteria: SMHA has established the following local preferences:

- a. Involuntarily Displaced. Applicants will be assigned a preference if they have been and continue to be displaced from their housing due to:
  - Natural Disaster. The applicant, through no fault of his/her own or relatives or friends with whom the applicant has been living, has been displaced and is without housing due to a natural disaster such as earthquake, flood, or some other disaster declared and formally recognized disaster relief under laws.

Applicants who find permanent replacement housing before an offer of housing from SMHA will no longer be eligible for this preference.

- b. Applicants who are Veterans.
- c. Applicants who are working and are paying more than 40% of their income for rent and utilities.
- d. Families who have children under the age of seven and have elevated blood level conditions equal to or exceeding 20 micrograms per deciliter (ug/dl).
- e. Families who are homeless as defined by HUD guidelines.

*Definition of Homeless*

Any individual or family who:

- Lacks fixed, regular, and adequate nighttime residence; AND

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- Has primary nighttime residence that is:

1. A supervised public or privately operated shelter designated to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing.
2. An institution that provides temporary residence for individuals intended to be institutionalized (not incarcerated, i.e. jails and prisons).
3. A public or private place not designated or normally used as a regular sleeping place for humans.

e. Other Applicants. Applicants who do not qualify for any other type of local preference category will be considered an other applicant.

1. Verification. SMHA shall require all applicants to verify qualification of local preferences as follows:

a. Documented Employment Income for Six (6) Consecutive Months. SMHA will accept verifications from employer(s) which indicate that the applicant has been employed for six consecutive months. Only one lapse in employment status of a two week duration shall be accepted.

- Natural Disaster. The applicant must submit to the satisfaction of the SMHA, third party verification from local agencies, relief agencies, etc., of the disaster which details the nature and extent of the disaster and explicitly determines that the disaster was not caused by the negligence or intentional act of the applicant or any relative or friend with whom the applicant was living.

C. Offer of a Unit

1. A One Offer Plan will be used. When a housing unit becomes available for lease, it will be offered to the applicant with a preference and earliest application date for that housing type and bedroom size. If the applicant rejects the offer, the applicant's name will be taken off the waiting list for public housing and shall be required to reapply. If applicant is on the waiting list for the Section 8 Program or any other program administered by SMHA, refusal of a public housing unit will not affect

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placement on other lists. An applicant must respond to, and accept or reject the offer within three (3) business days from the date the offer is made. If an applicant does not respond within three (3) business days, the application shall be deemed withdrawn and the applicant shall be required to reapply.

2. For purposes of this Policy, the applicant will not be considered to have been offered a unit if he/she provides clear evidence to the satisfaction of SMHA that one of the following circumstances apply:
  - a. The unit is not of the proper size and type according to the occupancy standards outlined on page 22, and the applicant would be able to reside there only temporarily.
  - b. The applicant is unable to move at the time of the offer because of serious and unusual, nonfinancial circumstances which are beyond the applicant's control, and the applicant presents clear evidence which substantiates this to the satisfaction of SMHA. Examples include but are not limited to:
    - A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
    - A court verifies that the applicant is serving on a jury which has been sequestered.
  - c. Accepting the offer would result in undue hardship to the applicant not related to consideration of race, creed, color, national origin or language, such as making employment or daycare facilities inaccessible, and the applicant presents clear evidence that substantiates this undue hardship to SMHA's satisfaction.
3. If an applicant fails to keep a scheduled appointment to view a unit offered for occupancy or fails to respond to written correspondence from the Public Housing Authority within five (5) business days, for other than a justifiable reason as described in C 2 of this section, such failure shall result in removal from the waiting list. The person may reapply at a time that applications are being accepted.

## **V. UNIT SIZE AND OCCUPANCY STANDARDS**

### **A. Appropriate Unit Size**

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It is the policy of SMHA to ensure that the dwelling units are occupied by families of the appropriate size. The following chart outlines the allowable number of occupants per bedroom based on HUD guidelines:

<i>No. of Bedrooms</i>	<i>No. of Persons</i>	
	<i>Minimum</i>	<i>Maximum</i>
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

B. Factors in Dwelling Size Determination

Dwelling units will be assigned so that it will not be necessary for persons of different generations or opposite sex (other than married or cohabitating couples) to share a bedroom. Two children of the same sex may be required to share a bedroom regardless of age and children of the opposite sex may be required to share a bedroom if one child is under the age of six. Children shall generally not be required to share a bedroom with a parent; however, one very young child may share a bedroom with one parent if there are no larger units available for the family. SMHA will take into consideration households who share joint custody of any individual under the age of 18 at least 50% of the time and assign a bedroom as if the child was residing in the unit 100% of the time. Foster children shall also be considered in determining dwelling unit size. No unit assignments will be made which require use of the living room for sleeping.

C. Bedroom Size Determination for Single Pregnant Individuals

When making bedroom size determinations, a single individual with no other children who is pregnant at the time of application (proof may be required by a licensed physician) or who is in the process of securing legal custody of any individual under the age of 18, will be housed in a two bedroom unit. If the pregnancy is terminated or legal custody not

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granted, the applicant would no longer qualify for a two bedroom unit but would be considered for a one bedroom unit.

D. Reasonable Exceptions in Emergency Situations

The criteria and standards prescribed above apply to all families applying for housing at SMHA; however, reasonable exceptions to the standards listed above may be made in emergency situations, and in some cases, relationship, age, gender, health, or disability of family members may warrant assignment of a larger or smaller unit by SMHA staff or at the request of the applicant family. Written approval of such cases must be made by the Executive Director or his/her designee.

E. Requirements for Live-In Aide

Any applicant or tenant who requires a live-in aide, who will be responsible for the essential care and well-being of a family member on a daily basis will be assigned a bedroom to accommodate this aide, provided that the applicant or tenant can show documentation to support the fact that the live-in aide would not be living in the unit except to provide necessary supportive services. A live-in aide will not be listed on the lease and does not have rights to the unit for continued occupancy as a remaining member of a tenant family. A Live-In Aide agreement stating these requirements must be signed by the head of household and the Aide and shall become part of the lease agreement.

F. Handicap Accessible Units

Standards for accessible units shall be determined by SMHA according to Section 504 requirements. When an accessible unit becomes available, SMHA shall offer the unit in the following order:

1. To current SMHA tenants who have a disability or handicap who would benefit from the unit's accessible feature(s), but whose current unit does not have such features. If there is more than one current tenant requiring the accessibility features of the available unit, the family with the earliest written request for a transfer shall be selected for the unit.
2. To eligible and qualified households on the waiting list who have a disability or handicap who would benefit from the unit's accessibility features based upon local preference and the date and time of the application, despite the presence on the waiting list of households with preferences and/or earlier application dates who do not require the specific accessibility features of the available unit.

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3. To other eligible and qualified households on the waiting list without disabilities. In this case, the household must agree, in writing, to transfer to a non-accessible unit at the request of the Public Housing Authority.

## **VI. LEASE**

### **A. Lease Execution**

At admission, a Lease and Pet Agreement, if applicable, is to be entered into between the Housing Authority and each tenant family. The dwelling lease is to be kept current at all times and is to reflect rent being charged, and the conditions governing occupancy.

1. If, for any reason, any signer of the lease ceases to be a member of the tenant family or ceases to reside in the specified unit, the lease will be canceled, and a new lease and Pet Agreement, if applicable, will be executed and signed by a remaining member of the family who qualifies and is determined to be eligible for continued occupancy by SMHA.
2. If a tenant family transfers to a different unit operated by the Public Housing Authority at the sole discretion of SMHA, the existing lease must be canceled and a new lease and Pet Agreement, if applicable, executed by the head of household and co-head, if one exists, for the dwelling unit into which the family is to move.
3. If at any time during the life of the lease, a change in the tenant's status or SMHA needs results in the need for changing or amending any provision of the lease, or if the Public Housing Authority desires to waive any provisions with respect to the tenant, the SMHA at its sole discretion will have either:
  - The existing lease canceled and a new lease agreement executed; or
  - An appropriate amendment is prepared and made a part of the existing lease. Any new lease amendment is to be made a part of the permanent tenant file. A lease amendment is to be attached to the existing lease, and must be signed by both the tenant and a Public Housing Authority representative.
4. The only lease agreement recognized is the standard, formal, SMHA Board approved document.

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5. No verbal agreements or licenses for possession shall be recognized as binding to the SMHA.

B. Security Deposits

1. A security deposit equal to \$100.00 for all households will be required.
2. The security deposit is to be paid in full immediately upon execution of the lease and will be held on account by the Public Housing Authority in accordance with applicable state laws specifically as contained in Part 5321.16 of the Ohio Revised Code, as may be amended from time to time.
3. Upon termination of a tenancy, any tenant may notify SMHA in writing of such tenant's forwarding address. Within thirty days after termination of a tenancy, the Public Housing Authority shall deliver to the tenant or former tenant at such forwarding address either:
  - The full amount of the security deposit paid by such tenant plus accrued interest (as mentioned above); or
  - The balance of the security deposit paid by such tenant plus accrued interest, after deduction for any damages suffered because of the tenant's failure to comply with such tenant's obligations, together with a written statement itemizing the nature and amount of such damages.

C. Tenant Orientation

Eligible applicants selected for admission will be required to participate in an orientation program conducted by SMHA to acquaint new tenant families with the following policies and procedures: the Dwelling Lease; maintenance procedures; services provided by SMHA; resident initiative activities; grievance procedures; tenant rights, responsibilities and obligations, rent collection policy, One-Strike and You're Out Policy, and the operation of heating, cooling, and plumbing equipment in the units.

The Quality Housing and Work Responsibility Act of 1999 (QHWRA) effective October 1, 1999 with important exceptions, requires public housing residents to participate, for at least eight (8) hours a month, in a community service or economic self-sufficiency program. This requirement

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invokes a provision requiring one (1) year public housing leases to be automatically renewable except for failure to comply with community service requirements.

The exemption list provided in the QHWRA includes adults who are 62 years of age or older, persons with disabilities, persons engaged in work activities (as defined by section 407(d) of the Social Security Act), and persons participating in a welfare to work program, or receiving assistance from and in compliance with a State program funded under part A, Title IV of the Social Security Act. (For purposes of the community service requirement, an adult is a person 18 years or older.)

D. Dwelling Unit Inspection Policy

1. Preoccupancy. Prior to occupancy, a SMHA representative and the tenant, or his/her representative, will inspect the premises. SMHA will furnish the tenant a written statement of the condition of the premises and the appliances provided in the dwelling unit where appropriate. The statement will be signed by a SMHA representative and the tenant, or representative, and a copy will be kept in the tenant's file.
2. Two Month. An inspection of the dwelling unit may be conducted two months after a tenant's move-in date to check needed maintenance, tenant housekeeping, and other lease compliance matters. SMHA will furnish the resident with a written statement of charges, if any, for repairs or removal of non-approved alterations to the apartment.
3. Annual. An inspection of each dwelling unit will be conducted on at least an annual basis to check needed maintenance, tenant housekeeping, and other lease compliance matters. SMHA will furnish the resident with a written statement of unit conditions and/or charges, if any, for repairs or removal of non-approved alterations to the apartment.
4. Move-Out. Immediately after a tenant moves out, a SMHA representative will inspect the dwelling unit. The tenant is encouraged to participate in the move-out inspection, but must contact the management office prior to move-out to schedule a joint inspection. A written statement of the unit condition, and the provided appliances will be signed by a SMHA representative.
  - A statement of repair/replacement charges for tenant caused damages and charges for cleaning of the unit and appliances, if necessary will be furnished to the tenant and deducted from his/her security deposit if remittance is not made to SMHA according to Ohio law.

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5. SMHA, in its sole discretion, may randomly and periodically inspect units, when it believes there are reasonable grounds for entering a unit.
  6. A copy of the move-in and/or move-out, two month and annual inspection reports will be kept in the tenant files.
  7. Preventive Maintenance (PM) forms will be kept in the unit maintenance file.

E. Rent, Ceiling Rents, Other Charges, and Rent Adjustments

1. Rent. Rent will be calculated using the method and income as determined by HUD regulations. SMHA reserves the right to formally adopt *Other Income Exclusions* as allowed by federal housing regulations. Beginning 10/1/99 the family will be notified of the monthly rent and the amount of the flat rent. The family shall elect, in writing, their choice.
2. Minimum/Base Rent. For its federal low-rent housing program, SMHA has established \$25 as its minimum total tenant payment.
3. Ceiling Rents/ Flat rents SMHA reserves the right pursuant to, and in compliance with, all HUD regulations to implement a ceiling rent, using the Fair Market Rents (FMRs) for the area or other permissible means in the best interest of SMHA. When developed, the ceiling rents will be at levels that are not less than the monthly cost to operate SMHA units.

The Housing Authority will provide appropriate notice to all residents affected by any ceiling rent policy adopted by the Board.

4. Utility Allowance. Any family living in a federally-assisted development whose allowance for tenant paid utilities exceeds the Total Tenant Payment will receive a payment from the Housing Authority equal to the amount by which the allowance exceeds the Total Tenant Payment.
5. Maintenance Charges. Schedules of charges for maintenance repairs and other services shall be publicly posted in a conspicuous place in the management offices and shall be furnished to applicants and tenants upon request. The Public Housing Authority will notify in writing tenants when such charges are assessed. These charges shall become due and payable on the first day of the month following the month in which the charge is assessed, e.g., a charge assessed on October 10 is due

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and payable on December 1. A copy of all work orders for tenant damage are filed in the tenant file.

6. Excess Utility Charges. A schedule of charges for excess utilities shall be publicly posted in a conspicuous place in the complex office and shall be furnished to applicants and tenants upon request. The Public Housing Authority will notify tenants of these charges and they shall become due and payable on the first of the month after such notice has been given to the tenant.
7. Late Charges. A late charge of \$20 shall be assessed when rent or other charges are not paid on or before the end of the 5<sup>th</sup> business day of the month. These charges are due immediately.
8. Attorney, Sheriff and Court Fees Costs. All charges involving attorney, sheriff and court fees and costs shall be assessed when rent or other charges are not paid on or before the end of the 5<sup>th</sup> business day of the month. These charges are due immediately.

## **VII. REEXAMINATION OF INCOME, ADJUSTMENTS AND FAMILY COMPOSITION**

### **A. Annual Reexamination Procedures**

1. The income, allowances and family composition of each tenant household shall be reexamined at least once a year in accordance with an established reexamination schedule. Reexaminations determine the tenant's monthly rent, eligibility for continued occupancy and the required unit size. The Public Housing Authority follows all pertinent HUD regulations in its completion of reexaminations.
2. Between 120 days in advance of the scheduled annual reexamination effective date the head of the tenant household and spouse shall be notified by mail that they are required to participate in an interview, provide all specified information, and sign the required Certification forms, and the Authorization for Release of Information form.

In the event that a tenant household fails to keep the scheduled reexamination appointment, or fails to promptly submit all necessary paperwork, he/she will be sent a 30-day notice of termination of assistance.

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

Third party written verifications *will be obtained* whenever possible. When the SMHA and tenant household have made all reasonable efforts to obtain third party written verifications, documents obtained from the tenant and photocopied is an acceptable form of verification, when not prohibited by law. If photocopying is prohibited by law, Public Housing Authority staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. Oral third party verifications are acceptable, if properly documented. When such documents cannot be photocopied or orally verified, SMHA will proceed with processing using the best other documentation and information available. All verifications will be maintained in the tenant's folder.

Verified information will be analyzed and a determination of rent and of the appropriate unit size made.

SMHA may not renew or extend the lease at the family's next regularly scheduled annual reexamination on or after October 1, 1999 if a household contains a nonexempt adult who has failed to comply with the community service requirement.

4. *Temporary Rent Determinations and Special Reexaminations.* When it is not possible to determine the anticipated annual income with any reasonable degree of accuracy at the time of admission or reexamination, a temporary determination of income and rent will be established, giving due consideration to the tenant's past income and other available information. An interim reexamination will be scheduled to take place within 30 days for most households, and within 90 days for households where annual income is zero or difficult to predict. The tenant is to be notified in writing of the date of the special reexamination.

Special reexaminations will continue to be scheduled until a reasonable estimate of the Adjusted Income can be made. Rents determined at special reexaminations shall be made effective the first of the second month following the final rent determinations. Until the final rent determination can be made, the family will pay rent based upon the existing Adjusted Income.

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If the Total Family Income can be reasonably estimated at the time scheduled, the reexamination is to be completed and actions taken as appropriate to adjust the Tenant Rent amount.

5. Changes in Rent

- a. Increases in rent shall be effective on the scheduled reexamination effective date, with 30 days advance notice, provided the tenant has complied with all reporting requirements. When the tenant has failed to attend interviews or to provide required information, the Public Housing Authority may increase the rent retroactive to the reexamination effective date and the balance of such retroactive rent adjustment must be paid within fourteen (14) days of notification. Retroactive charges shall not be made when delays are solely the fault of SMHA.
- b. Decreases in rent shall take effect on the first of the month after the month in which the change was reported and verified.

B. Eligibility for Continuing Occupancy

At the time of the annual reexamination only those tenants meeting all of the following requirements will be considered eligible for continued occupancy:

1. Qualify as a family or the remaining member of a tenant family;
2. Have exhibited appropriate conduct since residing in public housing including:
  - Have not interfered with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare;
  - Have not adversely affected the physical environment of the community;
  - Have not adversely affected the financial stability of the development;
  - Have not illegally used a controlled substance or engaged in drug-related criminal activities on or off the premises; and
  - Have not interfered with the health, safety, or right to peaceful enjoyment of the premises by other tenants because of the abuse of alcohol.

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3. Have abided by all terms and conditions of the lease and any other addenda to the lease.
  4. Have signed any required new or existing lease addenda.

SMHA will use any and all forms of documentation and verification at its disposal, including a police check, to determine eligibility for continued occupancy.

C. Interim Reexaminations

1. Reasons for Interims. Any of the changes listed below must be reported to Management within fourteen (14) days of their occurrence. Failure to report changes as required may result in a retroactive rent charge and/or eviction action against the tenant. Tenants must report the following:
  - Any change in household composition.
  - Any increase in household income due to a formerly unemployed household member becoming employed.
2. Tenants may report the following changes that would result in a decrease in the family's rent:
  - a. Decrease in income expected to last at least 30 days; and
  - b. Increase in allowances or deductions.
3. An interim recertification may also occur should it be found that the tenant has misrepresented the facts upon which the family's rent is based, so that the rent being paid is less than what should have been charged at the time of the initial determination or annual reexamination of income.
4. Effective Dates. For interim reexams, increases in rent shall become effective on the first day of the second month following the month the change was reported, provided the change was reported within fourteen days of its occurrence and the family complies with the verification requirements and completes the reexam. Decreases in rent shall take place on the first day of the month following the month in which the change is reported and verified. The effective dates of changes that are not reported in a timely manner are covered in #5 below.

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5. Errors/Omissions, Misrepresentations/Failure or Delay in Reporting Changes. (In the interest of brevity, the word "error" is used in this section to represent errors, omissions, misrepresentations, and failure to report changes.) If an error in rent is revealed at any time, proper adjustment will be made to correct the error as follows:
- a. Errors which are the fault of the tenant:
    - Increased rent shall be retroactive to the first day of the month following the date the change occurred.
    - Decreased rent shall be effective on the first day of the month following the month the change was reported.
  - b. Errors not the fault of the tenant:
    - Increased rent shall be made effective the first day of the second month following the date the error was discovered.
    - Decreased rent shall be made retroactive to the date of the rent adjustment in which the error occurred.

D. Changes in Household Composition

1. The tenant is required to report in writing any change in household composition within fourteen (14) days of the change.
2. A new born child, an adopted child under 10 years old, or a child under 10 years old for whom custody has been awarded by a court to the Head of the Household or the spouse may be added to a tenant's lease. No other new household member may be added to the tenant's lease unless and until that person has provided the required information to the Public Housing Authority and been determined eligible for admission according to the guidelines specified in Section II of this policy and a unit of the appropriate size is available. The Public Housing Authority has the right to deny admission to any person found to be ineligible.
3. A tenant must provide documentation as required by SMHA when reporting that a family member has vacated the household. In the case of an income producing household member or any member which the SMHA has reasonable cause to believe has been involved in criminal activity or drug-related criminal activity, SMHA will require at least two documents verifying the new address of the departing family member or other evidence deemed acceptable by SMHA. Utility

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bills, a driver's license, an automobile registration, an employer's verification, or a lease or a rent receipt bearing the family member's name, new address and a date are examples of acceptable evidence. Court papers indicating that a family member has left the household such as a Petition for Dissolution of Marriage, a Petition for an Order of Protection from Abuse, or a Petition for Legal Separation may also be acceptable.

4. A tenant eligible for a transfer to a larger or smaller unit as the result of approved changes in household composition may request a transfer and be placed on the master transfer list effective the date the transfer request is approved (see Section VIII). A tenant reporting a decrease in household size which changes the unit size for which the family is eligible will not be required to be placed on the transfer list until the effective date of the family's next annual reexamination.

E. Visitors

Tenants will be allowed to have visitors for a period of up to fourteen (14) cumulative days in any twelve month period, except in the case of a family member requiring care during illness or recuperation from illness or injury as certified by a physician. Visitor shall be defined as an individual who stays in a dwelling unit overnight. Each overnight stay shall be considered a day. Different visitors to a particular dwelling unit shall be restricted to this cumulative fourteen (14) day period. Written permission must be obtained from the Public Housing Authority for any deviation from the occupancy standards listed in this policy.

F. Adding New Family Member(s)

Before any other person will be allowed to move in with a tenant family, the Public Housing Authority must be notified, the additional person must meet the same screening and processing requirements which apply to all families who seek admission to SMHA housing, and SMHA shall approve the addition to the household in writing.

G. Minimum Rent Hardship Exemption

- A. The PHA 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:

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- (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 VI 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 PHA on a case by case basis.

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

- B. If a resident requests a hardship exemption (**prior to the rent being delinquent**) under this section, and the PHA reasonably determines the hardship to be of a temporary nature, (three months or less) 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, (over three months) the PHA shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety day period. This Paragraph does not prohibit the PHA from taking eviction action for other violations of the lease.

## VIII. UNIT TRANSFERS

### A. Introduction

1. Transfers of tenants from one unit to another will be approved solely in accordance with this Policy.
2. Transfers shall be made without regard to race, creed, color, gender, familial status, disability or national origin.
3. Tenants shall not be transferred to a dwelling unit of equal size except for transferring a non-handicapped family residing in a handicap-accessible unit or for

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alleviating hardships or other undesirable conditions as determined by the Executive Director or designee.

4. Transfers will only be made where tenants are not delinquent in rent, have good housekeeping habits, have not caused damage to the current unit being occupied, and do not have long-standing charges remaining outstanding on their accounts, have not violated any tenant obligation.
5. Transfer requests shall be placed on a master Transfer List in the order of the date the request is approved. All transfer requests shall be reviewed by the Executive Director or his/her designee. Separate transfer lists shall be maintained for each development; however, a master listing of all transfer requests shall also be maintained at the central office.
6. With the exception of transfers related to modernization activity, or in the case of an emergency, a tenant family transferring from one apartment to another is responsible for any costs associated with moving to the new apartment.

B. Type of Transfers

The SMHA has three types of transfers: Emergency, Category 1, Administrative - Category 2, and Administrative - Category 3.

1. Emergency Transfers are permitted when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by SMHA. Emergency transfers within sites or between sites may be made to repair unit defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or neighborhood. These transfers shall take priority over new admissions.
2. Administrative Transfers, Category 2, include transfers within or between sites to alleviate verified medical problems of a serious nature, permit modernization of units, permit a family that requires a unit with accessible features to occupy such a unit, remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency), or provide housing options to residents who are victims of hate crimes or extreme harassment. These transfers shall take priority over new admissions.

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- a. Requests for transfers under Category 2 will be made to the Site Manager. The Resident will provide the Site Manager with the necessary verification and/or documentation to substantiate the need for a transfer. Whenever feasible, transfers will be made within a resident's development. Transfers may also be initiated by SMHA.
3. Administrative Transfers, Category 3, within or between sites may be made to correct occupancy standards (i.e., over/under housed conditions), or to address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the unit or common areas. These transfers will not automatically take priority over new admissions.
    - a. Category 3 administrative transfers will be processed with new admissions using a ratio of one transfer for every five new admissions. This ratio is discretionary and will be reviewed at least annually to determine its effects on the vacancy rate. Based on recommendations from staff, the Executive Director may authorize a change in this ratio or suspend the processing of this type of transfer.
    - b. Transfers to correct occupancy standards may be recommended at time of re-examination or interim redetermination. This is the only method used to determine over/under-housed status.
    - c. Residents in an over/under housed status will be advised within 30 days of the annual or interim reexamination that a transfer is recommended and that the family has been placed on the transfer list.
    - d. When a head of a household, originally housed in a bedroom by him/herself, has a child, that child shall remain in the parent's bedroom until it is two (2) years of age. After age 2, a Category 3 administrative transfer may be recommended.

C. Unit Offers

1. A tenant that has received a formal transfer offer is given five (5) calendar days to accept the offer and sign a Dwelling Lease for the new unit. Thereafter, the tenant is given an additional seven (7) calendar days to move personal belongings. If the transfer has not been completed and keys to the former unit returned after seven (7) calendar days, per diem rent for the former unit will be charged in addition to rent for the new unit until the keys are returned to the appropriate SMHA office.

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2. If the tenant refuses a unit offer, the tenant's lease may be terminated in accordance with the lease, or at SMHA's discretion, the tenant can be placed at the bottom of the transfer list as of the date of refusal and the tenant will so be notified in writing. During the entire proceedings, the tenant will be advised of his/her rights under the Grievance Procedure.

D. Extended Family

Members of an extended family living in a SMHA unit may not be separated into two dwelling units through a transfer application. Specific family members may apply for a separate unit using the application procedures described in this Policy. Members of such family will receive no preference on the standard waiting list as a result of occupancy in a SMHA unit.

E. Revision of Suspension of Transfer Policy

The Public Housing Authority reserves the right to revise or suspend its Transfer Policy because of efforts to decrease vacancies or any other management initiative. Transfers during such times will be treated on a case-by-case basis solely at the discretion of the Executive Director.

**IX. TERMINATIONS**

A. Termination Notices

1. The tenant must give a written notice to the Public Housing Authority of at least 30 days of intent to terminate the lease.
2. If the Public Housing Authority terminates the lease, written notice must be given to an adult member of the household, in accordance with the Ohio Revised Code and in accordance with federal guidelines, as follows:
  - When the health or safety of other tenants or employees of the Housing Authority is threatened, including any drug-related criminal activity on or off the premises. Appropriate notice shall be given of SMHA's intention to terminate the lease based on a case-by-case analysis. A reasonable time considering the seriousness of the situation (but not less than three (3 ) calendar days) when the health or safety of other Tenants or Housing Authority's employees is threatened.

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- In the case of failure to pay rent that includes all payments due under the lease, notice of SMHA's intention to terminate the lease in fourteen (14) days unless all amounts due under the lease have been paid before that date.
  - In all other cases, notice of SMHA's intention to terminate the lease at least thirty (30) days.
3. Notice of termination to the tenant shall state reasons for the termination and shall inform the tenant of the right to make such reply as tenant may wish. The notice shall also inform the tenant of the right to examine, prior to hearing or trial, and copy at tenant's expense, Public Housing Authority documents directly relevant to the termination. The notice shall inform the tenant of the right to request a hearing in accordance with Public Housing Authority's Grievance Procedures (if the Grievance Procedure is applicable to the dispute involved).

B. Reasons for Termination

The Public Housing Authority may not terminate or refuse to renew the lease except for violations of the terms of the lease including, but not limited to:

1. The failure to pay rent or other payments when due.
2. Repeated late payment, which shall be defined as failure to pay the amount of rent or other charges due by 5:00 PM on the 5th business day of the month or before the end of the next successive business day if the fifth day of the month falls on a Saturday, Sunday or legal holiday, are considered delinquent and shall be assessed a \$20 late fee. Three such late payments within a twelve-month period shall constitute repeated late payment.
3. Failure to pay electric, gas or heating bills when Tenant is responsible for paying such bills directly to the supplier of utilities.
4. Misrepresentation of family income, assets, or composition at the time of admission or anytime thereafter.
5. Failure to supply, in a timely fashion, any certification, release, information or documentation on family income, assets or composition needed to process annual re-examinations or interim re-determinations.

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6. Damage to the unit, creation of physical hazards in the apartment, common areas, grounds or parking area of the Housing Authority's property.
  7. Behavior and/or activity by Tenant, household member, guest or visitors which disturbs other residents' peaceful enjoyment of their apartments; and/or is not conducive to maintaining all Public Housing Authority projects in decent, safe and sanitary conditions.
  8. Criminal activity by Tenant, household member, guest or visitor including criminal activity that threatens the health, safety, or right to peaceful enjoyment of the MHA's housing premises by other residents or employees, or any drug-related criminal activity on or off the premises.
  9. Alcohol and/or controlled substance abuse that the Public Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
  10. The presence of illegal weapons or illegal drugs in the tenant's unit.
  11. Any fire on the Public Housing Authority premises caused by actions or neglect by the tenant, household members, guests or visitors.
  12. Uninhabitable apartment conditions caused by the tenant, household member, guests or visitors' actions or neglect.
  13. Refusal of an offer of a new lease.
  14. Failure to accept a transfer when currently resident in a unit that is too large or too small for the family based on the Public Housing Authority's Occupancy Standards or to accommodate an administrative need of the Public Housing Authority including but not limited to the disposition, demolition or modernization of the tenant's apartment.
  15. Abandonment of the unit.
  16. Any other violations of any terms of the lease agreement.

C. Written Records

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Written records documenting eviction actions shall be maintained by the Public Housing Authority and shall contain all of the following information:

1. Name of tenant and identification of unit occupied.
2. Copies of the Termination Notice and any subsequent correspondence or notices.
3. Specific reason(s) for eviction. For example, if a tenant is being evicted for drug-related criminal activity, the record shall detail the actions for which the eviction has been instituted.
4. Responses or answers, if any, received from the tenant.
5. Date and method of notifying tenant of reasons and showing a summary of any conference(s) with the tenant, including the names of conference participants.
6. Dated and signed records of the minutes of any hearing held.
7. Date and description of the final action taken, pursuant to any hearing held.

D. Abandonment of the Unit

The Public Housing Authority will comply with Ohio State Law, including requirements for posting and mailing notices of intent to declare a unit abandoned, taking possession of the unit, and the timing and method of disposal of items left in the abandoned unit.

1. If occupants abandon the apartment which may be evidenced by occupants removal of substantially all of their possessions or have been absent from their apartment for fourteen consecutive days and either (a) fail to pay for two months or (b) make an express statement that occupants do not intend to occupy the apartment after a specific date, SMHA may send the notices to each occupant at his last-known address, stating that:
  - Reason to believe that the occupant has abandoned the dwelling unit;
  - Intent to reenter and take possession of the dwelling unit unless the occupant contacts SMHA within two days of receipt of the notice;
  - If the occupant does not contact SMHA, the Public Housing Authority intends to remove and dispose of any possessions and personal effects remaining in the premises and to rerent the premises.

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2. If the notices are returned as undeliverable, or the occupant fails to contact SMHA within two days of the receipt of the notice, the Public Housing Authority may reenter and take possession of the dwelling unit, at which time any rental agreement or lease still in effect shall be deemed to be terminated.

## **X. POSTING REQUIREMENTS/REVISIONS**

### **A. Posting Requirements**

This document must be publicly posted in a conspicuous location in the site offices and must be furnished to applicants and tenants upon request.

### **B. Revisions**

This document may be modified by the Public Housing Authority provided that the Public Housing Authority shall give at least a thirty-day written notice to each affected tenant setting forth the proposed modification, the reasons therefore, and providing the tenant an opportunity to present written comments which shall be taken into consideration by the Public Housing Authority prior to the proposed modification becoming effective. A copy of such notice shall be:

- a) Delivered directly or mailed to each tenant; or
- b) Posted in a conspicuous place at the site offices or in a similar central business location within the site.

## **XI. REVISION OF OCCUPANCY POLICY RESULTING FROM CHANGES IN LOCAL, STATE, OR FEDERAL LAW OR REGULATION**

The provisions of this plan are based upon local, state and Federal law and regulation. Should any applicable, mandatory law or regulation change, this plan will be deemed to be automatically revised. To the extent that the change is mandatory (allowing no Public Housing Authority discretion), the text of the plan will be revised without requirement for administrative processing. By approving this provision, the Board of Commissioners understands that they are approving future automatic revisions responding to mandatory regulatory changes.

## **XII. MISREPRESENTATION**

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The tenant shall be notified in writing if the Public Housing Authority finds evidence that the tenant or any adult member of the tenant family has misrepresented facts affecting the family's eligibility or rent. Willful misrepresentation of facts may result in retroactive rent charges, eviction action, and/or criminal prosecution.

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

### **XIII. GRIEVANCE PROCEDURE**

The Grievance Procedure sets forth the requirements, standards, and criteria established to assure the tenants of SMHA an opportunity for a Hearing, where required by law, if he or she disputes any Public Housing Authority action or failure to act involving the tenant's lease or Public Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

Each tenant and tenant organization shall be given a copy of the Grievance Procedure and it is incorporated into this Policy on Admissions and Continued Occupancy and the lease by reference.

### **XIV. SMHA'S PET POLICY**

SMHA's Pet Policy establishes the rules and guidelines by which residents may keep domesticated pets in its dwelling units and is incorporated by reference into this Policy.

Each tenant requesting permission to own and keep a pet shall be provided a copy of the Policy and be required to sign a Pet Agreement at initial occupancy or at the time of initial request for a pet and every year at reexamination time.

### **XV. RELOCATION**

When SMHA intends to rehabilitate a development or developments and rehabilitation activities will require tenants to move temporarily or permanently, a Relocation Plan will be developed in cooperation with the affected tenants. The plan will dictate preferences to which relocatees will be entitled and their rights to housing choices, moving expenses, etc. Such preferences may affect the order of selection for applicants and transferees, and any Relocation Plan, therefore, will serve as an amendment to this policy.

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## XVI. 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 Public Housing Authority 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 (“extremely low-income families”) by Public Housing development. Also the Public Housing Authority 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 Public Housing Authority does not concentrate families with higher income levels, it is the goal of the Public Housing Authority 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 Public Housing Authority will track the status of family income, by development, on a monthly basis by utilizing income reports generated by the Public Housing Authority’s computer system.
2. Actions: To Accomplish the deconcentration goals, the Public Housing Authority will take the following actions:
  - 1 A. At the beginning of each Public Housing Authority fiscal year, the Public Housing Authority 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 Public Housing Authority fiscal year.
  - B. To accomplish the goals of:
    - (1) Public 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, 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 Public Housing Authority’s Tenant Selection and Assignment Plan,

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which is a part of this policy, provides for skipping families on the waiting list to accomplish these goals.

**XVII. CLOSING OF FILES AND PURGING INACTIVE FILES**

The PHA 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 PHA will keep the resident files. In addition, the PHA will 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.
- Account and other records supporting the PHA and financial statements.
- Other records which may be specified by HUD.

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

**XVIII. PROGRAM MANAGEMENT PLAN - Organization Plan**

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

**XIX. ADDITIONAL PHA POLICIES AND 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

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document so as to keep this policy current. All items substituted in this document shall be kept by the PHA in a separate file for historical and research purposes.

## **APPENDICES**

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APPENDIX A  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
UTILITY ALLOWANCES

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APPENDIX B  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
INFORMAL REVIEW PROCEDURES

(Applicants Only)

I. Applicability

- A. The Public Housing Authority will provide an opportunity for an informal review regarding a decision denying assistance to an applicant, including a decision:
  - 1. Denying placement on the waiting list.
  - 2. Denying participation in the Public Housing Program
  - 3. Denying a preference in determining eligibility for the Public Housing Program.
- B. The Public Housing Authority is not required to provide an opportunity for informal review:
  - 1. To review discretionary administrative determinations by the Public Housing Authority, or to consider general policy issues or class grievances.
  - 2. To review the Public Housing Authority's determination of the number of bedrooms determined under the standards established by the Public Housing Authority in accordance with HUD regulations.

II. Procedures

- A. The Public Housing Authority shall give an applicant prompt written notice of a decision denying assistance to the applicant, including a decision of ineligibility for housing, ineligibility for any of the selection preferences adopted by SMHA, or removal from or denying placement on the waiting list. The notice shall also state that the applicant may request in writing an informal review of the decision, and shall describe how to obtain the informal review.
- B. The applicant must submit a written request, which meets all criteria outlined herein, for an informal review within thirty (30) days of notification of the decision denying assistance.
- C. If the request does not meet the criteria outlined herein or if the applicant's request is not submitted within ten (10) days or in any other way fails to comply with requirements, the request will be denied and the applicant will be promptly notified in writing.

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- D. If the request meets the criteria, an informal review will be scheduled within thirty (30) days of the request.
  - E. The informal review shall be conducted by any person or persons designated by the Executive Director, other than a person who made or approved the decision under review or a subordinate of such person.
  - F. The applicant shall be given an opportunity to present written or oral objections to the Public Housing Authority's decision.
  - G. The Public Housing Authority shall promptly notify the applicant in writing of the final decision after the informal review, including a brief statement of the reasons for the final decision.

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APPENDIX C  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
GLOSSARY OF TERMS

ADJUSTED INCOME

Adjusted Income is Annual Income (as defined in this Appendix) minus the following allowances:

1. \$480 for each dependent household member who is under 18 years of age, disabled or a full-time student.  
  
Note: The head, co-head, spouse, foster child or live-in aide are never counted as dependents.
2. \$400 for each family whose head or spouse is at least 62 years of age, or disabled.
3. Reasonable child care expenses to enable a family member to work, seek employment, or further his/her education. Child care expenses to enable a family member to work may not exceed the income earned.
4. For a family that is not an Elderly Family but does have a disabled member other than head or spouse, Disability Assistance Expenses in excess of three percent of annual income to enable a family member to be employed.
5. For an Elderly Family:
  - a. That has no Disability Assistance Expenses, an allowance for Medical Expenses equal to the amount by which the Medical Expenses exceed three percent of Annual Income.
  - b. That has Disability Assistance Expenses greater than or equal to three percent of Annual Income, an Allowance for Disability Assistance Expenses computed in accordance with paragraph 4 above, plus an Allowance for Medical Expenses that is equal to the Family's Medical Expenses.
  - c. That has Disability Assistance Expenses that are less than three percent of Annual Income, an Allowance for combined Disability Assistance Expenses and Medical Expenses that is equal to the amount by which the sum of the expenses exceeds three percent of Annual Income.

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## ALLOWANCE FOR DEPENDENTS

A \$480 deduction for each family member who is a dependent. (See definition of Dependent below.)

## ADULT

A person, 18 years of age or older, or an emancipated minor whom the members of the family have routinely look to as the head of the family, and who is legally competent to sign a binding agreement.

## ALLOWANCE FOR DISABILITY ASSISTANCE EXPENSES

The amount of Disability Assistance Expense in excess of three (3) percent of annual income which enables a family member (including the handicapped or disabled person) to work. The allowance may not exceed the annual income earned by the family member who is enabled to work. Disability assistance expenses include costs for care attendants and auxiliary apparatus (e.g., wheelchairs, adaptations to vehicles, special equipment) if directly related to permitting the handicapped person or other family members to work.

## ALLOWANCE FOR MEDICAL EXPENSES

For elderly families (see definition of Elderly Family below) only the amount of unreimbursed medical expenses (see definition of Medical Expenses below) in excess of three (3) percent of annual income.

## ANNUAL INCOME

1. 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 living in the subject unit, including all net income derived from assets for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporarily non-recurring or sporadic. Annual income includes, but is not limited to:
  - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
  - b. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets

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used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family.

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

## 2. Income Exclusions

Annual income does not include the following:

- a. Income from employment of children (including foster children) under the age of 18 years;
- b. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);

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- c. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in 1e above);
  - d. Amounts received by the Family that are specifically for, or in reimbursement of, the cost of Medical Expenses for any Family member;
  - e. Income of a live-in aide as defined in 24 CFR 5.403;
  - f. The full amount of student financial assistance paid directly to the student or to the educational institution;
  - g. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
  - h.
    - (i) Amounts received under training programs funded by HUD;
    - (ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
    - (iii) Amounts received by a tenant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program; or
    - (iv) A resident service stipend: this is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for SMHA, on a part-time basis, that enhances the quality of life in public housing. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; or
    - (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with the local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
  - i. Temporary, nonrecurring or sporadic income (including gifts);

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- j. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- k. For federal-assisted housing, earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse).
- l. Adoption assistance payments in excess of \$480.00 per adopted child;
- m. The earnings and benefits to any family member 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 1937 Act (42 U.S.C. 1437 t), or any comparable Federal, state or local law during the exclusion period;  
For the purposes of this paragraph, the following definitions apply:
- (i) Comparable Federal State or local law means a program providing employment training and supportive services that (1) is authorized by a Federal, State or local law; (2) is funded by the Federal, State or local government, (3) is operated or administered by a public agency; (4) has as its objective to assist participants in acquiring employment skills.
- (ii) Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end. (iii) Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
- n. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- o. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- p. 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;
- q. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following is a list of incomes that qualify for that exclusion:

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- (i) The value of the allotment provided to an eligible household under Food Stamp Act of 1977;
  - (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);
  - (iii) Payments received under Alaska Native Claims Settlement Act;
  - (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes;
  - (v) Payments or allowances made under department of Health and Human Services' Low-Income Energy Assistance Program;
  - (vi) Payments received under programs funded in whole or in part under the Job Training Partnership Act;
  - (vii) Income derived from the disposition of funds of Grant River Band of Ottawa Indians;
  - (viii) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Grant of Claims or from funds held in trust for an Indian tribe by the Secretary of Interior;
  - (ix) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the BIA student assistance programs. These are made available to cover the cost of tuition, fees, books, equipment, materials, supplies, transportation and miscellaneous personal expenses of a student or an educational institution;
  - (x) Payments received from programs funded under Title V of the Older Americans Act of 1965;
  - (xi) Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, MDL No. 381 (E.D.N.Y.);
  - (xii) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-426, 94 Stat. 1785).
  - (xiii) The value of any childcare provided or reimbursed for under the Child Care and Development Block Grant Act of 1990.
  - (xiv) Earned income tax credit.

3. SMHA has additional deductions or adjustments to the Annual Income of tenants:

SMHA has adopted an income exclusion as an incentive for public housing residents who begin working. This income exclusion allows the resident to have no rent increase due to the additional income derived from an unemployed household member who becomes employed for six months from verification of the job. The resident must report the change of income within fourteen (14) days from the date of hire.

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4. If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for shorter periods may be annualized, subject to redetermination at the end of the shorter period.
  5. Any family receiving the reparation payments referred to in paragraph 2 j of this section that has been requested to repay assistance under this chapter as a result of receipt of such payments shall not be required to make further repayments on or after April 23, 1993.

#### APPLICANT

An applicant is a Family who is seeking assistance through the Public Housing Program and who does not yet have a fully executed lease agreement with the Public Housing Authority.

#### APPLICATION FOR ADMISSION

The written form that is signed and dated by all adult members of the family and which includes information the Public Housing Authority needs to determine whether the family can be admitted.

The format for this basic information will be developed by the Public Housing Authority and must be fully completed, and deemed completed by SMHA, to be accepted as a formal application for housing at SMHA.

#### ASSETS

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

#### CHILD CARE EXPENSES

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

#### CITIZEN

A citizen or national of the United States.

#### DEPENDENT

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

#### DISABLED PERSON

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

Section 223 of the Social Security Act defines disability as:

"(a) the inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or (b) in the case of an individual who has attained the age of 55 and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring the skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time."

Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) defines a developmental disability as:

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

#### DISPLACED FAMILY/PERSON

A family in which each member or whose sole member is a person displaced or about to be displaced by governmental action or whose dwelling has been extensively damaged as a result of disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. Lodgers may not be included in the family.

#### ELDERLY FAMILY

A family whose head or spouse or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at

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least 62 years of age living with another who is determined to be essential to their care or well being.

ELDERLY PERSON

A person who is at least 62 years of age.

ELIGIBLE IMMIGRATION STATUS

Documentation and verification of eligible status as defined by HUD.

EVICTION

The dispossession of the tenant from the leased unit as a result of the termination of the lease, violation of terms of the lease such as failure to make payments due under the lease or to fulfill the tenant obligations set forth in HUD regulations, Federal, and state law, or for other cause.

EXTREMELY LOW INCOME FAMILY

A family whose annual income does not exceed 30 percent of the median income for the area as determined by HUD.

FAMILY

Family includes but is not limited to:

- a. 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);
- b. An elderly family;
- c. A near-elderly family;
- d. A disabled family;
- e. A displaced family;
- f. The remaining member of a tenant family; and
- g. A single person who is not an elderly or displaced person, or a person with disability, or the remaining member of a tenant family.

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**Note:** HUD has a housing assistance limitation for single persons. A single person who is not an elderly or displaced person, or person with disabilities, or the remaining member of a tenant family may not be provided (for public housing and other project-based assistance) a housing unit with two or more bedrooms.

- h. A group of persons that is two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence to the satisfaction of SMHA of a stable family relationship.

Federally-Assisted Family Housing (i.e., General Occupancy): This type of housing is available to all applicant families who meet the eligibility requirement specified herein.

Federally-Assisted Elderly Housing (i.e., Mixed Population): This type of housing is available to applicant families who are elderly, disabled, near elderly, or a single person and meet the eligibility requirements specified herein.

#### HUD

The U.S. Department of Housing and Urban Development or its designee.

#### INS

U.S. Immigration and Naturalization Service.

#### LEASE

The written, formal, SMHA Board approval document outlining the agreement between SMHA and an eligible family for the leasing of a Public Housing unit.

#### LIVE-IN-AIDE

A person who resides with one or more elderly persons or near-elderly persons, or persons with disabilities, and who:

- a. Is determined by the Public Housing Authority to be essential to the care and well-being of the person(s);
- b. Is not obligated for support of the person(s); and
- c. Would not be living in the unit except to provide necessary supportive services.

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A Live-in-Aide does not qualify as the remaining member of a tenant family. The income of a Live-in-Aide is not included as income to the tenant family. **A Live-in-Aide must be approved, in advance, by the SMHA and meet eligibility requirements for public housing occupancy**

LOCAL PREFERENCE

A preference established by SMHA for use in selecting among applicants.

LOWER INCOME FAMILY

A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD.

LUMP SUM BENEFIT

A payment of periodic benefits for a previous period which may be included as income, not including Social Security and Social Security lump sum benefits. Only that portion of the payment attributable to the time the tenant resided continuously under the Public Housing Program may be counted as income.

MEDICAL EXPENSES

For purposes of income determination for elderly or disabled families, medical expense in excess of 3% of total family income which are anticipated to be incurred during the period for which the annual income is computed, where these expenses are not compensated for, or covered by insurance. Medical expenses include such items as medical insurance premiums, dental expenses, prescription and nonprescription medicines, etc.

MINIMUM RENT

Families assisted under the Public Housing Program pay a monthly “minimum rent” of not more than \$50.00 per month. The PHA has the discretion to establish the “minimum rent” from \$0 to \$50.00. The minimum rent established by this PHA is \$25.

MINOR

A person less than eighteen years of age.

MIXED FAMILY

A family whose members include both citizens/eligible immigrants and noncitizens with ineligible immigration status.

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NATIONAL

A person who owes permanent allegiance to the U.S. as the result of birth in a U.S. territory or possession.

NEAR-ELDERLY FAMILY

A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

NEAR-ELDERLY PERSON

A person who is at least 50 years of age (or 55 years of age for state elderly housing) but below the age of 62, who may be a person with a disability.

REMAINING MEMBER OF A TENANT FAMILY

A member of the tenant family who is listed on the lease who continues to live in a public housing dwelling unit after all other family members have vacated.

SECURITY DEPOSIT

A dollar amount set by the Public Housing Authority for the Public Housing Program for unpaid rent, damages or other amounts owed under the lease upon termination of the lease.

SINGLE PERSON

A person who lives alone or intends to live alone who does not qualify as elderly, disabled, or handicapped or as a remaining adult member of a tenant family. A single person is not eligible to participate in any state housing program.

TENANT RENT

The amount payable monthly by the family as rent to the Public Housing Authority. Where all utilities (except telephone and cable) and other essential housing services are supplied by the Public Housing Authority, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone and cable) and other essential housing services are not supplied by the Public Housing Authority and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance.

TOTAL TENANT PAYMENT

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(Hereinafter referred to as TTP) An amount equal to 30 percent of the family's monthly adjusted income or 10 percent of the gross monthly income of the family occupying the dwelling unit, whichever amount is greater. TTP does not include charges for excess utility consumption or other miscellaneous charges.

#### TRANSFER

A move by a tenant family from one SMHA apartment to another, generally as the result of changes in family composition which changes the number of bedrooms required by the family. A transfer may not be used to split an extended family into two households by moving only some members of the family to a second apartment.

#### UNDERHOUSED

A tenant family with an insufficient number of bedrooms for the number of persons in the family, according to the standard set forth in Section V of this Policy.

#### UTILITIES

Water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewerage services. Telephone service and cable TV is not included as a utility.

#### UTILITY ALLOWANCE

The cost of utilities (except telephone and cable TV) and other housing services for an assisted unit when not included in the tenant rent but is the responsibility of the family occupying the unit. An amount equal to an estimate made or approved by the Public Housing Authority or HUD of the monthly cost of a reasonable consumption of utilities for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

#### VERY LOW INCOME FAMILY

Family whose annual income does not exceed 50 percent of the median income for the area as determined by HUD.

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APPENDIX D  
PUBLIC HOUSING INCOME LIMITS

**ADMINISTRATIVE PLAN**  
**FOR THE**  
**SECTION 8 CERTIFICATE AND VOUCHER PROGRAMS**

Approved by the HA Board of Commissioners: July 30, 2001

Submitted to HUD: July 31, 2001

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## TABLE OF CONTENTS

### Chapter 1 STATEMENT OF POLICIES AND OBJECTIVES

A.	MISSION STATEMENT.....	10
B.	LOCAL GOALS .....	10
C.	PURPOSE OF THE PLAN .....	14
D.	ADMINISTRATIVE FEE RESERVE .....	15
E.	RULES AND REGULATIONS .....	15
F.	TERMINOLOGY.....	15
G.	FAIR HOUSING POLICY .....	16
H.	REASONABLE ACCOMMODATIONS POLICY .....	17
I.	TRANSLATION OF DOCUMENTS.....	19
J.	MANAGEMENT ASSESSMENT OBJECTIVES.....	19
K.	RECORDS FOR MONITORING PHA PERFORMANCE .....	20
L.	PRIVACY RIGHTS .....	21
M.	FAMILY OUTREACH.....	22
N.	OWNER OUTREACH .....	22

### Chapter 2 ELIGIBILITY FOR ADMISSION

A.	ELIGIBILITY FACTORS .....	22
B.	FAMILY COMPOSITION .....	24
C.	INCOME LIMITATIONS .....	27
D.	MANDATORY SOCIAL SECURITY NUMBERS.....	28
E.	CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS.....	29
F.	OTHER CRITERIA FOR ADMISSIONS.....	30
G.	TENANT SCREENING .....	31
H.	CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT .....	31
I.	INELIGIBLE FAMILIES .....	31
J.	PROHIBITED ADMISSIONS CRITERIA .....	31

---

**Chapter 3**  
**APPLYING FOR ADMISSION**

A.	OVERVIEW OF APPLICATION TAKING PROCESS .....	32
B.	OPENING/CLOSING OF APPLICATION TAKING .....	33
C.	"INITIAL" APPLICATION PROCEDURES.....	34
D.	APPLICANT STATUS WHILE ON WAITING LIST .....	35
E.	TIME OF SELECTION .....	35
F.	COMPLETION OF A FULL APPLICATION.....	36
G.	VERIFICATION.....	37
H.	FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY .....	37

**Chapter 4**  
**ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST**

A.	WAITING LIST.....	37
B.	SPECIAL ADMISSIONS .....	38
C.	WAITING LIST PREFERENCES.....	39
D.	LOCAL PREFERENCES .....	39
E.	INCOME TARGETING .....	40
F.	INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION .....	40
G.	EXCEPTIONS FOR SPECIAL ADMISSIONS.....	41
H.	TARGETED FUNDING.....	41
I.	PREFERENCE & INCOME TARGETING ELIGIBILITY .....	42
J.	ORDER OF SELECTION .....	43
K.	FINAL VERIFICATION OF PREFERENCES.....	43
L.	PREFERENCE DENIAL.....	43
M.	REMOVAL FROM WAITING LIST AND PURGING .....	44

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

A.	DETERMINING FAMILY UNIT (VOUCHER) SIZE.....	44
B.	EXCEPTIONS TO SUBSIDY STANDARDS.....	46
C.	UNIT SIZE SELECTED.....	48

---

**Chapter 6**  
**FACTORS RELATED TO TOTAL TENANT PAYMENT & FAMILY SHARE**  
**DETERMINATION**

A.	INCOME AND ALLOWANCES .....	49
B.	MINIMUM RENT .....	50
C.	DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT .....	53
D.	AVERAGING INCOME .....	57
E.	MINIMUM INCOME .....	57
F.	INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME.....	58
G.	REGULAR CONTRIBUTIONS AND GIFTS .....	58
H.	ALIMONY AND CHILD SUPPORT.....	58
I.	LUMP-SUM RECEIPTS .....	59
J.	CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS .....	59
K.	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE .....	59
L.	CHILD CARE EXPENSES .....	59
M.	MEDICAL EXPENSES .....	60
N.	PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES .....	61
O.	REDUCTION IN BENEFITS .....	61
P.	UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS.....	61

**Chapter 7**  
**VERIFICATION PROCEDURES**

A.	METHODS OF VERIFICATION AND TIME ALLOWED .....	63
B.	RELEASE OF INFORMATION .....	64
C.	COMPUTER MATCHING .....	65
D.	ITEMS TO BE VERIFIED .....	65
E.	VERIFICATION OF INCOME .....	66
F.	INCOME FROM ASSETS .....	70
G.	VERIFICATION OF ASSETS .....	71
H.	VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME .....	72
I.	VERIFYING NON-FINANCIAL FACTORS.....	74
J.	VERIFICATION OF WAITING LIST PREFERENCES .....	80

**Chapter 8**  
**VOUCHER ISSUANCE AND BRIEFINGS**

A.	ISSUANCE OF CERTIFICATES/VOUCHERS.....	81
B.	BRIEFING TYPES AND REQUIRED ATTENDANCE .....	81
C.	ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION.....	84
D.	ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION .....	85
E.	SECURITY DEPOSIT REQUIREMENTS .....	85
F.	TERM OF VOUCHER .....	86
G.	VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS.....	87
H.	REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER.....	88

**Chapter 9**  
**REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION**

A.	REQUEST FOR APPROVAL OF TENANCY.....	89
B.	ELIGIBLE TYPES OF HOUSING.....	90
C.	LEASE REVIEW .....	91
D.	SEPARATE AGREEMENTS.....	92
E.	INITIAL INSPECTIONS.....	92
F.	RENT LIMITATIONS.....	92
G.	DISAPPROVAL OF PROPOSED RENT .....	92
H.	INFORMATION TO OWNERS.....	93
I.	OWNER DISAPPROVAL.....	93
J.	CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE .....	93
K.	CONTRACT EXECUTION PROCESS .....	94
L.	CHANGE IN OWNERSHIP.....	94

**Chapter 10**  
**HOUSING QUALITY STANDARDS AND INSPECTIONS**

A.	GUIDELINES/TYPES OF INSPECTIONS .....	95
B.	INITIAL HQS INSPECTION.....	95
C.	ANNUAL HQS INSPECTIONS .....	97
D.	MOVE OUT/VACATE.....	98
E.	SPECIAL/COMPLAINT INSPECTIONS.....	98
F.	QUALITY CONTROL INSPECTIONS.....	98
G.	ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS.....	98
H.	EMERGENCY REPAIR ITEMS.....	99
I.	CONSEQUENCES IF OWNER IS RESPONSIBLE(NON-EMERGENCY ITEMS)...	100
J.	DETERMINATION OF RESPONSIBILITY.....	102
K.	CONSEQUENCES IF FAMILY IS RESPONSIBLE .....	102

**Chapter 11**  
**OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS**

A.	.RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM.....	103
----	---	-----

---

B.	MAKING PAYMENTS TO OWNERS.....	104
C.	RENT REASONABLENESS DETERMINATIONS.....	105
D.	PAYMENT STANDARDS FOR THE VOUCHER PROGRAM.....	106
E.	ADJUSTMENTS TO PAYMENT STANDARDS.....	107
F.	EXCEPTION PAYMENT STANDARDS.....	108
G.	OWNER PAYMENT IN THE PREMERGER REGULAR CERTIFICATE PROGRAM.....	109

**Chapter 12  
RECERTIFICATIONS**

A.	ANNUAL ACTIVITIES.....	110
B.	ANNUAL RECERTIFICATION/REEXAMINATION.....	110
C.	REPORTING INTERIM CHANGES.....	113
D.	OTHER INTERIM REPORTING ISSUES.....	114
E.	INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.....	114
F.	NOTIFICATION OF RESULTS OF RECERTIFICATIONS.....	115
G.	TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS).....	115
H.	CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES.....	116
I.	CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES.....	116
J.	MISREPRESENTATION OF FAMILY CIRCUMSTANCES.....	116

**Chapter 13  
MOVES WITH CONTINUED ASSISTANCE/PORTABILITY**

A.	ALLOWABLE MOVES.....	117
B.	RESTRICTIONS ON MOVES.....	117
C.	PROCEDURE FOR MOVES.....	118
D.	PORTABILITY.....	118
E.	OUTGOING PORTABILITY.....	119
F.	INCOMING PORTABILITY.....	120

**Chapter 14  
CONTRACT TERMINATIONS**

A.	CONTRACT TERMINATION.....	122
B.	TERMINATION BY THE FAMILY: MOVES.....	123
C.	TERMINATION OF TENANCY BY THE OWNER: EVICTIONS.....	124
D.	TERMINATION OF THE CONTRACT BY PHA.....	125

---

**Chapter 15**  
**DENIAL OR TERMINATION OF ASSISTANCE**

A.	GROUNDS FOR DENIAL/TERMINATION .....	125
B.	“ONE-STRIKE” POLICY .....	128
C.	FAMILY OBLIGATIONS.....	132
D.	PROCEDURES FOR NON-CITIZENS .....	136
E.	ZERO (\$0)ASSISTANCE TENANCIES .....	137
F.	OPTION NOT TO TERMINATE FOR MISREPRESENTATION.....	137
G.	MISREPRESENTATION IN COLLUSION WITH OWNER.....	137
H.	MISSED APPOINTMENTS AND DEADLINES.....	138

**Chapter 16**  
**OWNER DISAPPROVAL AND RESTRICTION**

A.	DISAPPROVAL OF OWNER.....	139
B.	OWNER RESTRICTIONS AND PENALTIES .....	141
C.	CHANGE IN OWNERSHIP .....	141

**Chapter 17**  
**CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS**  
(For HAP Contracts Effective Before October 2, 1995)

A.	OWNER CLAIMS .....	142
B.	UNPAID RENT .....	142
C.	DAMAGES .....	142
D.	VACANCY LOSS IN THE CERTIFICATE PROGRAM.....	143
E.	MOVE-OUT AND CLOSE-OUT INSPECTIONS .....	144
F.	PROCESSING CLAIMS .....	144

**Chapter 18**  
**OWNER OR FAMILY DEBTS TO THE PHA**

A.	PAYMENT AGREEMENT FOR FAMILIES.....	146
B.	DEBTS OWED FOR CLAIMS .....	147
C.	DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION.....	148
D.	DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP .....	148
E.	GUIDELINES FOR PAYMENT AGREEMENTS .....	148
F.	OWNER DEBTS TO THE PHA .....	149

G.	WRITING OFF DEBTS.....	149
----	------------------------	-----

**Chapter 19  
COMPLAINTS AND APPEALS**

A.	COMPLAINTS TO THE PHA .....	150
B.	PREFERENCE DENIALS.....	151
C.	INFORMAL REVIEW PROCEDURES FOR APPLICANTS .....	151
D.	INFORMAL HEARING PROCEDURES .....	152
E.	HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" .....	157
F.	MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES .....	158

**Chapter 20  
SPECIAL HOUSING TYPES**

A.	SHARED HOUSING.....	159
B.	MANUFACTURED HOMES .....	160

**GLOSSARY**

A.	ACRONYMS USED IN SUBSIDIZED HOUSING .....	163
B.	GLOSSARY OF TERMS IN SUBSIDIZED HOUSING.....	164
C.	GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE .....	173

**PROGRAM INTEGRITY ADDENDUM**

A.	CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD.....	174
B.	STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD.....	175
C.	STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD.....	176
D.	THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD.....	176
E.	OVERPAYMENTS TO OWNERS .....	177
F.	HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD.....	177
G.	PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA .....	178
H.	CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW .....	178

---

I.	EVALUATION OF THE FINDINGS .....	178
J.	ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED .....	178

**ADDENDUM 1**  
**HOMEOWNERSHIP ASSISTANCE PROGRAM**

PARTICIPANT QUALIFICATION .....	182
TIME FRAME FOR UTILIZATION .....	183
PORTABILITY .....	184
PERMITTED OWNERSHIP ARRANGEMENTS.....	184
CONTRACT FOR SALE AND INSPECTION . . . . .	184
FINANCING .....	185
LENGTH AND CONTINUATION OF ASSISTANCE .....	185
FAMILY OBLIGATIONS .....	185
ASSISTANCE PAYMENT .....	186
LEASE-TO-PURCHASE .....	186
DEFAULT .....	186
RECAPTURE .....	187
DENIAL OR TERMINATION OF ASSISTANCE .....	187
INFORMAL HEARING .....	187

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## Chapter 1

### STATEMENT OF POLICIES AND OBJECTIVES

#### INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Section 8 Rental Assistance Programs are federally funded and administered for Clark and Champaign Counties by the **Springfield Metropolitan Housing Authority** through its Section 8 housing office.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority (PHA) staff shall be in compliance with the PHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

#### Jurisdiction

The jurisdiction of the PHA is **Clark and Champaign Counties**.

#### A. HOUSING AUTHORITY MISSION STATEMENT

To provide decent, safe and sanitary affordable housing and to promote among the residents we serve Economic Independence, Pride in the Community, Self-Sufficiency, Self-Worth, Upward Mobility and their participation in the economic and political system of Springfield and Clark County.

#### B. LOCAL GOALS [24 CFR 982.1]

##### Part I

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

**X 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)

**PHA Goal: Improve the quality of assisted housing**

**Objectives:**

Improve public housing management: (PHAS score)

Improve voucher management: (SEMAP score)

Increase customer satisfaction:

Concentrate on efforts to improve specific management functions (list; e.g., public housing finance; voucher unit inspections)

Renovate or modernize public housing units:

Demolish or dispose of obsolete public housing:

Provide replacement public housing:

Provide replacement vouchers:

Other: (list below)

**PHA Goal: Increase assisted housing choices**

**Objectives:**

Provide voucher mobility counseling:

- 
- Conduct outreach efforts to potential voucher landlords
  - 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:

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Provide or attract supportive services to improve assistance recipients' employability:

Provide or attract supportive services to increase independence for the elderly or families with disabilities.

Other: (list below)

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

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)

**Part II**

The PHA has the following goals for the program:

**To encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.**

**To create positive public awareness and expand the level of family, owner and community support in accomplishing the PHA's mission.**

**To attain and maintain a high level of standards and professionalism in our day-to-day management of all program components.**

**To administer an efficient, high-performing agency through continuous improvement of the PHA's support systems and commitment to our employees and their development.**

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**To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.**

**To ensure that all units meet Housing Quality Standards and families pay fair and reasonable rents.**

**To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.**

**To promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low income families.**

**C. PURPOSE OF THE PLAN** [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The Housing Choice Voucher Program is implemented as of 10/1/99; Pre-merger Regular Tenancy Contracts, Housing Voucher Contracts will remain in effect until the family's second reexamination after the merger date or whenever a new lease is executed, whichever comes first.

The PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the Board of Commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

Applicable regulations include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 982: Section 8 Tenant-Based Assistance

**Local rules that are made part of this Plan are intended to promote local housing objectives consistent with the intent of the federal housing legislation.**

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**D. ADMINISTRATIVE FEE RESERVE** [24 CFR 982.54(d)(22)]

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not exceed **\$10,000** per occurrence nor more than **\$10,000** in the aggregate for each fiscal year without the prior approval of the **Springfield Metropolitan Housing Authority** Board of Commissioners.

**E. RULES AND REGULATIONS** [24 CFR 982.52]

This Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in the context of Federal Laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

**F. TERMINOLOGY**

The Housing Authority of Springfield is referred to as "PHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 Programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs. The Voucher Choice program refers to the merged program effective as of 8/12/99.

"HQS" means the Housing Quality Standards required by regulations as enhanced by the PHA.

"Failure to Provide" refers to all requirements in the first Family Obligation. See "Denial or Termination of Assistance" chapter.

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“Merger date” refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher Program into the Housing Choice Voucher Program.

See Glossary for other terminology.

**G. FAIR HOUSING POLICY** [24 CFR 982.54(d)(6)]

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

The PHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial **or marital** status, handicap or disability **or sexual orientation**.

To further its commitment to full compliance with applicable Civil Rights Laws, the PHA will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request at the front desk.

All Housing Authority staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted throughout the Housing Authority office/s, including in the lobby and interview rooms and the Equal Opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organization to keep current with new developments.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

The **SMHA** office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by **1-800-545-1833 EXT 475**.

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## **H. REASONABLE ACCOMMODATIONS POLICY** [24 CFR 700.245(c)(3)]

It is the policy of this PHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the PHA will treat a person differently than anyone else. The PHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on PHA forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

**To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:**

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

Being regarded as having such an impairment

Note: This is not the same as the HUD definition used for purposes of determining allowances.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a professional third party competent to make the assessment, provides written

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verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the PHA finds that the requested accommodation creates an undue administrative or financial burden, the PHA will either deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the PHA.

The PHA will provide a written decision to the person requesting the accommodation within a **reasonable time**. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation

### **Verification of Disability**

The PHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

### **Outreach**

Outreach efforts will include notification of the PHA's 504 Advisory Board as well as all other media and agencies listed in the PHA's Administrative Plan regarding public notices (see section on opening and closing the waiting list in "Applying for Admission" chapter.)

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## **Applying for Admission**

All persons who wish to apply for any of the PHA's programs must submit an application in **written format**, as indicated in our public notice. Applications will be made available in an accessible format upon request from a person with a disability.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The full application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for accommodation is requested by a person with a disability. Applicants will then be interviewed by PHA staff to review the information on the full application form. Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at this time. The full application will also include questions asking all applications whether reasonable accommodations are necessary.

## **I. TRANSLATION OF DOCUMENTS**

In determining whether it is feasible to provide translation of documents written in English into other languages, the PHA will consider the following factors:

**The availability of local organizations to provide translation services to non- English speaking families.**

## **J. MANAGEMENT ASSESSMENT OBJECTIVES**

The PHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the areas of measurements for the following HUD SEMAP indicators.

Selection from the Waiting List

Reasonable Rent

Determination of Adjusted Income

Utility Allowance Schedule

HQS Quality Control Inspections

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HQS Enforcement

Expanding Housing Opportunities

FMR/exception rent & Payment Standards

Annual Re-examinations

Correct Tenant Rent Calculations

Pre-Contract HQS Inspections

Annual HQS Inspections

Lease-up

Family Self-Sufficiency Enrollment and Escrow Account Balances

Bonus Indicator Deconcentration

Supervisory quality control reviews will be performed by a PHA Supervisor or other qualified person other than the person who performed the work, as required by HUD, on the following SEMAP factors:

Selection from the waiting list

Rent reasonableness

Determination of adjusted income

HQS Enforcement

HQS Quality Control

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor.

## **K. RECORDS FOR MONITORING PHA PERFORMANCE**

In order to demonstrate compliance with HUD and other pertinent regulations, the PHA will maintain records, reports and other documentation for a time that is in accordance with HUD

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requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the PHA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

Supervisory staff audit the following functions:

Not less than 5% of reexaminations

Not less than **5%** of new applications

Not less than **5%** of claims processed

#### **L. PRIVACY RIGHTS** [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/PHA will release family information.

The PHA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential" or returned to the family member after its use. The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the **Director of Assisted Housing.**

**The PHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.**

**PHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.**

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**M. FAMILY OUTREACH** [24 CFR 982.153(b)(1)]

The PHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When the PHA's waiting list is open, the PHA will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons who cannot read the newspapers, the PHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The PHA will also utilize public service announcements.

**The PHA will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.**

**N. OWNER OUTREACH** [24 CFR 982.54(d)(5), 982.153(b)(1)]

The PHA makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

The PHA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families.

The PHA conducts **periodic** meetings with participating owners to improve owner relations and to recruit new owners.

**The PHA will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low-income households. The lists of units will be provided at the front desk and provided at briefings.**

**Printed material is offered to acquaint owners and managers with the opportunities available under the program.**

**The PHA has active participation in a community-based organization(s) comprised of private property and apartment owners and managers.**

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**The PHA will actively recruit property owners with property located outside areas of minority and poverty concentration and apply for exception payment standards if the PHA determines it is necessary to make the program more accessible in the PHA's jurisdiction.**

**The PHA shall periodically:**

**Develop working relationships with owners and real estate broker associations.**

**Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements.**

**Explain the program, including equal opportunity requirements and nondiscrimination requirements, including Fair Housing Amendments Act of 1988 and Americans with Disabilities Act, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.**

## **Chapter 2**

### **ELIGIBILITY FOR ADMISSION**

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

#### **INTRODUCTION**

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

#### **A. ELIGIBILITY FACTORS** [982.201(B)]

The PHA accepts applications only from families whose head or spouse is at least 18 years of age.

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

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The HUD eligibility criteria are:

An applicant must be a "family"

An applicant must be within the appropriate Income Limits

An applicant must furnish Social Security Numbers for all family members age six and older or sign a declaration statement that they do not have a Social Security number.

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

At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance

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

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

**Eligibility factors will be verified before the family is placed on the waiting list.**

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

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

A "family" includes a family with a child or children. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The PHA determines if any other group of persons qualifies as a "family".

A single person family may be:

An elderly person

A displaced person

A person with a disability

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

Any other single person

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

**A family also includes:**

**Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.**

**Head of Household**

The head of household is the **adult** member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

**Spouse of Head**

Spouse means the husband or wife of the head.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

**Co-Head**

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

**Live-in Attendants**

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

Is determined by the PHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

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

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

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

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

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

A Live in Aide may only reside in the unit with the approval of the PHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

**Verification must include the hours the care will be provided.**

**24 CFR 982.316 At any time, the PHA will refuse to approve a particular person as a live-in aide or may withdraw such approval if:**

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

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

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

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

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the PHA will make the decision taking into consideration the following factors:

**Which family member applied as head of household.**

**Which family unit retains the children or any disabled or elderly members.**

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

**Role of domestic violence in the split.**

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

**Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the PHA.**

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

**The PHA will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home (See "Establishing Preferences and Maintaining the Waiting List" chapter).**

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

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

#### **Joint Custody of Children**

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

**When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.**

#### **C. INCOME LIMITATIONS** [24 CFR 982.201(b), 982.353]

To be eligible for assistance, an applicant must:

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

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

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

A very low-income family.

A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within **120** days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.

A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.

A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.

A low-income family or moderate income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

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

**The PHA's criteria for admitting Low Income families, in addition to those required under the regulations and identified above, is to admit families who:**

**Are pursuing their education**

**Are participating in an economic self-sufficiency program**

**Are working full time (part-time)**

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

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

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

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

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

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

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

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

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

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither, may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

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

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

All members ineligible. Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations. Not eligible for assistance.

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

**Verification of Status Before Admission**

The PHA **will not** provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

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**PHA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:**

**F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 2(b)] 982.55**

**The family must not have violated any family obligation during a previous participation in the Section 8 Program for 5 years prior to final eligibility determination.**

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

**The family must pay any outstanding debt owed the PHA or another PHA as a result prior participation in any federal housing program within ten (10) days of PHA notice to repay.**

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

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

**G. TENANT SCREENING [24 CFR 982.307]**

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

The PHA **will not** screen family behavior or suitability for tenancy. The PHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as:[24 CFR 982.307(a)(3)]

Payment of rent and utility bills

Caring for a unit and premises

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

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

Compliance with other essential conditions of tenancy.

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

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

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

#### **I. INELIGIBLE FAMILIES**

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status. See "Complaints and Appeals" chapter for additional information about reviews and hearings.

#### **J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]**

Admission to the program may not be based on where the family lives before admission to the program.

Admission to the program may not be based on:

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

Discrimination because a family includes children.

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

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

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## Chapter 3

### APPLYING FOR ADMISSION

[24 CFR 982.204]

#### INTRODUCTION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the PHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

#### A. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application taking is to permit the PHA to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any one of the PHA's programs must **complete a written application form when application taking is open**. Applications will be made available in an accessible format upon request from a person with a disability.

**When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.**

**Applications will be mailed to interested families upon request.**

**The application process will involve two phases. The first is the "initial" application for assistance. This first phase results in the family's placement on the waiting list.**

**The initial application will be dated, time stamped, and referred to the PHA's eligibility office where it will be maintained until such time as it is needed for processing.**

**The second phase is the "final determination of eligibility" (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the PHA ensures that verification of all HUD and PHA eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher.**

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**B. OPENING/CLOSING OF APPLICATION TAKING** [24 CFR 982.206, 982.54(d)(1)]

The PHA will utilize the following procedures for opening the waiting list.

When the PHA opens the waiting list, the PHA will advertise through public notice in the following newspapers, minority publications and media entities, location(s), and program(s) for which applications are being accepted:

***Tri-County Shoppers News***

The notice will contain:

The dates, times, and the locations where families may apply.

The programs for which applications will be taken.

A brief description of the program.

A statement that public housing residents must submit a separate application if they want to apply for section 8.

Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the PHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

If the waiting list is open, the PHA will accept applications from eligible families unless there is good cause for not accepting the application, such as denial of assistance because of action or inaction by members of the family for the grounds stated in the "Denial or Termination of Assistance" chapter of this Administrative Plan. [24 CFR 982.206(b)(2)]

**Closing the Waiting List**

The PHA may stop applications if there are enough applicants to fill anticipated openings for the next 24 months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

**The PHA will announce the closing of the waiting list by public notice.**

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The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next **and 12** months. The PHA will give at least 7 days' notice prior to closing the list. When the period for accepting applications is over, the PHA will add the new applicants to the list by:

**Separating the new applicants into groups based on preferences and by date and time of application.**

### **Limits on Who May Apply**

When the waiting list is open:

**Any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.**

**Depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, the PHA may only accept applications from any family claiming preference(s).**

When the application is submitted to the PHA:

**It establishes the family's date and time of application for placement order on the waiting list.**

### **C. "INITIAL" APPLICATION PROCEDURES** [24 CFR 982.204(b)]

The PHA will utilize a **preliminary application form**. The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, information may be completed by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format. The preliminary application permits the PHA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. **Duplicate applications, including applications from a segment of an applicant household, will not be accepted.**

Ineligible families **will not** be placed on the waiting list.

Preliminary applications may require an interview. The information on the application **will** be verified again when the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

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**D. APPLICANT STATUS WHILE ON WAITING LIST** [CFR 982.204]

**Applicants are required to inform the PHA in writing of changes in address. Applicants are also required to respond to requests from the PHA to update information on their application and to determine their interest in assistance.**

If after a review of the preliminary application the family is determined to be preliminarily eligible, they will be notified in writing or in an accessible format upon request, as a reasonable accommodation.

**The notice will contain the approximate date that assistance may be offered, and will further explain that the estimated date is subject to factors such as turnover and available funding.**

This written notification of preliminary eligibility will be:

**mailed to the applicant by first class mail.**

**distributed to the applicant in the manner requested as a specific accommodation.**

If the family is determined to be ineligible based on the information provided in the preliminary application, the PHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. See "Complaints and Appeals" chapter.

**E. TIME OF SELECTION** [24 CFR 982.204, 5.410]

When funding is available, families will be selected from the waiting list in their determined sequence, regardless of family size, subject to income targeting requirements.

When there is insufficient funding available for the family at the top of the list, the PHA will not admit any other applicant until funding is available for the first applicant.

All preferences claimed on the preliminary application or while the family is on the waiting list will be verified:

**Upon receipt of the preliminary application and prior to placement on the waiting list.**

**Whenever the family claims a preference**

The qualification for preference must exist at the time the preference is claimed and at the time of verification, because claim of a preference determines placement on the waiting list.

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## **F. Requirement to Attend Interview**

The PHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information that has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs that may be available.

**The head of household is required to attend the interview.**

**If the head of household cannot attend the interview, the spouse may attend to complete the application and certify for the family. The head of household, however, will be required to attend an interview within 7 days to review the information and to certify by signature that all of the information is complete and accurate.**

**Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than 7 days from the original appointment date.** The request must be made to the staff person who scheduled the appointment.

**If an applicant fails to appear for their interview without prior approval of the PHA, their application will be denied unless they can provide acceptable documentation to the PHA that an emergency prevented them from calling.**

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See "Complaints and Appeals" chapter.)

All adult members must sign the HUD Form 9886, Release of Information, **the application form and all supplemental forms required by the PHA**, the declarations and consents related to citizenship/immigration status and any other documents required by the PHA. Applicants will be required to sign specific verification forms for information that is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information **in writing**. The family will be given **10** days to supply the information.

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If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance. (See "Complaints and Appeals" chapter)

**G. VERIFICATION** [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the "Verification Procedures" chapter. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher.

**H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY** [24 CFR 982.201]

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the PHA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program.

**Chapter 4**

**ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST**

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

**INTRODUCTION**

It is the PHA's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

**This chapter explains the three local preferences which the PHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the PHA's system of applying them.**

By maintaining an accurate waiting list, the PHA will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

**A. WAITING LIST** [24 CFR 982.204]

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The PHA uses a single waiting list for admission to its Section 8 Tenant-Based Assistance Program.

Except for Special Admissions, applicants will be selected from the PHA waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The PHA will maintain information that permits proper selection from the waiting list.

The waiting list contains the following information for each applicant listed:

Applicant Name

Family Unit Size (number of bedrooms family qualifies for under PHA subsidy standards)

Date and time of application

Qualification for any local preference

Racial or ethnic designation of the head of household

**B. SPECIAL ADMISSIONS** [24 CFR 982.54(d)(e), 982.203]

If HUD awards a PHA program funding that is targeted for specifically named families, the PHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

A family displaced because of demolition or disposition of a Public or Indian housing project;

A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

For housing covered by the Low-Income Housing Preservation and Resident Home-Ownership Act of 1990;

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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

A non-purchasing family residing in a HOPE 1 or HOPE 2 Project.

Applicants who are admitted under Special Admissions, rather than from the waiting list, are **identified by codes in the automated system.**

**C. WAITING LIST PREFERENCES** [24 CFR 982.207]

**An applicant will not be granted any Local Preference if any member of the family has been evicted from housing assisted under a 1937 Housing Act Program during the past three years because of drug-related criminal activity.**

**The PHA will grant an exception to such a family if:**

**The responsible member has successfully completed a rehabilitation program.**

**The evicted person clearly did not participate in or know about the drug related activity.**

**The evicted person no longer participates in any drug-related criminal activity.**

**If an applicant makes a false statement in order to qualify for a Local Preference, the PHA will deny admission to the program for the family.**

**. LOCAL PREFERENCES** [24 CFR 5.410]

**The PHA will offer public notice when changing its preference system and the notice will be publicized using the same guidelines as those for opening and closing the waiting list.**

**The PHA uses the following Local Preference system:**

**Date and Time of receipt of a completed application.**

**Veteran Preference:** State Law definition.

**Families with at least one adult who is employed and paying at least 40% of their income for rent and utilities or an elderly or disabled family paying at least 40% of their income for rent and utilities.**

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**Women recovering from drug or alcohol addictions so that they may be reunited with their families and be given a support system.**

**Treatment of Single Applicants**

**All families with children and families who include an elderly person or a person with a disability (see 24 CFR 100.80) shall be given a selection priority over all other applicants.**

**E. INCOME TARGETING**

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the PHA will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as “extremely low-income families.” The PHA will admit families who qualify under the Extremely Low Income limit to meet the income-targeting requirement, regardless of preference.

The PHA’s income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The PHA is also exempted from this requirement where the PHA is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

**The PHA shall have the discretion, at least annually, to exercise the “fungibility” provision of the QHWRA. This provision allows the PHA to admit less than the minimum 40% of its extremely low-income families in a fiscal year to its Public Housing Program to the extent that the PHA’s admission of extremely low-income families in the tenant-based assistance program exceeds 75% of all admissions during the fiscal year. If exercising this option the PHA will follow the fungibility threshold limitations as set forth in QHWRA legislation.**

**The discretion by the PHA to exercise the fungibility provision is also reflected in the PHA’s Public Housing Admissions and Continued Occupancy Policy.**

**F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION**[24 CFR 5.415].

At the time of application, an applicant's entitlement to a Local Preference may be made on the following basis.

**The PHA will verify all preference claims at the time they are made. The PHA will reverify a preference claim, if the PHA feels the family's circumstances have changed, at time of selection from the waiting list.**

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If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the Local Preference and given an opportunity for a meeting.

**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.**

**G. EXCEPTIONS FOR SPECIAL ADMISSIONS** [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a PHA program funding that is targeted for specifically named families, the PHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

A family displaced because of demolition or disposition of a Public or Indian Housing project;

A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;

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

A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

**H. TARGETED FUNDING** [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

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Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system. The PHA has the following "Targeted" Programs:

**Mainstream for Persons with Disabilities**

**Shelter-Plus Care**

**Tenant-Based Assistance**

**I. PREFERENCE AND INCOME TARGETING ELIGIBILITY** [24 CFR 5.410]

**Change in Circumstances**

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change.

If the family's verified annual income, at final eligibility determination, does not fall under the Extremely Low Income limit and the family was selected for income targeting purposes before family(ies) with a higher preference, the family will be returned to the waiting list.

**Cross-Listing of Different Housing Programs and Section 8** [24 CFR 982.205(a)]

**If the waiting list for the PHA's Public Housing Program, Project-Based Voucher Program or Moderate Rehabilitation Program is open at the time an applicant applies for Section 8, the PHA must offer to place the family on its waiting lists for the other programs.**

**Other Housing Assistance** [24 CFR 982.205(b)]

**Other housing assistance means a Federal, State or local housing subsidy, as determined by HUD, including Public Housing.**

**The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]**

**Refuse to list the applicant on the PHA waiting list for tenant-based assistance;**

**Deny any admission preference for which the applicant is currently qualified;**

**Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or**

**Remove the applicant from the waiting list.**

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**However, the PHA may remove the applicant from the waiting list for Tenant-Based Assistance if the PHA has offered the applicant assistance under the Voucher Program.**

**J. ORDER OF SELECTION** [24 CFR 982.207(e)]

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

**Local Preferences**

**Local preferences will be used to select families from the waiting list.**

**The PHA has selected the following system to apply local preferences:**

- 1. All local preferences will be treated equally.**

**Among Applicants with Equal Preference Status**

Among applicants with equal preference status, the waiting list will be organized by **date and time**.

**K. FINAL VERIFICATION OF PREFERENCES** [24 CFR 5.415]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the PHA will:

**Obtain necessary verifications of preference at the interview and by third-party verification.**

**L. PREFERENCE DENIAL** [24 CFR 5.415]

If the PHA denies a preference, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting/a **review with the Director of Assisted Housing**. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

**If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List.**

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**M. REMOVAL FROM WAITING LIST AND PURGING** [24 CFR 982.204(c)]

**The Waiting List will be purged not more than one time each year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.**

**Any mailings to the applicant that require a response will state that failure to respond within 10 days will result in the applicant's name being dropped from the waiting list.**

An extension of **10** days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If the applicant did not respond to the PHA request for information or updates because of a family member's disability, the PHA will reinstate the applicant in the family's former position on the waiting list.

**If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.**

**If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Director of Assisted Housing determines there were circumstances beyond the person's control.**

## **Chapter 5**

### **SUBSIDY STANDARDS**

[24 CFR 982.54(d)(9)]

#### **INTRODUCTION**

HUD guidelines require that PHA's establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards that will be used to determine the voucher size (family unit size) for various sized families when they are selected from the waiting list, as well as the PHA's procedures when a family's size changes, or a family selects a unit size that is different from the Voucher.

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

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The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The PHA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

**For subsidy standards, an adult is a person 18 years or older.**

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

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

**Generally, the PHA assigns one bedroom to two people within the following guidelines:**

**Persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom.**

**Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 6.**

**Foster children will be included in determining unit size only if they will be in the unit for more than 12 months.**

**Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.**

**Space may be provided for a child who is away at school but who lives with the family during school recesses.**

**Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.**

**Adults of different generations will have separate bedrooms.**

**A single-pregnant woman with no other family members must be treated as a two-person family.**

**Single-person families shall be allocated one bedroom.**

## **GUIDELINES FOR DETERMINING VOUCHER SIZE**

### **Voucher Size**

### **Persons in Household**

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	<b>Minimum Number</b>	<b>Maximum Number</b>
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	6
3 Bedrooms	3	8
4 Bedrooms	4	10
5 Bedrooms	6	12
6 Bedrooms	8	14

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

The PHA shall grant exceptions from the subsidy standards if the family requests and the PHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The PHA will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

**Verified medical or health reason; or**

**Elderly persons or persons with disabilities who may require a live-in attendant.**

**Request for Exceptions to Subsidy Standards**

**The family may request a larger-sized Voucher than indicated by the PHA’s subsidy standards. Such request must be made in writing within 7 days of the PHA’s determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.**

**The PHA will not issue a larger Voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.**

Requests based on health-related reasons must be verified by a **doctor/medical/professional/social service professional**.

**PHA Error**

If the PHA errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size.

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### **Changes for Applicants**

The voucher size is determined prior to the briefing by comparing the family composition to the PHA subsidy standards. If an applicant requires a change in the voucher size, based on the requirements of the PHA subsidy standards, the above references guidelines will apply.

### **Changes for Participants**

The members of the family residing in the unit must be approved by the PHA. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA within **14** days. The above referenced guidelines will apply.

### **Underhoused and Overhoused Families**

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the PHA will issue a new Voucher of the appropriate size and assist the family in locating a suitable unit.

#### **Pre-merger Certificate Families Only:**

If a Pre-merger Certificate family is occupying a unit that has more bedrooms than allocated under the PHA's subsidy standards, and the gross rent exceeds the FMR/Exception Rent for the family size under the PHA's subsidy standards, the PHA will issue the family a new Voucher, of the appropriate size, and assist the family in finding a suitable unit.

Pre-merger Certificate families who are under-occupying a unit as defined above will be issued a Voucher and given a minimum of sixty days to locate a new unit before assistance is terminated.

**In such cases the PHA's Voucher Term Extension Policy will be applicable.**

The PHA will also notify the family of the circumstances under which an exception will be granted, such as:

**If a family with a disability is underhoused in an accessible unit.**

**If a family requires the additional bedroom because of a health problem that has been verified by the PHA.**

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### **Transfer Waiting List**

When a change in family composition requires a larger Voucher size and no funds are available, the family will be placed on a Transfer List.

Families will be selected from the Transfer List before families are selected from the applicant waiting list. This assures that families who are already on the program are in the appropriate sized units.

Families will be selected from this list when there is available funding, in the following sequence:

**A participant family (whose family composition has been approved by the PHA) who requires a change in Voucher size because they are living in a unit that is overcrowded according to Housing Quality Standards.**

**A participant family (whose family composition has been approved by the PHA) who requires a change in Voucher size under the Subsidy Standards, but not under Housing Quality Standards.**

**All others who require a transfer as determined by the PHA.**

### **C. UNIT SIZE SELECTED** [24 CFR 982.402(c)]

The family may select a different size dwelling unit than that listed on the Voucher. There are three criteria to consider:

Subsidy Limitation: The family unit size as determined for a family under the PHA subsidy standard for a family assisted in the Voucher Program is based on the PHA's adopted payment standards. The payment standard for a family shall be the *lower of*:

The payment standard amount for the family unit size; or

The payment standard amount for the unit size rented by the family.

Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.

Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a

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living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

### **HQS GUIDELINES FOR UNIT SIZE SELECTED**

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

### **Chapter 6 FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION**

[24 CFR Part 5, Subparts E and F; 982.153, 982.551]

#### **INTRODUCTION**

The PHA will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and at annual reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA's policies in this Chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

#### **A. INCOME AND ALLOWANCES** [24 CFR 5.609]

**Income:** Includes all monetary amounts that are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be

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excluded in the federal regulations. In accordance with this definition, all income that is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

Adjusted Income is defined as the Annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from Annual Income:

Dependent Allowance: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.

Elderly/Disabled Allowance: \$400 per family for families whose head or spouse is 62 or over or disabled.

Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.

Child-Care Expenses: Deducted for the care of children under 13 when child-care is necessary to allow an **adult** member to work, attend school, or actively seek employment.

Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an **adult** family member to work.

## **B. MINIMUM RENT** [24 CFR 5.616]

### **Minimum Rent**

"Minimum rent" is **\$25.00**. Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

### **Hardship Requests for an Exception to Minimum Rent**

The PHA recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The PHA will review all relevant circumstances brought to the PHA's attention regarding financial hardship as it applies to the minimum rent. The following section states the PHA's procedures and policies in regard to minimum rent financial hardship as set

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forth by the Quality Housing and Work Responsibility Act of 1998. HUD has defined circumstances under which a hardship could be claimed.

### **Criteria for Hardship Exception**

In order for a family to qualify for a hardship exception the family's circumstances must fall under one of the following HUD hardship criteria:

The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;

The family would be evicted as a result of the imposition of the minimum rent requirement;

The income of the family has decreased because of changed circumstances, including:

Loss of employment

Death in the family

Other circumstances as determined by the PHA or HUD

### **PHA Notification to Families of Right to Hardship Exception**

The PHA will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly-adjusted income, 10% of monthly income, minimum rent or welfare rent.

The PHA notification will advise families that hardship exception determinations are subject to PHA review and hearing procedures.

The PHA will review all family requests for exception from the minimum rent due to financial hardships.

**All requests for minimum rent hardship exceptions are required to be in writing.**

**The PHA will request documentation as proof of financial hardship.**

**The PHA will use its standard verification procedures to verify circumstances that have resulted in financial hardship.**

**Requests for minimum rent exception must include a statement of the family hardship that qualifies the family for an exception.**

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### **Suspension of Minimum Rent**

The PHA will grant the minimum rent exception to all families who request it, effective the first of the following month.

The minimum rent will be suspended until the PHA determines whether the hardship is:

Covered by statute

Temporary or long-term

"Suspension" means that the PHA must not use the minimum rent calculation until the PHA has made this decision.

During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

If the PHA determines that the minimum rent is not covered by statute, the PHA will impose a minimum rent including payment for minimum rent from the time of suspension.

### **Temporary Hardship**

If the PHA determines that the hardship is temporary, a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary-suspension period, a minimum rent will be imposed retroactively to the time of suspension.

The PHA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period. (See "Owner and Family Debts to the PHA" chapter for Repayment agreement policy).

### **Long-Term Duration Hardships** [24 CFR 5.616(c)(3)]

If the PHA determines that there is a qualifying long-term financial hardship, the PHA must exempt the family from the minimum rent requirements.

### **Retroactive Determination**

The PHA will reimburse the family for any minimum rent charges that took effect after October 21, 1998 that qualified for one of the mandatory exceptions.

**If the family is owed a retroactive payment, the PHA will offset the family's future rent contribution payments by the amount in which the PHA owes the family.**

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## **C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT**

[24 CFR 982.54(d)(10), 982.551]

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

**Temporarily absent" is defined as away from the unit for more than 120 days.**

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The PHA will evaluate absences from the unit using this policy.

### **Absence of Any Member**

Any member of the household will be considered permanently absent if s/he is away from the unit for **6 consecutive months** except as otherwise provided in this Chapter.

### **Absence due to Medical Reasons**

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the PHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than **120** consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy.

### **Absence Due to Full-time Student Status**

Full time students who attend school away from the home will be treated in the following manner:

**Full-time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.**

### **Absence due to Incarceration**

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If the sole member is incarcerated for more than **120** consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for **more than 120 days in a twelve-month period.**

### **Absence of Children due to Placement in Foster Care**

If the family includes a child or children temporarily absent from the home due to placement in foster care, the PHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than **12** of months from the date of removal of the child/ren, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the PHA's subsidy standards.

### **Absence of Entire Family**

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the PHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the PHA before they move out of a unit and to give the PHA information about any family absence from the unit.

**Families must notify the PHA at least 30 days before leaving the unit or if they are going to be absent from the unit for more than 14 consecutive days.**

If the entire family is absent from the assisted unit for more than **120** consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

**If it is determined that the family is absent from the unit, the PHA will not continue assistance payments.**

HUD regulations require the PHA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the PHA may:

**Write letters to the family at the unit**

**Telephone the family at the unit**

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### **Interview neighbors**

### **Verify if utilities are in service**

### **Check with the Post Office**

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

**If the absence which resulted in termination of assistance was due to a person's disability, and the PHA can verify that the person was unable to notify the PHA in accordance with the family's responsibilities, and if funding is available, the PHA may reinstate the family as an accommodation if requested by the family, as long as the period was within 180 days.**

### **Caretaker for Children**

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the PHA will treat that adult as a visitor for the first **30** days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the PHA will review the status at **30-day** intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the PHA will secure verification from social services staff or the attorney as to the status.

If a member of the household is subject to a court order that restricts him/her from the home for more than **4** months, the person will be considered permanently absent.

### **Visitors**

Any adult not included on the HUD 50058 who has been in the unit more than **30** consecutive days without PHA approval, or a total of **60** days in a 12-month period, will be considered to be living in the unit as **an unauthorized** household member.

**Absence of evidence of any other address will be considered verification that the visitor is a member of the household.**

**Statements from neighbors and/or the landlord will be considered in making the determination.**

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**Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.**

**The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the PHA will terminate assistance since prior approval was not requested for the addition.**

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to **120** days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than **180** days per year, the minor will be considered to be an eligible visitor and not a family member.

### **Reporting Additions to Owner and PHA**

Reporting changes in household composition to the PHA is both a HUD and a PHA requirement.

The family obligations require the family to request PHA approval to add any other family member as an occupant of the unit and to inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

**If the family does not obtain prior written approval from the PHA, any person the family has permitted to move in will be considered an unauthorized household member.**

**Families are required to report any additions to the household in writing to the PHA within 14 days of the move-in date.**

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

### **Reporting Absences to the PHA**

Reporting changes in household composition is both a HUD and a PHA requirement.

If a family member leaves the household, the family must report this change to the PHA, in writing, within **14** days of the change and certify as to whether the member is temporarily absent or permanently absent.

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The PHA will conduct an interim evaluation for changes that affect the Total Tenant Payment in accordance with the interim policy.

**D. AVERAGING INCOME**

When Annual Income cannot be anticipated for a full twelve months, the PHA may:

- Average known sources of income that vary to compute an annual income, or**
- Annualize current income and conduct an interim reexamination if income changes.**

If there are bonuses or overtime that the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so as to reduce the number of interim adjustments.

**The method used depends on the regularity, source and type of income.**

**E. MINIMUM INCOME**

There is no minimum income requirement. Families who report zero income are required to **complete a written certification every 2 months**

**Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.**

**If the family's expenses exceed their known income, the PHA will make inquiry of the head of household as to the nature of the family's accessible resources.**

**F. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME**

[24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the PHA will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family:

- 1. Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.**

**OR**

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**Include the income of the person permanently confined to the nursing home and give the family the medical deductions allowable on behalf of the person in the nursing home.**

2. **Exclude the income and deductions of the member if his/her income goes directly to the facility.**

**OR**

**Include the income and deductions of the member if his/her income goes to a family member.**

**G. REGULAR CONTRIBUTIONS AND GIFTS** [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every **2** months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than **\$100.00** per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See "Verification Procedures" chapter for further definition.)

**If the family's expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.**

**H. ALIMONY AND CHILD SUPPORT** [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

**If the amount of child support or alimony received is less than the amount awarded by the court, the PHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.**

The PHA will accept verification that the family is receiving an amount less than the award if:

**The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.**

**It is the family's responsibility to supply a certified copy of the divorce decree.**

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**I. LUMP-SUM RECEIPTS** [24 CFR 5.609]

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

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments that have accumulated due to a dispute will be treated the same as periodic payments that are deferred due to delays in processing.

**Attorney Fees**

**The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.**

**J. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS** [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.

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

**K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE**  
[24 CFR 5.603(d)(3)]

The PHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The PHA will count the difference between the market value and the actual payment received in calculating total assets.

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

**L. CHILD-CARE EXPENSES** [24 CFR 5.603]

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Child-care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full-time, or to actively seek employment.

**In the case of a child attending private school, only after-hours care can be counted as child-care expenses.**

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

**The abuser in a documented child abuse situation, or**

**A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.**

Allowability of deductions for child-care expenses is based on the following guidelines:

**Child-care to work:** The maximum child-care expense allowed must be less than the amount earned by the person enabled to work. **The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.**

**Child-care for school:** The number of hours claimed for child-care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

**Amount of Expense:** The PHA will survey the local child-care providers in the community/collect data as a guideline. **If the hourly rate materially exceeds the guideline, the PHA may calculate the allowance using the guideline.**

#### **M. MEDICAL EXPENSES** [24 CFR 5.609(a)(2), 5.603]

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

**Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.**

**Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.**

**Accupressure, accupuncture and related herbal medicines, and chiropractic services will not be considered allowable medical expenses.**

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**N. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES** [24 CFR 5.520]

**Applicability**

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

**Prorated Assistance Calculation**

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

**O. REDUCTION IN BENEFITS**

See Chapter on recertifications on how to handle income changes resulting from welfare program requirements.

**P. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS**  
[24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is 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. Allowances are not based on an individual family's actual energy consumption.

The PHA'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.

The PHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The PHA must classify utilities in the utility allowance schedule according to the following general categories: space heating, cooking, water heating, water, sewer, trash collection; (other electric,) refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

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An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners [24 CFR 982.517.

The PHA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their Voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the PHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a **12**-month period.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the PHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out: **directly to the tenant.**

## Chapter 7

### VERIFICATION PROCEDURES

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

#### INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by the PHA. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information to the PHA whenever information is requested. The PHA's verification requirements are designed to maintain program integrity. This Chapter explains the PHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The PHA will obtain proper authorization from the family before requesting information from independent sources.

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**A. METHODS OF VERIFICATION AND TIME ALLOWED** [24 CFR 982.516]

The PHA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-Party Written
2. Third-Party Oral
3. Review of Documents
4. Certification/Self-Declaration

The PHA will allow **two** weeks for return of third-party verifications and **two** weeks to obtain other types of verifications before going to the next method. The PHA will document the file as to why third-party written verification was not used.

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance. **For participants, they are valid for 30 days from date of receipt.**

**Third-Party Written Verification**

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first-class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source **are** considered third-party written verifications.

**The PHA will accept verifications in the form of computerized printouts delivered by the family from the following agencies:**

**Social Security Administration**

**Veterans Administration**

**Welfare Assistance**

**Unemployment Compensation Board**

**City or County Courts**

**Third-Party Oral Verification**

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**Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is not available, the PHA will compare the information to any documents provided by the Family. If provided by telephone, the PHA must originate the call.**

### **Review of Documents**

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third-party within **two** weeks, the PHA will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

**The PHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:**

**Printed wage stubs**

**Computer printouts from the employer**

**Signed letters (provided that the information is confirmed by phone)**

**Other documents noted in this Chapter as acceptable verification**

**The PHA will accept faxed documents.**

**The PHA will accept photocopies.**

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the PHA will utilize the third party verification.

### **Self-Certification/Self-Declaration**

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means **a notarized statement/affidavit/certification/statement under penalty of perjury and must be witnessed.**

## **B. RELEASE OF INFORMATION** [24 CFR 5.230]

Adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form.

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In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

**Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.**

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the PHA or HUD.

### **C. COMPUTER MATCHING.**

**Where allowed by HUD and/or other State or local agencies, computer matching will be done.**

**The PHA will utilize the HUD established computer-based Tenant Eligibility Verification System (TEVS) tool for obtaining Social Security benefits, Supplemental Security Income, benefit history and tenant income discrepancy reports from the Social Security Administration**

When computer-matching results in a discrepancy with information in the PHA records, the PHA will follow up with the family and verification sources to resolve this discrepancy. If the family has unreported or underreported income, the PHA will follow the procedures in the Program Integrity Addendum of the Administrative Plan.

### **D. ITEMS TO BE VERIFIED** [24 CFR 982.516]

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Child care expense where it allows an **adult** family member to be employed or to further his/her education.

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an **adult** family member to be employed.

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Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members over 6 years of age or older who have been issued a social security number.

"Preference" status

**Familial/Marital** status when needed for head or spouse definition.

Verification of Reduction in Benefits for Noncompliance:

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

**E. VERIFICATION OF INCOME** [24 CFR 982.516]

This section defines the methods the PHA will use to verify various types of income.

**Employment Income**

Verification forms request the employer to specify the:

Dates of employment

Amount and frequency of pay

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

**Year-to-date earnings**

**Estimated income from overtime, tips or bonus pay expected during next 12 months**

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer.
2. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year-to-date earnings.

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3. W-2 forms plus income tax return forms.
  4. **Self-certifications or** income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

**Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.**

**In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent federal income tax statements.**

**Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.**

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

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. **Computer report electronically obtained or in hard copy.**

### **Unemployment Compensation**

Acceptable methods of verification include, in this order:

1. Verification form completed by the unemployment compensation agency.
2. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.
3. Payment stubs.

### **Welfare Payments or General Assistance**

Acceptable methods of verification include, in this order:

1. PHA verification form completed by payment provider.

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2. **Computer-generated Notice of Action.**
  3. **Computer-generated list of recipients from Welfare Department.**

**Alimony or Child Support Payments**

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. A notarized support letter from the person paying the.
3. Copy of latest check and/or payment stubs from Court Trustee. PHA must record the date, amount and number of the check.

**If payments are irregular, the family must provide:**

**A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.**

**A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.**

**A welfare notice of action showing amounts received by the welfare agency for child support.**

**A written statement from an attorney certifying that a collection or enforcement action has been filed.**

**Net Income from a Business**

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
  - Schedule C (Small Business)
  - Schedule E (Rental Property Income)

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## Schedule F (Farm Income)

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

2. Audited or unaudited financial statement(s) of the business.
3. **Credit report or loan application.**
4. **Documents such as manifests, appointment books, cashbooks, bank statements and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.**
5. **Family's self-certification as to net income realized from the business during previous years.**

### Child Care Business

If an applicant/participant is operating a licensed day-care business, income will be verified as with any other business.

**If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the PHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid and signature of person.**

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

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

### Recurring Gifts

The family must furnish a self-certification that contains the following information:

The person who provides the gifts

The value of the gifts

The regularity (dates) of the gifts

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The purpose of the gifts

### **Zero Income Status**

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

**The PHA will request information from the State Employment Development Department.**

### **Full-time Student Status**

Only the first \$480 of the earned income of full-time students, other than head, co-head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full-time students is not counted towards family income.

Verification of full-time student status includes:

Written verification from the registrar's office or other school official.

School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

## **F. INCOME FROM ASSETS** [24 CFR 982.516]

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

Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution provided that the PHA must adjust the information to project earnings expected for the next 12 months.

### **Interest Income from Mortgages or Similar Arrangements**

Acceptable methods of verification include, in this order:

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

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

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. **Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.**

### **G. VERIFICATION OF ASSETS**

#### **Family Assets**

The PHA will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following:

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.

Real estate tax statements if the approximate current market value can be deduced from assessment.

Financial statements for business assets.

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Copies of closing documents showing the selling price and the distribution of the sales proceeds.

Appraisals of personal property held as an investment.

**Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification**

For all Certifications and Recertifications, the PHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

**H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME**

[24 CFR 982.516]

**Child-Care Expenses**

Written verification from the person who receives the payments is required. If the child-care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child-care provider's name, address, telephone number, **Social Security Number**, the names of the children cared for, the number of hours the child-care occurs, the rate of pay and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

**Medical Expenses**

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

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Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

For attendant care:

A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.

The PHA will use mileage at the **IRS** rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

**Assistance to Persons with Disabilities** [24 CFR 5.611(c)]

In All Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

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Attendant's written certification of amount received from the family, frequency of receipt and hours of care provided.

Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

**I. VERIFYING NON-FINANCIAL FACTORS** [24 CFR 982.153(b)(15)]

**Verification of Legal Identity**

**In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.**

**The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.**

**Certificate of Birth, Naturalization papers**

**Church issued baptismal certificate**

**Current, valid Driver's license**

**U.S. military discharge (DD 214)**

**U.S. passport**

**Voter's registration**

**Company/agency Identification Card**

**Department of Motor Vehicles Identification Card**

**Hospital records**

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Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

**Certificate of Birth**

**Adoption papers**

**Custody agreement**

**Health and Human Services ID**

**School records**

**If none of these documents can be provided, a third-party who knows the person may, at the PHA's discretion, provide a verification form.**

**Verification of Marital Status**

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

**Familial Relationships.**

**Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.**

**The following verifications will always be required if applicable:**

**Verification of relationship:**

**Official identification showing names**

**Birth Certificates**

**Baptismal certificates**

**Verification of guardianship is:**

**Court-ordered assignment**

**Affidavit of parent**

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## **Verification from social services agency**

### **School records**

## **Verification of Permanent Absence of Family Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the PHA will consider any of the following as verification:

Husband or wife institutes divorce action.

Husband or wife institutes legal separation.

Order of protection/restraining order obtained by one family member against another.

Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.

Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.

If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

**If no other proof can be provided, the PHA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.**

## **Verification of Change in Family Composition**

The PHA may verify changes in family composition (either reported or unreported) **through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records and other sources.**

## **Verification of Disability**

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician **such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker**, using the HUD language as the verification format.

## **Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510,5.512, 5.514]**

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To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

**The PHA will require citizens to provide documentation of citizenship.**

**Acceptable documentation will include at least one of the following original documents:**

**United States Birth Certificate**

**United States Passport**

**Resident Alien/registration card**

**Social Security card**

**Other appropriate documentation as determined by the PHA**

Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on Student Visas are ineligible members even though they are in the country lawfully. They must provide their Student Visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an

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ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

### **Time of Verification**

**For applicants, verification of U.S. citizenship/eligible immigrant status occurs** at the same time as verification of other factors of eligibility for final eligibility determination/at the time of initial application.

**Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial PHA does not supply the documents, the PHA must conduct the determination.**

### **Extensions of Time to Provide Documents**

The PHA **will** grant an extension of **30 days** for families to submit evidence of eligible immigrant status.

### **Acceptable Documents of Eligible Immigration**

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Arrival-Departure Record (I-94)

Temporary Resident Card (I-688)

Employment Authorization Card (I-688B)

Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

**The PHA will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.**

If the PHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will

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be terminated for **12** months, unless the ineligible individual has already been considered in prorating the family's assistance.

**Verification of Social Security Numbers** [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

A driver's license

Identification card issued by a Federal, State or local agency

Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)

An identification card issued by an employer or trade union

An identification card issued by a medical insurance company

Earnings statements or payroll stubs

Bank Statements

IRS Form 1099

Benefit award letters from government agencies

Retirement benefit letter

Life insurance policies

Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records

Verification of benefits or Social Security Number from Social Security Administration

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the

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substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the PHA.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the PHA. The applicant/participant or family member will have an additional **30** days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the PHA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

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

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

### **J. VERIFICATION OF WAITING LIST PREFERENCES** [24 CFR 5.410-5.430]

**Veterans preference:** This preference is available to current member of the U.S. Military Armed Forces, veterans, or surviving spouses of veterans.

**The PHA will require U.S. government documents that indicate that the applicant qualifies under the above definition.**

**Working preference:** This preference is available for families with at least one member who is employed or to families whose head or spouse is receiving income based on their inability to work. The PHA will require a statement from the employer, last three months utility bills and rent receipts. Elderly or disabled families paying at least 40% of their income for rent and utilities are eligible for this local preference. Verification of income and the last three months utility bills and rent receipts are required.

**McKinley Hall:** This preference is available for women recovering from drug or alcohol addictions so that they may be reunited with their families and be given a support system. Letter of referral from McKinley Hall stating applicant has successfully completed their program and will be participating in their ongoing program.

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## Chapter 8

### VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

#### **INTRODUCTION**

The PHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the PHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, PHA procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

#### **A. ISSUANCE OF VOUCHERS** [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the PHA will issue Vouchers to applicants whose eligibility has been determined. The number of Vouchers issued must ensure that the PHA stays as close as possible to 100 percent lease-up. The PHA performs a monthly calculation **manually** to determine whether applications can be processed, the number of Vouchers that can be issued, and to what extent the PHA can over-issue (issue more Vouchers than the budget allows to achieve lease up).

The PHA may over-issue Vouchers only to the extent necessary to meet leasing goals. All Vouchers that are over-issued must be honored. If the PHA finds it is over-leased, it must adjust future issuance of Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

#### **B. BRIEFING TYPES AND REQUIRED ATTENDANCE** [24 CFR 982.301]

##### **Initial Applicant Briefing**

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in **groups/individual meetings**. Families who attend group briefings and still have the need for individual assistance will be referred to **Lead Housing Specialist**.

Briefings will be conducted in English.

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The purpose of the briefing is to explain how the program works and the documents in the Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The PHA will not issue a Voucher to a family unless the household representative has attended a briefing and signed the Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend **one** scheduled briefing, without prior notification and approval of the PHA, may be denied admission based on failure to supply information needed for certification. The PHA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

**Briefing Packet** [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the Voucher program will comply with all HUD requirements. **The PHA also includes other information and/or materials that are not required by HUD.**

The family is provided with the following information and materials

The term of the voucher, and the PHA policy for requesting extensions or suspensions of the voucher (referred to as tolling).

A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family; how the PHA determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the PHA determines the maximum allowable rent for an assisted unit **including the rent reasonableness standard.**

Where the family may lease a unit. For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the information must include an explanation of how portability works.

The HUD required tenancy addendum, which must be included in the lease.

The Request for Approval of Tenancy form and a description of the procedure for requesting approval for a unit.

A statement of the PHA policy on providing information about families to prospective owners.

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The PHA Subsidy Standards including when and how exceptions are made **and how the voucher size relates to the unit size selected.**

The HUD brochure on how to select a unit **and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.**

The HUD brochure on lead-based paint **and information about where blood level testing is available.**

Information on Federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. **The PHA will also include the pamphlet "Fair Housing: It's Your Right" and other information about fair housing laws and guidelines, such as the "take one, take all" law and the phone numbers of the local fair housing agency and the HUD enforcement office.**

A list of landlords or other parties willing to lease to assisted families or help in the search **and/or known units available for the Voucher issued.** The list includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.

If the family includes a person with disabilities, notice that the PHA will provide **assistance in locating accessible units and** a list of available accessible units known to the PHA.

The Family Obligations under the program.

The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.

PHA informal hearing procedures including when the PHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.

*[Note: Additional Items for Briefing Packet Based on SEMAP Requirements]*

**Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability. (required for PHAs in MSAs)**

**A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families. (required for PHAs in MSAs)**

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Information regarding the PHA's outreach program, which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations.

A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration. (required for PHAs in MSAs)

**Procedures for notifying the PHA and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.**

**The family's rights as a tenant and a program participant.**

**Requirements for reporting changes between annual recertifications.**

**Information on security deposits and legal referral services.**

**Exercising choice in residency**

**Choosing a unit carefully and only after due consideration.**

**The Family Self-Sufficiency Program and its advantages.**

If the family includes a person with disabilities, the PHA will ensure compliance with CFR 8.6 to ensure effective communication.

### **Owner Briefing**

**Briefings are held for owners once a year. All new owners receive a personal invitation and current owners are notified by mail. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the three parties.**

### **Signature Briefing**

**All new owners will be required to attend a signature briefing with the family head at the office to execute contracts and leases. Other owners will be encouraged to attend signature briefings to reduce future conflict between the owner and tenant. The PHA will provide details on the program rules and relationships and responsibilities of all parties.**

## **C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION**

At the briefing, families are encouraged to search for housing in non-impacted areas and the PHA will provide assistance to families who wish to do so.

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**The PHA has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.**

**The PHA has maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.**

**The PHA will investigate and analyze when Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.**

**The assistance provided to such families includes:**

**Direct contact with landlords.**

**Counseling with the family.**

**Providing information about services in various non-impacted areas.**

**Meeting with neighborhood groups to promote understanding.**

**Formal or informal discussions with landlord groups**

**Formal or informal discussions with social service agencies**

**Meeting with rental referral companies or agencies**

**Meeting with fair housing groups or agencies**

**D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION**

The PHA will give participants a copy of HUD form 903 to file a complaint and will provide assistance to participants in completing forms or contactin the City of Springfield Human Relations Department.

**E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]**

**Leases Effective Prior to October 2, 1995**

The amount of Security Deposit that could have been collected by owners under contracts effective prior to October 2, 1995 is:

Under the pre-merger Certificate Program, the owner could have collected a Security Deposit in an amount not to exceed Total Tenant Payment or \$50.00 whichever is greater, for non-lease-in-place families.

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For the pre-merger Voucher Program, the owner, at his/her discretion, could have collected a Security Deposit in an amount not to exceed (PHA policy):

**The greater of 30% of adjusted monthly income or \$50 for non-lease-in-place families.**

### **Leases Effective on or after October 2, 1995**

The owner is not required to but may collect a (one) security deposit from the tenant.

Security deposits charged to families may be any amount the owner wishes to charge, **(subject to the following conditions:)**

**Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.)**

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

### **F. TERM OF VOUCHER** [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a Voucher that represents a contractual agreement between the PHA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program that occurs when the lease and contract become effective.

### **Expirations**

The Voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Approval of the Tenancy and Lease within the sixty-day period unless an extension has been granted by the PHA.

If the Voucher has expired, and has not been extended by the PHA or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

### **Suspensions**

When a Request for Approval of Tenancy is received, the PHA **will not** deduct the number of days required to process the request from the 60-day term of the voucher.

### **Extensions**

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**The PHA will extend the term up to 120 days from the beginning of the initial term if the family needs and requests an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If as a reasonable accommodation, the family needs an extension in excess of 120 days, the PHA will request such approval from the HUD field office.**

**A family may request an extension of the Voucher time period. All requests for extensions must be received prior to the expiration date of the Voucher.**

**Extensions are permissible at the discretion of the PHA up to a maximum of an additional 60 days primarily for these reasons:**

**Extenuating circumstances such as hospitalization or a family emergency for an extended period of time that has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.**

**The PHA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the PHA, throughout the initial sixty-day period. A completed search record is not required.**

**The family was prevented from finding a unit due to disability accessibility requirements or large size four-bedroom unit requirement.**

### **Assistance to Voucher Holders**

Families who require additional assistance during their search may call the PHA Office to request assistance. Voucher holders will be notified at their briefing session that the PHA periodically updates the listing of available units and how the updated list may be obtained.

The PHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

### **G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS**

24 CFR 982.315

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the **Director of Assisted Housing** shall consider the following factors to determine which of the families will continue to be assisted:

**Which of the two new family units has custody of dependent children.**

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**Which family member was the head of household when the Voucher was initially issued (listed on the initial application).**

**The composition of the new family units, and which unit contains elderly or disabled members.**

**Whether domestic violence was involved in the breakup.**

**Which family members remain in the unit.**

**Recommendations of social service professionals.**

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the PHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

**H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER**  
[24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by the PHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

**In order for a minor child to continue to receive assistance as a remaining family member:**

**The PHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.**

A reduction in family size may require a reduction in the voucher family unit size.

**Chapter 9**

**REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION**

[24 CFR 982.302]

**INTRODUCTION** [24 CFR 982.305(a)]

The PHA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have

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been budgeted. The PHA's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the PHA, or outside of the PHA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the PHA. This Chapter defines the types of eligible housing, the PHA's policies that pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Approval of Tenancy (RFAT).

**A. REQUEST FOR APPROVAL OF TENANCY** [24 CFR 982.302, 982.305(b)]

The Request for Approval of Tenancy (RFAT) and a copy of the proposed Lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Approval of Tenancy in the form and manner required by the PHA.

The Request for Approval of Tenancy must be signed by both the owner and Voucher holder.

**The PHA will not permit the family to submit more than one RFAT at a time.**

The PHA will review the proposed lease and the Request for Approval of Tenancy documents to determine whether or not they are approvable. The Request will be approved if:

The unit is an eligible type of housing

The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)

The rent is reasonable

The Security Deposit is approvable in accordance with any limitations in this plan.

The proposed lease complies with HUD and PHA requirements (See "Lease Review" section).

The owner is approvable, and there are no conflicts of interest (See "Owner Disapproval" section below). In addition to the above, at the time a family initially receives assistance (new admissions and moves), the family share of rent may not exceed 40 percent of the family monthly-adjusted income (See "Owner Rents, Rent Reasonableness and Payment Standards" chapter of this Administrative Plan).

**Disapproval of RFAT**

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If the PHA determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The PHA will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given **30** calendar days to submit an approvable RFAT from the date of disapproval.

When, for any reason, an RFAT is not approved, the PHA will furnish another RFAT form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

**B. ELIGIBLE TYPES OF HOUSING** [24 CFR 982.353, 982.54(d)(15)]

The PHA will approve any of the following types of housing in the Voucher program:

All structure types can be utilized.

Manufactured homes where the tenant leases the mobile home and the pad.

**Manufactured homes where the tenant owns the mobile home and leases the pad.**

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The PHA may not permit a Voucher holder to lease a unit that is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

**C. LEASE REVIEW** [24 CFR 982.308]

The PHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and State and local law. The tenant also must have legal capacity to enter a lease under State and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the on the Request For Approval of Tenancy.

The family and owner must submit a standard-form lease used in the locality by the owner and that is generally used for other unassisted tenants in the premises. The terms and conditions of the lease must be consistent with State and local law. The lease must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family. The HUD prescribed tenancy-addendum must be included in the lease word-for-word before the lease is executed.

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**House Rules of the owner may be attached to the lease as an addendum, provided they are approved by the PHA to ensure they do not violate any fair housing provisions and do not conflict with the tenancy addendum.**

**Actions Before Lease Term**

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

The PHA has inspected the unit and has determined that the unit satisfies the HQS;

The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum;

The PHA has approved leasing of the unit in accordance with program requirements

**D. SEPARATE AGREEMENTS**

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the PHA.

Any appliances, services or other items that are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the PHA. If agreements are entered into at a later date, they must be approved by the PHA and attached to the lease.

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**The PHA will not approve separate agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling.**

**E. INITIAL INSPECTIONS** [24 CFR 982.305(a) & (b)]

See "Housing Quality Standards and Inspections" chapter of this Administrative Plan.

**F. RENT LIMITATIONS** [24 CFR 982.503]

The PHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

**G. DISAPPROVAL OF PROPOSED RENT** [24 CFR 982.502]

In any of the programs, if the proposed Gross Rent is not reasonable, at the family's request, the PHA will negotiate with the owner to reduce the rent to a reasonable rent.

At the family's request, the PHA will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner, the PHA will continue processing the Request for Approval of Tenancy and Lease. If the revised rent involves a change in the provision of utilities, a new Request for Approval of Tenancy must be submitted by the owner.

If the owner does not agree on the Rent to Owner after the PHA has tried and failed to negotiate a revised rent, the PHA will inform the family and owner that the lease is disapproved.

**H. INFORMATION TO OWNERS** [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the PHA will furnish prospective owners **who request the family's address information in writing from the PHA** with the family's current address as shown in the PHA's records and, if known to the PHA, the name and address of the landlord at the family's current and prior address.

**The PHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.**

The PHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

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A statement of the PHA's policy on release of information to prospective landlords will be included in the briefing packet that is provided to the family.

**The PHA will furnish prospective owners with information about the family's rental history, or any history of drug trafficking.**

**The PHA will provide the following information, based on documentation in its possession:**

**Eviction history**

**Damage to rental units**

**Drug Trafficking by family members**

The information will be provided for the last **three** years.

The information will be provided **in writing**.

Only the **Lead Housing Specialist** may provide this information. The PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

**I. OWNER DISAPPROVAL [24 CFR 982.306]**

See Chapter on "Owner Disapproval and Restriction."

**J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE**

When the family reports changes in factors that will affect the Total Family Share prior to the effective date of the HAP contract at admission, the information will be verified and the Total Family Share will be recalculated. If the family does not report any change, the PHA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

**K. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]**

The PHA prepares the Housing Assistance Contract and lease for execution. The family and the owner will execute the Lease agreement, and the owner and the PHA will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The PHA will retain a copy of all signed documents.

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The PHA makes every effort to execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The following PHA representative(s) is/are authorized to execute a contract on behalf of the PHA: **Lead Housing Specialist and Assisted Housing Case Managers.**

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

#### **L. CHANGE IN OWNERSHIP**

See "Owner Disapproval and Restriction" chapter.

### **Chapter 10**

## **HOUSING QUALITY STANDARDS AND INSPECTIONS**

[24 CFR 982.401]

### **INTRODUCTION**

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The PHA will inspect each unit under contract at least annually. The PHA will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the PHA's required standards and to assure consistency in the PHA's program. This Chapter describes the PHA's procedures for performing HQS and other types of inspections, and PHA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and PHA requirements. (See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.)

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**A. GUIDELINES/TYPES OF INSPECTIONS** [24 CFR 982.401(a), 982.405]

**The PHA has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.**

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The PHA will not promote any additional acceptability criteria that is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

**All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RFAT) to have the utilities turned on.** The owner and tenant will both certify that the utilities are on.

**If the tenant is responsible for supplying the stove and/or the refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS.** The family must then certify that the appliances are in the unit and working. **The PHA will not conduct a reinspection.**

There are five types of inspections the PHA will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Approval of Tenancy.
2. Annual: Must be conducted within twelve months of the last annual inspection.
3. Move-Out/Vacate (for pre 10/2/95 contracts where there could be damage claims)
4. Special/Complaint: At request of owner, family or an agency or third party.
5. Quality Control

**B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]**

**Timely Initial HQS Inspection**

The PHA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within **three** days after the family and the owner have submitted a request for approval of tenancy.

The same **three-day** clock will be suspended during any period when the unit is not available for inspection.

The PHA will include “date unit available for inspection” on the RFAT form. This date will determine whether the PHA will be required to meet the same **three-day** requirement or whether

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the PHA will suspend the same **three**-day period because the unit is not available for inspection until after the same **three-day** period.

**For file audit purposes, the PHA will note in each tenant file, the date on which the unit first became available for inspection according to information obtained from the RFAT.**

The PHA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 15 days unless the **PHA** determines that it is unable to do so in the stated timeframe, in which case the file will be appropriately documented.

**The PHA will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.**

**The PHA will periodically conduct a semiannual review of the average time required for a family and owner to have a unit inspected from the time the RFAT is submitted by the family and owner to the PHA.**

**If the PHA determines after a semiannual review of files that the average time for a family and owner to obtain an initial inspection is longer than 3 days, the PHA will review staffing needs relevant to HQS inspection.**

The Initial Inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this Plan.

Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the owner will be advised to notify the PHA once repairs are completed.

On an initial inspection, the owner will be given up to **30** days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to **two** reinspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit

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**C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]**

The PHA conducts an inspection in accordance with Housing Quality Standards at least annually, **90** days prior to the last annual inspection, so that the inspections are conducted at least annually, as required by SEMAP. Special inspections may be scheduled between anniversary dates.

HQS deficiencies that cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

The family must allow the PHA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

**The PHA will notify the family in writing or by phone at least two days prior to the inspection.**

Inspection: The family **and owner are** notified of the date and time of the inspection appointment by mail **or phone**. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within **seven** days.

**If the family does not contact the PHA to reschedule the inspection, or if the family misses two inspection appointments, the PHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.**

**Reinspection: The family and owner are provided a notice of the inspection appointment by mail. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.**

**The family is also notified that it is a Family Obligation to allow the PHA to inspect the unit. If the family was responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this Administrative Plan, they will be advised of their responsibility to correct.**

**Time Standards for Repairs**

Emergency items that endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See Emergency Repair Items section.)

For non-emergency items, repairs must be made within 30 days.

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For major repairs, the **Director of Assisted Housing** may approve an extension beyond 30 days.

### **Rent Increases**

Rent to owner increases may not be approved if the unit is in a failed condition.

### **D. MOVE-OUT/VACATE**

**A move-out inspection will be performed only at the landlord's request if claim is to be submitted for contracts effective before 10/2/95.**

### **E. SPECIAL/COMPLAINT INSPECTIONS** [24 CFR 982.405(c)]

If at any time the family or owner notifies the PHA that the unit does not meet Housing Quality Standards, the PHA will conduct an inspection.

**The PHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.**

The PHA will inspect only the items that were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

### **F. QUALITY CONTROL INSPECTIONS** [24 CFR 982.405(b)]

Quality Control inspections will be performed by the **Director of Assisted Housing** on the number of files required by SEMAP. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files will include recently completed inspections (within the prior 3 months), a cross-section of neighborhoods, and a cross-section of inspectors.

### **G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS** [24 CFR 982.401 (a)]

The PHA adheres to the acceptability criteria in the program regulations **and local codes with the additions described below.**

**Minimum standard for exterior door locks to be a standard duty cylindrical lock.**

**Local Codes** [24 CFR 982.401(a)(4)]

### **Modifications**

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**Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.**

**Extension for repair items not required by HQS will be granted for modifications/adaptations to the unit if agreed to by the tenant and landlord. PHA will allow execution of the HAP contract if unit meets all requirements and the modifications do not affect the livability of the unit.**

**H. EMERGENCY REPAIR ITEMS** [24 CFR 982.401(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

**Lack of security for the unit**

**Waterlogged ceiling in imminent danger of falling**

**Major plumbing leaks or flooding**

**Natural gas leak or fumes**

**Electrical problem that could result in shock or fire**

**No heat when outside temperature is below 32 degrees Fahrenheit and temperature inside unit is below 60 degrees Fahrenheit.**

**Utilities not in service**

**No running hot water**

**Broken glass where someone could be injured**

**Obstacle which prevents tenant's entrance or exit**

**Lack of functioning toilet**

**The PHA may give a short extension (not more than 24 additional hours) whenever the responsible party cannot be notified or it is impossible to affect the repair within the 24-hour period.**

**In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the PHA.**

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If the emergency repair item(s) are not corrected in the time period required by the PHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and it is an HQS breach that is a family obligation, the PHA will terminate the assistance to the family.

### **Smoke Detectors**

**Inoperable smoke detectors are a serious health threat and will be treated by the PHA as an emergency (24 hour) fail item.**

**If the smoke detector is not operating properly the PHA will contact the owner by phone and request the owner to repair the smoke detector within 24 hours. The PHA will reinspect the unit the following day.**

**If the PHA determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and the PHA will reinspect the unit the following day.**

**The PHA will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. Warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS.**

### **I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)** [24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the PHA, the assistance payment to the owner will be **abated**.

### **Abatement**

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for **30** days, depending on the nature of the repair(s) needed.

The PHA will inspect abated units within **two** days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

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**The PHA will advise owners of their responsibility to notify the tenant of when the reinspection will take place.**

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. **The notice of abatement states that the tenant is not responsible for the PHA's portion of rent that is abated.**

### **Reduction of Payments**

**The PHA will grant an extension in lieu of abatement in the following cases:**

**There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.**

**The owner makes a good faith effort to make the repairs.**

**The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.**

**The repairs must be delayed due to climate conditions.**

**The extension will be made for a period of time not to exceed 30 days. At the end of that time, at the PHA's discretion, if the work is not completed, the PHA will begin the termination of assistance.**

### **Termination of Contract**

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination **may** be rescinded by the PHA if the tenant chooses to remain in the unit. **No more than one** Housing Quality Standards inspection will be conducted after the termination notice is issued.

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**J. DETERMINATION OF RESPONSIBILITY** [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

Tenant-paid utilities not in service

Failure to provide or maintain family-supplied appliances

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The PHA may terminate the family's assistance on that basis.

**The inspector will make a determination of owner or family responsibility during the inspection. The owner or tenant may appeal this determination to a mediator within 14 days of the inspection.**

**If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.**

**K. CONSEQUENCES IF FAMILY IS RESPONSIBLE** [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family make any repair(s) or corrections within **24 hours if an emergency or 30 days** for non-emergency repairs. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by the **Director of Assisted Housing**. The owner's rent will not be abated for items that are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

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## Chapter 11

### OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.505, 982.503, 982.504, 982.505]]

#### **INTRODUCTION**

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the “merger date”. These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

In accordance with the regulations, for those Section 8 participant families where there is a HAP Contract in effect entered into prior to October 1, 1999, the PHA will continue to uphold the rent calculation methods of the Pre-merger Regular Certificate, and Voucher tenancies until the 2<sup>nd</sup> regular reexamination of family income and composition following the “merger date”. However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This Chapter explains the PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

#### **A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM**

The Rent to Owner is limited only by rent reasonableness. The PHA must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly-adjusted income.

During the initial term of the lease, the owner may not raise the rent to owner.

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**B. MAKING PAYMENTS TO OWNERS** [24 CFR 982.451]

Once the HAP Contract is executed, the PHA begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made **automatically** to the HAP Register for the following month. Checks are disbursed by **the Finance Department** to the owner each month. Checks **may not** be picked up by owner at the PHA.

Checks that are not received by the 10<sup>th</sup> of the month will be replaced after a stop payment has been put on the check.

**Excess Payments**

The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the PHA" chapter of this Administrative Plan.

**Late Payments to Owners**

**It is a local business practice in Clark County for property managers and owners to charge tenants a reasonable late fee for rents not received by the owner or property manager by the due date, notwithstanding any grace period which is typically 5 days past the first of the month.**

**Therefore, in keeping with generally accepted practices in the local housing market, the PHA must make housing assistance payments to the owner promptly and in accordance with the HAP contract.**

**The PHA will pay a \$20.00 late fee to the owner for housing assistance payments that are not mailed to the owner by the 10th day of the month, if requested by the owner.**

Proof of "Mailed to" date will be the:

**date of receipt of mailing from the Post Office**

Proof of "Received by Owner" will be:

**5 calendar days after date of mailing by PHA**

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**To assist the PHA in its outreach efforts to owners, and to provide better customer service, the PHA will offer to make automatic monthly HAP deposits into the bank account of the owner. If the owner agrees to such an arrangement with the PHA, the date the bank shows as the deposit date will be the official date of record and will be the determining factor in cases involving late payment penalties.**

The PHA will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the PHA's control, such as a delay in the receipt of program funds from HUD. The PHA will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

The PHA will not use any program funds for the payment of late fee penalties to the owner.

**C. RENT REASONABLENESS DETERMINATIONS** [24 CFR 982.507]

The PHA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

The PHA will not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. The PHA must redetermine the reasonable rent before any increase in the rent to owner, and 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.

A unit's rent will be considered reasonable if it is within (+) or (-) \$50.00 of the average of the survey units' contract rent. Any variance from this policy will require the approval of the Assisted Housing Director.

The PHA must redetermine rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system. The PHA may elect to redetermine rent reasonableness at any other time. 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 PHA

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere. **The PHA will request information on the owner's units elsewhere if the PHA has cause to demonstrate that the owner has a tendency to charge higher rents to program participants or if needed for rent reasonableness comparables.**

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The data for other unassisted units will be gathered from **newspapers, Realtors, professional associations, inquiries of owners, market surveys, and other available sources.**

The market areas for rent reasonableness are **census tracts within three survey areas** in the PHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Size (number of Bedrooms/square footage)
- Location
- Quality
- Amenities (bathrooms, dishwasher, air conditioning, etc.)
- Housing Services
- Age of unit
- Unit Type
- Maintenance
- Utilities

### **Rent Reasonableness Methodology**

**The PHA uses a "standard deviation" method and uses automation to identify the average rent for units of like size and type within the same market area. The average is adjusted up or down based on the dollar value of all HUD required comparable items.**

The PHA maintains **an automated database** that includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than **12** months old

### **D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM** [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation, and at the PHA's discretion, the Voucher Payment Standard amount is set by the PHA between 90 percent and 110 percent of the HUD published FMR. This is considered the basic range. The PHA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the PHA will

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ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD.

The SMHA will establish a single voucher payment standard amount for each FMR area in the PHA jurisdiction at 110% of the FMR. For each FMR area, the PHA will establish payment standard amounts for each "unit size". The PHA may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities or needed to expand housing opportunities outside areas of minority or poverty concentration.

#### **E. ADJUSTMENTS TO PAYMENT STANDARDS** [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. The PHA will not raise Payment Standards solely to make "high end" units available to Voucher holders. The PHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

##### **Assisted Families' Rent Burdens**

**The PHA will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.**

**If it is determined that particular unit sizes in the PHA's jurisdiction have payment standard amounts that are creating rent burdens for families, the PHA will modify its payment standards for those particular unit sizes.**

##### **Quality of Units Selected**

The PHA will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

##### **PHA Decision Point**

The PHA will review the average percent of income that families on the program are paying for rent. If more than **75%** of families are paying more than 30% of monthly adjusted income for a particular unit size, the PHA will determine whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's HQS and any additional standards added by the PHA in this Administrative Plan.

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If families are paying more than 30% of their income for rent due to the selection of larger bedroom size units or luxury units, the PHA may decline to increase the payment standard. **If these are not the primary factors for families paying higher rents, the PHA will continue increasing the payment standard.**

### **Rent to Owner Increases**

The PHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

### **Time to Locate Housing**

The PHA may consider the average time period for families to lease up under the Voucher program. If more than **50 percent** of Voucher holders are unable to locate suitable housing within the term of the Voucher and the PHA determines that this is due to **75 percent** of rents in the jurisdiction being unaffordable for families even with the presence of a Voucher the Payment Standard may be adjusted.

### **Lowering of the Payment Standard**

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

### **Financial Feasibility**

Before increasing the Payment Standard, the PHA may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

### **File Documentation**

A file will be retained by the PHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

## **F. EXCEPTION PAYMENT STANDARDS**

If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation 24 CFR 982.503.

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**G. OWNER PAYMENT IN THE PRE-MERGER REGULAR CERTIFICATE PROGRAM** [24 CFR 982.502(d)]

The HUD regulations relating to owner rent adjustments applicable to the Regular Tenancy Program will be used until the HAP Contract is no longer effective which will be no later than the second regular reexamination of the family after the merger date. Here is where we insert information about the Rent Adjustments for these contracts.

The PHA will not notify owners of their right to request a rent adjustment.

Owners must request the rent increase in writing. Any increase will be effective the later of (1) the anniversary date of the Contract, or (2) at least 60 days after the owner's request is received.

The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.

For terminations of Pre-merger Regular Certificate HAPS, see "Contract Terminations" chapter.

## **Chapter 12**

### **RECERTIFICATIONS**

[24 CFR 982.516]

#### **INTRODUCTION**

In accordance with HUD requirements, the PHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the PHA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

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**A. ANNUAL ACTIVITIES** [24 CFR 982.516, 982.405]

There are three activities the PHA must conduct on an annual basis. **These activities will be coordinated whenever possible:**

Recertification of Income and Family Composition

HQS Inspection

Rent to Owner Adjustment (following HUD requirements)

The PHA produces a monthly listing of units under contract to ensure that timely reviews of rent to owner, housing quality, and factors related to Total Tenant Payment/Family Share can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Finance Department.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See "Housing Quality Standards and Inspections" chapter.

Rent Adjustments: See "Owner Rents, Rent Reasonableness and Payment Standards" chapter.

**B. ANNUAL RECERTIFICATION/REEXAMINATION** [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

**Pre-Merger Reexamination Issues**

For all pre-merger tenancies the rent calculation methods will not change until the effective date of the second regular reexamination of family income and composition, following the merger date, unless the family moves or accepts a new lease from the owner.

If there has been an increase in the payment standard prior to the effective date of the first regular reexamination of a Pre-merger Voucher following the merger date, the family will receive the benefit of the higher payment standard, provided there has not been a change in family size or composition that would require the PHA to adjust the family unit size.

**Moves Between Reexaminations**

When families move to another dwelling unit:

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**An annual recertification will be scheduled (unless a recertification has occurred in the last 30 days and the anniversary date will be changed.**

Income limits are not used as a test for continued eligibility at recertification.

### **Reexamination Notice to the Family**

The PHA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least **90** days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format. The PHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

#### **Procedure**

The PHA's procedure for conducting annual recertifications will be:

**Schedule the date and time of appointments and mail a notification to the family and owner.**

### **Completion of Annual Recertification**

The PHA will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

#### **Persons with Disabilities**

Persons with disabilities who are unable to come to the PHA's office will be granted an accommodation by conducting the interview **at the person's home**, upon verification that the accommodation requested meets the need presented by the disability.

### **Collection of Information** [24 CFR 982.516(f)]

The PHA has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

**The PHA will allow the family to complete the recertification form.**

**The PHA will require the family to complete a Personal Declaration Form prior to all recertification interviews.**

### **Requirements to Attend**

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The following family members will be required to attend the recertification interview:

**The head of household only**

If the head of household is unable to attend the interview:

**The spouse/co-head/may recertify for the family.**

**Failure to Respond to Notification to Recertify**

The written notification must state which family members are required to attend the interview. The family may call to request another appointment prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the PHA, the PHA **will not** reschedule a second appointment and will:

**Send family notice of termination and offer them an informal hearing**

**Exceptions to these policies may be made by the Director of Assisted Housing, if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.**

**Documents Required From the Family**

In the notification letter to the family, the PHA will include instructions for the family to bring the following:

**Documentation of all assets**

**Documentation of any deductions/allowances**

**Personal Declaration Form completed by head of household**

**Verification of Information**

The PHA will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than **60** days old.

**Tenant Rent Increases**

If tenant rent increases, a thirty day notice is mailed to the family prior to the scheduled effective date of the annual recertification.

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If less than thirty days are remaining before the scheduled effective date of the annual recertification, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the scheduled effective date of the annual recertification.

### **Tenant Rent Decreases**

If tenant rent decreases, it will be effective the first day of the month following the change or when the tenant reports the change.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the PHA.

### **C. REPORTING INTERIM CHANGES [24 CFR 982.516]**

Program participants must report all changes in household composition to the PHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain PHA approval prior to all other additions to the household.

The PHA will conduct a reexamination to determine if household composition change will result in an adjustment to the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

### **Increases in Income**

#### **Interim Reexamination Policy**

The PHA **will not** conduct interim reexaminations when families have an increase in income.

### **Decreases in Income**

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The PHA must calculate the change if a decrease in income is reported.

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## **PHA Errors**

If the PHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

## **D. OTHER INTERIM REPORTING ISSUES**

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination will be scheduled for families with **zero** income every **60** days.

## **E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS**

The PHA will not reduce the family share of rent for families whose welfare assistance is reduced specifically because of:

fraud; or

failure to participate in an economic self-sufficiency program; or

noncompliance with a work activities requirement

However, the PHA will reduce the rent if the welfare assistance reduction is a result of:

The expiration of a lifetime time limit on receiving benefits; or

A situation where the family has complied with welfare program requirements but cannot or has not obtained employment

The PHA will notify affected families that they have the right to an informal hearing regarding these requirements.

(See "Verification Procedures" chapter.)

## **Cooperation Agreements**

**The PHA will execute a Cooperation Agreement with the local welfare agency to ensure timely and accurate verification of noncompliance.**

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**The PHA and the local welfare agency have mutually agreed to exchange information regarding any economic self-sufficiency and/or other appropriate programs or services that would benefit Section 8 tenant-based assistance families.**

**F. NOTIFICATION OF RESULTS OF RECERTIFICATIONS** [HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures **are not** required by the PHA. If the family disagrees with the rent adjustment, they may request an informal hearing.

**G. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)** [24 CFR 982.516(c)]

**Standard for Timely Reporting of Changes**

The PHA requires that families report interim changes to the PHA within **14** days of when the change occurs. Any information, document or signature needed from the family that is needed to verify the change must be provided within **7** days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

**Procedures when the Change is Reported in a Timely Manner**

The PHA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. **However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.**

**Procedures when the Change is not Reported by the Family in a Timely Manner**

Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

**Procedures when the Change is Not Processed by the PHA in a Timely Manner**

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"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the PHA in a timely manner.

In this case, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the PHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

**H. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES** [24 CFR 982.516(c)]

(See "Subsidy Standards" chapter.)

**I. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES** [24 CFR 5.518].

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

**The Noncitizens rule was implemented prior to November 29, 1996, and "Mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:**

**The head of household or spouse is a U.S. citizen or has eligible immigrant status;  
AND**

**All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants.  
The family may change the head of household to qualify under this provision.**

**J. MISREPRESENTATION OF FAMILY CIRCUMSTANCES**

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

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## Chapter 13

### MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314, 982.353, 982.355(a)]

#### INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under Portability procedures. The regulations also allow the PHA the discretion to develop policies that define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the PHA's jurisdiction, and the policies for restriction and limitations on moves.

#### A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if:

The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).

The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).

#### B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552(a)]

**Families will not be permitted to move within the PHA's jurisdiction during the initial year of assisted occupancy.**

**Families will not be permitted to move outside the PHA's jurisdiction under portability procedures during the initial year of assisted occupancy.**

**Families will not be permitted to move more than once in a 12-month period.**

The PHA will deny permission to move if there is insufficient funding for continued assistance.

The PHA **may** deny permission to move if:

**The family has violated a Family Obligation.**

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**The family owes the PHA money.**

**The Director of Assisted Housing may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.**

**C. PROCEDURE FOR MOVES** [24 CFR 982.314]

**Issuance of Voucher**

Subject to the restrictions on moves, if the family has not been recertified within the last **90** days, the PHA will issue the voucher to move **as soon as the family requests the move.**

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

**The annual recertification date will be changed to coincide with the new lease-up date.**

**Notice Requirements**

**Briefing sessions emphasize the family's responsibility to give the owner and the PHA proper written notice of any intent to move.**

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the PHA simultaneously.

For units under a Certificate HAP contract effective before October 2, 1995, if the family vacates the unit without proper notice in writing to the owner, the family will be responsible for any vacancy loss paid by the PHA.

**Time of Contract Change**

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move **except that there will be no overlapping assistance.**

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

**D. PORTABILITY** [24 CFR 982.353]

Portability applies to families moving out of or into the PHA's jurisdiction within the United States and its territories.

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**E. OUTGOING PORTABILITY** [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the PHA's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of the PHA's jurisdiction, the request must specify the area to which the family wants to move.

**If there is more than one PHA in the area in which the family has selected a unit, the PHA will choose the receiving PHA.**

**Restrictions on Portability**

Applicants

If neither the head nor spouse had a domicile (legal residence) in the PHA's jurisdiction at the date of their initial application for assistance, the family **will** not be permitted to exercise portability upon initial issuance of a voucher, unless the PHA approves such move. [NOTE: legal domicile is defined by local government.]

Upon initial issuance of a voucher the family must be income eligible under the receiving PHA income limits during the initial 12-month period after admission to the program.

Participants

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances.

The receiving and initial PHA agree to allow the move.

**The family's move relates to an opportunity for education, job training or employment**

The PHA will not permit families to exercise portability:

If the family is in violation of a family obligation.

If the family owes money to the PHA.

if the family has moved out of its assisted unit in violation of the lease.

Receiving PHA's will be required to submit hearing determinations to the PHA within **30** days.

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**F. INCOMING PORTABILITY** [24 CFR 982.354, 982.355]

**Absorption or Administration**

The PHA will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portable" Voucher by the PHA. The term of the voucher will not expire before the expiration date of any initial PHA voucher. The family must submit a request for approval of tenancy for an eligible unit to the receiving PHA during the term of the receiving PHA voucher. The receiving PHA may grant extensions in accordance with this Administrative Plan. However, if the Family decides not to lease-up in the PHA's jurisdiction, they must contact the initial PHA to request an extension.

**The PHA will absorb all incoming portable families provided that there is funding available.**

When the PHA does not absorb the incoming Voucher, it will administer the Initial PHA's Voucher and the receiving PHA's policies will prevail.

For admission to the program a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

The receiving PHA does not redetermine eligibility for a portable family that was already receiving assistance in the initial PHA Section 8 tenant-based program.

The PHA will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition, which would change the Voucher size, the PHA will change to the proper size based on its own Subsidy Standards.

**Income and Total Tenant Payment of Incoming Portables** [982.353(d)]

If the PHA conducts a recertification of the family it will not cause a delay in the issuance of a voucher.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the PHA's jurisdiction, the PHA will refuse to enter into a contract on behalf of the family at \$0 assistance.

**Requests for Approval of Tenancy**

When the Family submits a Request for Tenancy Approval, it will be processed using the PHA's policies. If the Family does not submit a Request for Tenancy Approval or does not execute a lease, the Initial PHA will be notified within **60** days by the PHA.

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If the Family leases up successfully, the PHA will notify the Initial PHA within **30** days, and the billing process will commence.

The PHA will notify the initial PHA if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the voucher.

If the PHA denies assistance to the family, the PHA will notify the Initial PHA within **30** days and the family will be offered a review or hearing.

The PHA will notify the Family of its responsibility to contact the Initial PHA if the Family wishes to move outside the PHA's jurisdiction under continued portability.

### **Regular Program Functions**

The PHA will perform all program functions applicable the tenant-based assistance program, such as:

Annual reexaminations of family income and composition;

Annual inspection of the unit; and

Interim Examinations when requested or deemed necessary by the PHA

### **Terminations**

The PHA will notify the Initial PHA in writing of any termination of assistance within 30 days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the PHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial PHA.

The Initial PHA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial PHA notifies the PHA that the Family is in arrears or the Family has refused to sign a Payment Agreement, the PHA will terminate assistance to the family.

### **Required Documents**

As Receiving PHA, the PHA will require the documents listed on the HUD Portability Billing Form from the Initial PHA.

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## **Billing Procedures**

As Receiving PHA, the PHA will bill the Initial PHA **monthly** for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be **monthly** unless requested otherwise by the Initial PHA.

The PHA will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial PHA's rate) for each "Portability" Voucher leased as of the first day of the month.

The PHA will notify the Initial PHA of changes in subsidy amounts and will expect the Initial PHA to notify the PHA of changes in the Administrative Fee amount to be billed.

## **Chapter 14**

### **CONTRACT TERMINATIONS**

[24 CFR 982.311, 982.314]

#### **INTRODUCTION**

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the PHA, which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the PHA and the owner, and the policies and procedures for such terminations.

#### **A. CONTRACT TERMINATION** [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the PHA may be terminated by the PHA, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the PHA to the owner after the month in which the Contract is terminated. The owner must reimburse the PHA for any subsidies paid by the PHA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the PHA for vacancy loss under the provisions of Certificate HAP contracts effective before October 2, 1995.

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After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

**B. TERMINATION BY THE FAMILY: MOVES** [24 CFR 982.314(c)(2)]

Family termination of the lease must be in accordance with the terms of the lease.

**C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS**  
[24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required under the lease, to provide proper notice as stated in the lease.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:

Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;

Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises or any drug-related criminal activity on or near the premises.

Other good cause.

During the initial term of the lease, 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 (see 982.310)

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

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**The PHA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for the PHA's decision regarding termination of assistance.**

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

**The PHA will continue housing assistance payments until the family moves or is evicted from the unit.**

**If the action is finalized in court, the owner must provide the PHA with the documentation, including notice of the lockout date.**

The PHA must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from the PHA, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new certificate or voucher so that the family can move with continued assistance.

**D. TERMINATION OF THE CONTRACT BY PHA** [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the PHA terminates program assistance for the family, and when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" chapter)

The PHA may also terminate the contract if:

The PHA terminates assistance to the family.

The family is required to move from a unit when the subsidy is too big for the family size (pre-merger Certificate Program) or the unit does not meet the HQS space standards because of an increase in family size or a change in family composition (Certificate and Voucher Programs).

Funding is no longer available under the ACC.

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The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

**Termination of Pre-merger Certificate HAPS** [24 CFR 982.502(d)]

The PHA must terminate program assistance under any outstanding HAP contract for a regular tenancy under the pre-merger certificate program at the effective date of the second regular reexamination of family income and composition on or after the merger date. At such termination of assistance, the HAP contract will automatically terminate. The PHA will give the owner and family at least 120 days written notice of such termination. The PHA will offer the family the opportunity for continued tenant-based assistance under the voucher program.

**Notice of Termination**

When the PHA terminates the HAP contract under the violation of HQS space standards, the PHA will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

**Chapter 15**

**DENIAL OR TERMINATION OF ASSISTANCE**

[24 CFR 982.552, 982.553]

**INTRODUCTION**

The PHA may deny or terminate assistance for a family because of the family's action or failure to act. The PHA will provide families with a written description of the Family Obligations under the program, the grounds under which the PHA can deny or terminate assistance, and the PHA's informal hearing procedures. This Chapter describes when the PHA is required to deny or terminate assistance, and the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

**A. GROUNDS FOR DENIAL/TERMINATION** [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the PHA will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

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### **Form of Denial/Termination**

Denial of assistance for an applicant may include any or all of the following:

- Denial for placement on the PHA waiting list
- Denying a voucher or withdrawing a certificate or voucher
- Refusing to enter into a HAP contract or approve a tenancy
- Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a tenancy
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

### **Mandatory Denial and Termination** [24 CFR 982.552(b) (10)(d)]

The PHA must deny assistance to applicants, and terminate assistance for participants:

If any member of the family fails to sign and submit HUD or PHA required consent forms for obtaining information.

If no member of the family is a U.S. citizen or eligible immigrant. (See Section D)

If the family is under contract and 180 days (or 12 months, depending on the HAP contract used) have elapsed since the PHA's last housing assistance payment was made. (See "Contract Terminations" chapter.)

The PHA must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law.

If any member of the family has been evicted from federally assisted housing for a serious violation of the lease, the PHA must deny admission for **5** years after the eviction occurred.

The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

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The PHA must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.

The PHA must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

**Grounds for Denial or Termination of Assistance** [24 CFR 982.552(c)]

The PHA will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

**The family violates any family obligation under the program as listed in 24 CFR 982.551.**

**If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.**

**The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.**

**The family breaches an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. The PHA at its discretion may offer the family the opportunity to enter into a repayment agreement. The PHA will prescribe the terms of the agreement. (See "Repayment Agreements" chapter.)**

**The family has engaged in or threatened abusive or violent behavior toward PHA personnel.**

**"Abusive or violent behavior towards PHA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.**

**"Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.**

Actual physical abuse or violence will always be cause for termination.

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**Any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other project residents. Crime by Family Member (See “One Strike Policy” section below.)**

**If any member of the family commits drug-related criminal activity, or violent criminal activity. (See “One-Strike Policy” below and 982.553 of the regulations)**

Refer to "Eligibility for Admission" chapter, “Other Criteria for Admission” section for further information.

## **B. "ONE STRIKE" POLICY**

### **Purpose**

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of **the Springfield Metropolitan Housing Authority** to fully endorse and implement a policy designed to:

Help create and maintain a safe and drug-free community

Keep our program participants free from threats to their personal and family safety

**Support parental efforts to instill values of personal responsibility and hard work**

**Help maintain an environment where children can live safely, learn and grow up to be productive citizens**

**Assist families in their vocational/educational goals in the pursuit of self-sufficiency**

### **Administration**

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

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

### **Screening of Applicants**

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by the Notice 96-27, the PHA will endeavor to screen applicants as thoroughly and fairly as possible **for drug-related and violent criminal behavior.**

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Such screening will apply to any member of the household who is 18 years of age or older.

### **HUD Definitions**

*Drug-related criminal activity* is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means *on or near the* premises.

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

### **Standard for Violation**

The PHA will deny participation in the program to applicants and terminate assistance to participants in cases where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the PHA determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

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

“Engaged in or engaging in” violent criminal activity means any act within the past five years by applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

**The activity is being engaged in by any family member.**

**The existence of the above-referenced behavior by any household member or guest, regardless of the applicant or participant’s knowledge of the behavior, shall be grounds for denial or termination of assistance.**

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

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## **Drug Related and Violent Criminal Activity**

**Ineligibility if Evicted for Drug-Related Activity:** Persons evicted from public housing, Indian Housing, Section 23 or any Section 8 program because of drug-related criminal activity are ineligible for admission to the Section 8 program for a five-year period beginning on the date of such eviction.

### **Applicants will be denied assistance if they have been:**

**arrested/convicted/evicted from a unit assisted under the Housing Act of 1937 due to violent criminal activity within the last five years prior to the date of the certification interview.**

### **Participants will be terminated who have been:**

**arrested/convicted/evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last five years prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.**

**If the family violates the lease for drug related or violent criminal activity, the PHA will terminate assistance.**

**In appropriate cases, the PHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the PHA may consider individual circumstances with the advice of Juvenile Court officials.**

**The PHA will waive the requirement regarding drug-related criminal activity if:**

**The person demonstrates successful completion of a credible rehabilitation program approved by the PHA, or**

**The circumstances leading to the eviction no longer exist.**

## **Termination of Assistance for Participants**

**If the family violates the lease for drug related or violent criminal activity, the PHA will terminate assistance.**

**In appropriate cases, the PHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will**

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**not reside in the unit. If the violating member is a minor, the PHA may consider individual circumstances with the advice of Juvenile Court officials.**

### **Notice of Termination of Assistance**

In any case where the PHA decides to terminate assistance to the family, the PHA must give the family written notice, which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the PHA.

The PHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

### **Required Evidence**

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

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

**The PHA will pursue fact-finding efforts as needed to obtain credible evidence.**

### **Confidentiality of Criminal Records**

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

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**Misuse of the above information by any employee will be grounds for termination of employment. Legal penalties for misuses are contained in Ohio Revised Code.**

**C. FAMILY OBLIGATIONS** [24 CFR 982.551]

The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR 982.551). "Information" includes any requested certification, release or other documentation.

The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

All information supplied by the family must be true and complete.

The family is responsible for an HQS breach caused by the family as described in 982.404(b).

The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

The family may not commit any serious or repeated violations of the lease.

The family must notify the owner and, at the same time, notify the PHA before the family moves out of the unit or terminates the lease upon notice to the owner.

The family must promptly give the PHA a copy of any owner eviction notice.

The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

The family must promptly notify the PHA if any family member no longer resides in the unit.

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If the PHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or PHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.

The family must not sublease or let the unit.

The family must not assign the lease or transfer the unit.

The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.

The family must not own or have any interest in the unit.

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

The members of the family may not engage in drug-related criminal activity or violent criminal activity. (See PHA "One Strike Policy").

An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

**Housing Authority Discretion** [24 CFR 982.552(c)]

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The PHA will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The PHA may also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

**The PHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or**

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**failure to act, will not reside in the unit. The PHA may permit the other members of a family to continue in the program.**

### **Enforcing Family Obligations**

#### Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within **14** days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

#### HQS Breach

The **inspector** will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by **the Director of Assisted Housing**.

#### Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

**If the owner terminates tenancy through court action for serious or repeated violation of the lease.**

**If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the PHA determines that the cause is a serious or repeated violation of the lease based on available evidence.**

**If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and**

**If there are police reports, neighborhood complaints or other third-party information, that has been verified by the PHA.**

#### Notification of Eviction

If the family requests assistance to move and they did not notify the PHA of an eviction within **14** days of receiving the Notice of Lease Termination, the move will be denied.

#### Proposed Additions to the Family

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The PHA will deny a family's request to add additional family members who are:

**Persons who commit drug-related criminal activity or violent criminal activity.**

**Persons who do not meet the PHA's definition of family.**

**Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.**

**Persons who currently owe rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.**

**Persons who have engaged in or threatened abusive or violent behavior toward PHA personnel.**

#### Family Member Moves Out

Families are required to notify the PHA if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

**The date the family member moved out.**

**The new address, if known, of the family member.**

**A statement as to whether the family member is temporarily or permanently absent.**

#### Limitation on Profit-making Activity in Unit

**If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business that is not available for sleeping, it will be considered a violation.**

If the PHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the PHA determines the business is not legal, it will be considered a program violation.

#### Interest in Unit

**The owner may not reside in the assisted unit regardless of whether (s) he is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Certificate Program.**

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## **Fraud**

In each case, the PHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

**In the event of false citizenship claims:** (See section below)

### **D. PROCEDURES FOR NON-CITIZENS** [24 CFR 5.514, 5.516, 5.518]

#### **Denial or Termination due to Ineligible Immigrant Status**

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The PHA must offer the family an opportunity for a hearing. (See "Eligibility for Admission" chapter, section on Citizenship/Eligible Immigration Status.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

#### **False or Incomplete Information**

**When the PHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual will be given an opportunity to present relevant information.**

**If the individual is unable to verify their citizenship, the PHA will give him/her an opportunity to provide a new declaration as an eligible immigrant or an opportunity to elect not to contend their status.**

**The PHA will then verify eligible status, deny, terminate, or prorate as applicable.**

**The PHA will deny or terminate assistance based on the submission of false information or misrepresentation.**

#### **Procedure for Denial or Termination**

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the PHA either after the INS appeal or in lieu of the INS appeal.

After the PHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

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**E. ZERO (\$0) ASSISTANCE TENANCIES**

**HAP Contracts Prior to 10/2/95**

For contracts that were effective prior to 10/2/95, the PHA is liable for unpaid rent and damages if the family vacates during the allowable 12 months after the last HAP payment. The PHA must perform all of the functions normally required, such as reexaminations and inspections.

The participant will be notified of the right to remain on the program at \$0 assistance for 12 months. If the family is still in the unit after 12 months, the assistance will be terminated.

In order for a family to move to another unit during the 12 month, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

**HAP Contracts On or After 10/2/95** [24 CFR 982.455 (a)]

For contracts effective on or after 10/2/95, the PHA has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180-day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the PHA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

**F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION** [24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the PHA to overpay assistance, the PHA may choose not to terminate and may offer to continue assistance provided that the family **executes a Repayment Agreement and makes payments in accordance with the agreement**

**G. MISREPRESENTATION IN COLLUSION WITH OWNER** [24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the PHA will deny or terminate assistance.

**In making this determination, the PHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.**

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## **H. MISSED APPOINTMENTS AND DEADLINES** [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the PHA to fulfill its responsibilities. The PHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the PHA to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the PHA, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the PHA to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

Eligibility for Admissions

Verification Procedures

Voucher Issuance and Briefings

Housing Quality Standards and Inspections

Recertifications

Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

**Medical emergency**

**Incarceration**

**Family emergency**

### **Procedure when Appointments are Missed or Information not Provided**

For most purposes in this Plan, the family will be given one opportunities before being issued a notice of termination or denial for breach of a family obligation.

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After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing:

**The termination will be rescinded after the family cures the breach.**

**The notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance.**

## Chapter 16

### OWNER DISAPPROVAL AND RESTRICTION

[24 CFR 982.54, 982.306, 982.453]

#### INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the Voucher program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the PHA. The regulations define when the PHA must disallow an owner participation in the program, and they provide the PHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

#### A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The PHA will disapprove the owner for the following reasons:

**HUD or other agency directly related** has informed the PHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed the PHA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.

HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.

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Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

**In cases where the owner and tenant bear the same last name, the PHA may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.**

**The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).**

**The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.**

**The owner has engaged in drug-related criminal activity or any violent criminal activity.**

**The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.**

**The owner has a history or practice of renting units that fail to meet State or local housing codes.**

**he owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:**

**Threatens the right to peaceful enjoyment of the premises by other residents;**

**Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing.**

**Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or**

**Is drug-related criminal activity or violent criminal activity;**

**The owner has not paid State or local real estate taxes, fines or assessments.**

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**B. OWNER RESTRICTIONS AND PENALTIES** [24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the PHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The PHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the PHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

**C. CHANGE IN OWNERSHIP**

A change in ownership **does not** require execution of a new contract **and lease**.

**The PHA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title, recorded deed and the Employee Identification Number or Social Security number of the new owner.**

**The PHA must receive a written request by the old owner in order to change the HAP payee and/or the address to which payment is to be sent.**

**Chapter 17**

**CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS (For HAP Contracts Effective Before October 2, 1995)**

**INTRODUCTION**

This Chapter describes the PHA's policies, procedures and standards for servicing HAP Contracts that were effective before October 2, 1995. Certificate and Voucher contracts in this category have provisions for the PHA's liability to owners when families move out. Vouchers and Certificates have a provision for damages, and Certificates, in addition, have a provision for vacancy loss.

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## **A. OWNER CLAIMS**

Under HAP Contracts effective prior to October 2, 1995, owners may make "special claims" for damages, unpaid rent, and vacancy loss (vacancy loss cannot be claimed in the Voucher Program) after the tenant has vacated the unit.

Owner claims for payment for unpaid rent, damages, or vacancy loss will be reviewed for accuracy and completeness and compared with records in the file. The PHA establishes standards by which to evaluate claims, but the burden of proof rests with the owner.

If vacancy loss is claimed, the PHA will ascertain whether or not the family gave proper notice of its intent to move. The file will also be reviewed to verify owner compliance at the time the contract was terminated.

The PHA will pay properly filed claims to the owner as a function of the contract, but the tenant is ultimately responsible to reimburse the PHA for claims paid to the owner.

## **B. UNPAID RENT**

Unpaid rent only applies to the tenant's portion of rent while the tenant is in residence under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP Contract.

Separate agreements are not considered a tenant obligation under the lease and the PHA will not reimburse the owner for any claims under these agreements.

## **C. DAMAGES**

The owner must be present during the move-out inspection and only damages claimed by the owner are reimbursable.

All claims for damages must be supported by the actual bills or estimates for materials and labor **and a copy of the cancelled checks or other receipts documenting payment.**

Invoices or bills from individuals providing labor must include their name, address and telephone number.

The landlord may not bill him/herself for labor since that is not considered by the PHA to be an "actual cost." However, the actual cost of the owner's employees' labor, such as the resident manager, to make repairs may be included.

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## **D. VACANCY LOSS IN THE CERTIFICATE PROGRAM**

Vacancy Loss is applicable to the Certificate Program only. Vacancy loss is paid if the move was in violation of the notice requirements in the lease, or the result of an eviction.

In order to claim vacancy loss, the unit must be available for lease and the landlord must:

Notify the PHA within **or 2 calendar days excluding weekends and holidays** upon learning of the vacancy, or prospective vacancy, and

Pursue all possible activities to fill the vacancy, including, but not limited to:

Contacting applicants on the owner's waiting list, if any;

Seeking eligible applicants by listing the unit with the PHA,

Advertising the availability of the unit, and

Not rejecting potentially eligible applicants except for good cause.

**In the event that a unit becomes vacant because of the death of the tenant, the PHA will permit the owner to keep the HAP for the month in which the tenant died.**

**To ensure valid claim processing, the PHA will conduct a thorough move-in inspection noting "conditions" as well as HQS deficiencies, take pictures of questionable items, and send a report of all items to the owner and tenant.**

**The owner must be present during the move-out inspection and only damages claimed by the owner are reimbursable.**

**All claims for damages must be supported by the actual bills for materials and labor and a copy of the canceled checks or other receipts documenting payment. Estimates are not acceptable.**

**Bills from individuals providing labor must include their name, Social Security Number, address and phone number. The landlord may not bill himself/herself for labor since that is not considered by the PHA to be an "actual cost." However, the actual cost of the owner's employees' labor, such as the resident manager, to make repairs may be included.**

**The PHA may require verification of purchase date, quality, and price of replaced items in order to calculate depreciation.**

**Eligible items to be included on the damage claim must have been a tenant responsibility under the lease or State law.**

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Claims for unpaid utility bills cannot be approved as part of a claim.

Claims for normal wear and tear, previously existing conditions, routine turnover preparation, **[cleaning and cyclical interior painting]** are not paid.

**\* The PHA will inspect the unit to verify that repairs were made.**

#### **E. MOVE-OUT AND CLOSEOUT INSPECTIONS**

There will be no move-out inspections of units with contracts effective on or after October 2, 1995.

**If the contract was terminated due to owner breach, or the owner was in violation of the contract at the time that it was terminated, there will be no entitlement to claims and therefore no inspection.**

The owner and tenant will be notified of the date and time of the inspection. **If the owner is not present, the move-out inspection will not be rescheduled.**

**The PHA will conduct a move-out inspection on tenant's request if the owner does not also request an inspection.**

**A damage claim will not be approved *unless* the move-out inspection is requested and completed prior to any work being done.**

#### **F. PROCESSING CLAIMS**

Any amount owed by the tenant to the owner for unpaid rent or damages will first be deducted from the maximum-security deposit, which the owner could have collected under the program rules. If the maximum allowable security deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts that the family owes under the lease, the owner may request reimbursement from the PHA up to the limits for each program.

If the owner claims vacancy loss, the security deposit that s/he collected or could have collected **will** be deducted from the vacancy loss claim.

The PHA reviews claims for unpaid rent, damages, or vacancy loss and makes a preliminary determination of amount payable. The family is informed that a claim is pending (notice sent to last known address). The notification will state the preliminarily determined amount, the type of claim, and describe the procedure for contesting the claim.

**The PHA will offer the family 10 days to contest the claim. If the family disputes the claim, the PHA will schedule an informal meeting with the owner and tenant in order to resolve the differences.**

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**If the owner fails to attend the meeting, the PHA will consider this prima facie evidence of validity of the tenant's position.**

**If the tenant fails to attend the meeting, the PHA will proceed with its original determination.**

**Meetings will not be rescheduled if neither party attends.**

**The PHA will schedule a Claim Review. If the family misses the Claim Review, another will not be scheduled unless there are extenuating circumstances.**

**At the Claim Review, the amount and type of claim will be discussed with the family. If the family agrees with the amount and type of claim, the family will be offered a Repayment Agreement. If the family does not agree to sign a Payment Agreement, the PHA will process the account for collection.**

**If the family demonstrates that the claim, or parts of it, is invalid, the PHA will adjust the amount. The PHA may offer the tenant an opportunity for an Informal Hearing regarding the claim if disputes cannot be resolved.**

**The PHA does not give the tenant an opportunity to contest the claim.**

After a determination has been made, the PHA will notify the family in writing of the decision. If it has been determined that the family owes money, the PHA will pursue collection to repay either in a lump sum or through a payment agreement. The notice will warn the family that their assistance may be terminated and they may be denied future participation in the program if they do not reimburse the PHA as required.

### **Other Requirements for Claims Processing**

**The PHA will require proof that the owner has complied with State and local laws applicable to security deposits before making payment on any claim.**

**All notices to tenants during the processing of a claim must include proof of mailing or of personal delivery.**

**Costs of filing eviction to remove the tenant or any other legal fees may not be reimbursed.**

**No claims will be paid for a unit, which is vacant as the result of the landlord voluntarily moving a family to another unit owned by the same landlord.**

All unpaid rent, damage, and vacancy loss claim forms must be fully complete when they are submitted, and they must be submitted within **60** days of the date the owner learned of the move-out.

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## Chapter 18

### OWNER OR FAMILY DEBTS TO THE PHA

[24 CFR 982.552]

#### **INTRODUCTION**

This Chapter describes the PHA's policies for the recovery of monies, which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner; the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

**Requests for lump sum payments**

**Civil suits**

**Payment agreements**

**Abatements**

**Reductions in HAP to owner**

**Collection agencies**

**Credit bureaus**

#### **A. PAYMENT AGREEMENT FOR FAMILIES** [24 CFR 982.552 (b)(6-8)]

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

**The PHA will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the family based on the circumstances surrounding the debt to the PHA.**

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There are some circumstances in which the PHA will not enter into a payment agreement. They are:

**If the family already has a Payment Agreement in place.**

**The maximum length of time the PHA will enter into a payment agreement with a family is 12 months.**

**B. DEBTS OWED FOR CLAIMS** [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the PHA for claims paid to an owner:

**The PHA will require the family to pay the amount in full.**

**The PHA will enter into a Payment Agreement.**

**Late Payments**

A payment will be considered to be in arrears if:

**The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.**

If the family's payment agreement is in arrears, and the family has not contacted or made arrangements with the PHA, the PHA will:

**Terminate the housing assistance**

If the family requests a move to another unit and has a payment agreement in place for the payment of an owner claim, and the payment agreement is not in arrears:

**The family will be required to pay the balance in full prior to the issuance of a certificate or voucher.**

If the family requests a move to another unit and is in arrears on a payment agreement for the payment of an owner claim:

**The family will be required to pay the balance in full, or be terminated from the program.**

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**C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION** [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

**Family Error/Late Reporting**

**Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.**

**Program Fraud**

**Families who owe money to the PHA due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.**

**Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:**

**The maximum time period for a Payment Agreement will be 12 months.**

**D. DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP**

**If the family owes the PHA money for rent arrears incurred during the minimum rent period, the PHA will calculate the total amount owed and divide it by 12 to arrive at a reasonable payback amount that the family will be required to pay to the PHA monthly in addition to the family's regular monthly rent payment to the owner. The family will be required to pay the increased amount until the arrears are paid in full to the PHA.**

**If the family goes into default on the repayment agreement for back rent incurred during a minimum rent period, the PHA will reevaluate the family's financial situation and determine whether the family has the ability to pay the increased rent amount and if not, restructure the existing repayment agreement.**

**E. GUIDELINES FOR PAYMENT AGREEMENTS** [24 CFR 982.552(b)(8)]

**Payment Agreements will be executed between the PHA and the head of household.**

**Payments may only be made by money order or cashier's check.**

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**The agreement will be in default when a payment is delinquent by the first of the next month.**

**The family's assistance will be terminated unless the PHA receives the balance of the Repayment Agreement in full within 30 days of the termination notice.**

**No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the Payment Agreement is current:**

**The HAP contract is terminated due to owner non-compliance.**

Additional Monies Owed: If the family already has a Payment Agreement in place and incurs an additional debt to the PHA:

**The PHA will not enter into more than one Payment Agreement with the family.**

**If a Payment Agreement is in arrears more than 30 days, any new debts must be paid in full.**

**F. OWNER DEBTS TO THE PHA** [24 CFR 982.453(b)]

If the PHA determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the PHA may reclaim the amounts from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, the PHA will:

**Enter into a Payment Agreement with the owner for the amount owed.**

**Pursue collections through the local court system.**

**Restrict the owner from future participation.**

**G. WRITING OFF DEBTS**

Debts will be written off if:

**A determination is made that the debtor is judgment proof.**

**The debtor is deceased.**

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## Chapter 19 COMPLAINTS AND APPEALS

### **INTRODUCTION**

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This Chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

### **A. COMPLAINTS TO THE PHA**

The PHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The PHA **does** require that complaints other than HQS violations be put in writing. HQS emergency complaints may be reported by telephone but must be followed up in writing.

The PHA hearing procedures will be provided to families in the briefing packet.

### **Categories of Complaints**

Complaints from families: If a family disagrees with an action or inaction of the PHA or owner.

**Complaints from families will be referred to the Lead Housing Specialist. If a complaint is not resolved, it will be referred to Director of Assisted Housing.**

Complaints from owners: If an owner disagrees with an action or inaction of the PHA or a family.

**Complaints from owners will be referred to Lead Housing Specialist.**

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to the **Lead Housing Specialist**.

Complaints from the general public: Complaints or referrals from persons in the community in regard to the PHA, a family or an owner.

**Complaints from the general public will be referred to the Lead Housing Specialist. If a complaint is not resolved, it will be referred to Director of Assisted Housing.**

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**B. PREFERENCE DENIALS** [24 CFR 5.415]

When the PHA denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for a meeting with PHA staff to discuss the reasons for the denial and to dispute the PHA's decision.

The person who conducts the meeting will be:

**The Director of Assisted Housing and the PHA employee who made the decision.**

**or**

**Any officer or employee of the PHA including the person who made the decision.**

**C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS** [24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

The reason(s) they are ineligible,

The procedure for requesting a review if the applicant does not agree with the decision and

The time limit for requesting a review.

The PHA must provide applicants with the opportunity for an Informal Review of decisions denying:

**Qualification for preference**

Listing on the PHA's waiting list

Issuance of a Voucher

Participation in the program

Informal Reviews are not required for established policies and procedures and PHA determinations such as:

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- Discretionary administrative determinations by the PHA
  - General policy issues or class grievances
  - A determination of the family unit size under the PHA subsidy standards
  - Refusal to extend or suspend a Voucher
  - A PHA determination not to grant approval of the tenancy
  - Determination that unit is not in compliance with HQS
  - Determination that unit is not in accordance with HQS due to family size or composition

### **Procedure for Review**

A request for an Informal Review must be received **in writing** by the close of the business day, no later than **10** days from the date of the PHA's notification of denial of assistance. The informal review will be scheduled within **10** days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by:

**An independent panel of three employees from separate departments.**

The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

A Notice of the Review findings will be provided in writing to the applicant within **five working** days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

### **D. INFORMAL HEARING PROCEDURES** [24 CFR 982.555(a-f), 982.54(d)(13)]

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The PHA will give the family prompt notice of such determinations that will include:

The proposed action or decision of the PHA;

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The date the proposed action or decision will take place;

The family's right to an explanation of the basis for the PHA's decision.

The procedures for requesting a hearing if the family disputes the action or decision;

The time limit for requesting the hearing.

The PHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following PHA determinations:

Determination of the family's annual or adjusted income and the computation of the housing assistance payment

Appropriate utility allowance used from schedule

Family unit size determination under PHA subsidy standards

Determination that premerger Certificate program family is underoccupied in their current unit and a request for exception is denied

Determination to terminate assistance for any reason.

Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account.

The PHA must always provided the opportunity for an informal hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and PHA determinations such as:

Discretionary administrative determinations by the PHA

General policy issues or class grievances

Establishment of the PHA schedule of utility allowances for families in the program

A PHA determination not to approve an extension or suspension of a voucher term

A PHA determination not to approve a unit or lease

A PHA determination that an assisted unit is not in compliance with HQS (PHA must provide hearing for family breach of HQS because that is a family obligation determination)

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A PHA determination that the unit is not in accordance with HQS because of the family size

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

### **Notification of Hearing**

It is the PHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the PHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the PHA receives a request for an informal hearing, a hearing shall be scheduled within **ten** days. The notification of hearing will contain:

The date and time of the hearing

The location where the hearing will be held

The family's right to bring evidence, witnesses, legal or other representation at the family's expense

The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. **Requests for such documents or evidence must be received no later than 3 days before the hearing date.**

A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. **Requests for such documents or evidence must be received no later than 3 days before the hearing date.**

### **The PHA's Hearing Procedures**

**After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.**

Families have the right to:

Present written or oral objections to the PHA's determination.

Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the Hearing Officer;

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Copy any relevant documents at their expense;

Present any information or witnesses pertinent to the issue of the hearing;

Request that PHA staff be available or present at the hearing to answer questions pertinent to the case; and

Be represented by legal counsel, advocate, or other designated representative at their own expense.

**If the family requests copies of documents relevant to the hearing, the PHA will make the copies for the family and assess a charge of \$ .05 per copy. In no case will the family be allowed to remove the file from the PHA's office.**

In addition to other rights contained in this Chapter, the PHA has a right to:

Present evidence and any information pertinent to the issue of the hearing;

Be notified if the family intends to be represented by legal counsel, advocate, or another party;

Examine and copy any documents to be used by the family prior to the hearing;

Have its attorney present; and

Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The PHA appoints hearing officers who:

**Are managers from other departments**

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

**The family must request an audio recording of the hearing, if desired, 3 days prior to the hearing date.**

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

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**If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the PHA shall take effect and another hearing will not be granted.**

The Hearing Officer will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the PHA and the family within five working days and shall include:

A clear summary of the decision and reasons for the decision;

If the decision involves money owed, the amount owed **and documentation of the calculation of monies owed;**

The date the decision goes into effect.

The PHA is not bound by hearing decisions:

Which concern matters in which the PHA is not required to provide an opportunity for a hearing

Which conflict with or contradict to HUD regulations or requirements;

Which conflict with or contradict Federal, State or local laws; or

Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer's determination within **5 working days**. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

**E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"** [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending but assistance to an applicant may be delayed pending the PHA hearing.

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## **INS Determination of Ineligibility**

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

Deny the applicant family

Defer termination if the family is a participant and qualifies for deferral

Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

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Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

**F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES** [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

*Examples of mitigating circumstances are: a) A person with a cognitive disorder may not have understood the requirement to report increases in income, b) A person may not understand the need to make regular repayments on a promissory note, c) Minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.*

## Chapter 20

### SPECIAL HOUSING TYPES

[24 CFR 982.601]

#### **INTRODUCTION**

**The PHA will permit the use of any special housing types in its program only if the applicant/participant can demonstrate that it is needed as a reasonable accommodation for a person with a disability. Acceptable demonstration will include documentation from one or more knowledgeable professionals who are familiar with the applicant/participant and or the type of special housing requested as accommodation.**

The PHA will not set aside any program funding for special housing types, or for a special housing type.

**Acceptable documentation as verification of the need for reasonable accommodation would be a letter to the PHA describing how the special housing type requested provides the accommodation of which the person is in need. The request and documentation will be reviewed by Director of Assisted Housing and a written response stating approval or disapproval will be sent to the applicant/participant within 5 days of receipt of the request.**

**A copy of the PHA's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other**

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## **HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.**

### **A. SHARED HOUSING [24 CFR 982.615]**

#### **Occupancy**

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The PHA may approve a live-in aide to reside with a family in order to care for a person with a disability. The PHA 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.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the PHA. However, housing assistance may not be paid on behalf of an owner. The PHA will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

#### **Rent and HAP Contract**

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.

The rent to owner to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

#### **Maximum Subsidy**

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

If the PHA approves a live-in aide, the live-in aide will be counted in determining the family unit size.

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### **Utility Allowance**

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

### **Housing Quality Standards**

The PHA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

### **B MANUFACTURED HOMES** 24cfr 982.620

The PHA will permit a family to lease a manufactured home and space with assistance under the program. The PHA **will** provide assistance for a family that owns the manufactured home and leases only the space.

The PHA may approve a live-in aide to reside with a family to care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

### **Housing Quality Standards** [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:

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.

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.

### **Manufactured Home Space Rental** [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost 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.

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## **Reasonable Rent**

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the PHA.

The PHA will not approve a lease for a manufactured home space until the PHA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the PHA will redetermine that the rent is reasonable.

The PHA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The PHA will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the PHA, 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. If requested by the PHA, the owner must provide the PHA information on rents for other manufactured home space.

## **Housing Assistance Payments for Manufactured Home Space** [24 CFR 982.623]

The FMR for a manufactured home space will be determined by HUD.

### **HAP for the Regular Tenancy Program**

For the Regular Tenancy Program the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.

During the term of a certificate tenancy, entered prior to the merger date, the amount of the monthly housing assistance payment equals the lesser of:

The manufactured home space cost minus the:

The Total Tenant Payment; OR

The rent to owner for the manufactured home space.

"Manufactured home space cost" means the sum of: the amortization cost, the utility allowance, and the rent to owner for the manufactured home space.

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 will be reduced by 15 percent to

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exclude debt service to amortize the cost of furniture, unless the PHA determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

The PHA **will not** approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.

The PHA **will not** include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

### **HAP for the Voucher Tenancy**

There is a separate FMR for a family renting a manufactured home space. The payment standard is used to calculate the monthly housing assistance payment for a family. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit.

### **Subsidy Calculation for the Voucher Program**

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

The payment standard minus the total tenant payment; or

The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the PHA:

Rent to owner for the manufactured home space;

Owner maintenance and management charges for the space;

The utility allowance for tenant paid utilities.

### **Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]**

The PHA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

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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 will not be applied to cover the costs of digging a well or installation of a septic system.

## GLOSSARY

### A. ACRONYMS USED IN SUBSIDIZED HOUSING

<b>AAF</b>	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
<b>ACC</b>	Annual Contributions Contract
<b>BR</b>	Bedroom
<b>CDBG</b>	Community Development Block Grant
<b>CFR</b>	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
<b>CPI</b>	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
<b>CR</b>	Contract Rent
<b>FDIC</b>	Federal Deposit Insurance Corporation
<b>FHA</b>	Federal Housing Administration
<b>FICA</b>	Federal Insurance Contributions Act - Social Security taxes
<b>FmHA</b>	Farmers Home Administration
<b>FMR</b>	Fair Market Rent
<b>FY</b>	Fiscal Year
<b>FYE</b>	Fiscal Year End
<b>GAO</b>	Government Accounting Office
<b>GFC</b>	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
<b>GR</b>	Gross Rent
<b>HA</b>	Housing Agency
<b>HAP</b>	Housing Assistance Payment
<b>HAP Plan</b>	Housing Assistance Plan
<b>HCDA</b>	Housing and Community Development Act
<b>HQS</b>	Housing Quality Standards
<b>HUD</b>	The Department of Housing and Urban Development or its designee.
<b>HURRA</b>	Housing and Urban/Rural Recovery Act of 1983
<b>IG</b>	Inspector General
<b>IGR</b>	Independent Group Residence

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<b>IPA</b>	Independent Public Accountant
<b>IRA</b>	Individual Retirement Account
<b>MSA</b>	Metropolitan Statistical Area established by the U.S. Census Bureau
<b>PMSA</b>	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
<b>PS</b>	Payment Standard
<b>QC</b>	Quality Control
<b>RFLA</b>	Request for Lease Approval
<b>RFP</b>	Request for Proposals
<b>RRP</b>	Rental Rehabilitation Program
<b>SRO</b>	Single Room Occupancy
<b>SSMA</b>	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
<b>TR</b>	Tenant Rent
<b>TTP</b>	Total Tenant Payment
<b>UA</b>	Utility Allowance
<b>URP</b>	Utility Reimbursement Payment

## **B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING**

**ADMINISTRATIVE PLAN.** The HUD required written policy of the HA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the HA's board and a copy submitted to HUD.

**ABSORPTION.** In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

**ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE").** Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

**ADJUSTED INCOME.** Annual income, less allowable HUD deductions.

**ADMINISTRATIVE FEE.** Fee paid by HUD to the HA for administration of the program.

**ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve").** Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

**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.

**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

**ANNUAL INCOME.** The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

**ANNUAL INCOME AFTER ALLOWANCES.** The Annual Income (described above) less the HUD-approved allowances.

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**APPLICANT.** (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

**"AS-PAID" STATES.** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

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

**ASSISTED TENANT.** A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

**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.

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

**CERTIFICATE OR VOUCHER HOLDER.** A family holding a voucher or certificate with unexpired search time.

**CERTIFICATE PROGRAM.** Rental certificate program.

**CHILD CARE EXPENSES.** Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

**CO-HEAD.** An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

**CONGREGATE HOUSING.** Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

**COOPERATIVE.** A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

**CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT.** (Consolidated ACC). See 24 CFR 982.151.

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

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

**CONTRACT.** (See Housing Assistance Payments Contract.)

**CONTRACT AUTHORITY.** The maximum annual payment by HUD to an HA for a funding increment.

**CONTRACT RENT.** In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

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

**DISABILITY ASSISTANCE EXPENSE.** Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

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**DISABLED PERSON.** A person who is any of the following:

- (1) A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
- (2) A person who has a physical, mental, or emotional impairment that:
  - (i) Is expected to be of long-continued and indefinite duration;
  - (ii) Substantially impedes his or her ability to live independently; and
  - (iii) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- (3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

**DISABLED FAMILY.** A family where the head or spouse meet any of the above criteria for disabled person.

**DISPLACED PERSON/FAMILY.** A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

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

**DRUG-RELATED CRIMINAL ACTIVITY.** The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

**DRUG TRAFFICKING.** The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

**ELDERLY HOUSEHOLD.** A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

**ELDERLY PERSON.** A person who is at least 62 years old.

**ELIGIBILITY INCOME.** May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

**ELIGIBLE FAMILY (Family).** A family is defined by the HA in the administrative Plan, which is approved by HUD.

**EXCEPTIONAL MEDICAL OR OTHER EXPENSES.** Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

**EXCEPTION RENT.** In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, 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.

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

**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. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the **Federal Register**.

**FAMILY.** "Family" includes but is not limited:

- (a) An Elderly Family or Single Person as defined in 24 CFR 5.403(b),
- (b) The remaining member of a tenant family, and

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(c) A Displaced Person

**\*(d) ["family" can be further defined by the HA.]**

**FAMILY OF VETERAN OR SERVICE PERSON.** A family is a "family of veteran or service person" when:

1. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

**FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM).** The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

**FAMILY SHARE.** The amount calculated by subtracting the housing assistance payment from the gross rent.

**FAMILY UNIT SIZE.** The size of the Certificate or Voucher issued to the family based on the HA's subsidy standards.

**FEDERAL PREFERENCE.** A preference under federal law for admission of applicant families that are any of the following:

- (1) Involuntarily displaced.
- (2) Living in substandard housing (including families that are homeless or living in a shelter for the homeless).
- (3) Paying more than 50 percent of family income for rent.

**FEDERAL PREFERENCE HOLDER.** An applicant that qualifies for a federal preference.

**FMR/EXCEPTION RENT LIMIT.** The section 8 existing housing fair market rent published by HUD headquarters or any exception rent. In the certificate program the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the HA may adopt a payment standard up to the FMR/exception rent limit.

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**FULL-TIME STUDENT.** A person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

**FUNDING INCREMENT.** Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

**GROSS FAMILY CONTRIBUTION.** Changed to Total Tenant Payment.

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

**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 aide).

**HAP CONTRACT.** (See Housing Assistance Payments contract.)

**HEAD OF HOUSEHOLD.** The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

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**HOUSING AGENCY.** A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

**HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.** Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

**HOUSING ASSISTANCE PAYMENT.** The monthly assistance payment by an HA. The total assistance payment consists of:

- (1) A payment to the owner for rent to owner under the family's lease.
- (2) An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

**HOUSING ASSISTANCE PAYMENTS CONTRACT.** (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

**HOUSING ASSISTANCE PLAN.** (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

**HOUSING QUALITY STANDARDS (HQS).** The HUD minimum quality standards for housing assisted under the tenant-based programs.

**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.

**HURRA.** The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

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

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

**INITIAL HA.** In portability, the term refers to both:

- (1) An HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and
- (2) An HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

**INITIAL PAYMENT STANDARD.** The payment standard at the beginning of the HAP contract term.

**INITIAL RENT TO OWNER.** The rent to owner at the beginning of the HAP contract term.

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

**INCOME FOR ELIGIBILITY.** Annual Income.

**INDIAN.** Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

**INDIAN HOUSING AUTHORITY (IHA).** A housing agency established either:

- (1) By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- (2) By operation of State law providing specifically for housing authorities for Indians.

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**INTEREST REDUCTION SUBSIDIES.** The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

**INVOLUNTARILY DISPLACED PERSON.** Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

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

**LANDLORD.** This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

**LARGE VERY LOW INCOME FAMILY.** Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

**LEASE.**

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

**LEASE ADDENDUM.** In the lease between the tenant and the owner, the lease language required by HUD.

**LIVE-IN AIDE.** A person who resides with an elderly person or disabled person and who:

- (1) Is determined to be essential to the care and well-being of the person.
- (2) Is not obligated for the support of the person.
- (3) Would not be living in the unit except to provide necessary supportive services.

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

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

**MANUFACTURED HOME.** A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

**MANUFACTURED HOME SPACE.** In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

**MARKET RENT.** The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

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

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

**MIXED FAMILY.** A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

**MONTHLY ADJUSTED INCOME.** 1/12 of the Annual Income after Allowances or Adjusted Income.

**MONTHLY INCOME.** 1/12 of the Annual Income.

**NATIONAL.** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NEGATIVE RENT.** Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

**NET FAMILY ASSETS.** Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

**NET FAMILY CONTRIBUTION.** Former name for Tenant Rent.

**NON CITIZEN.** A person who is neither a citizen nor a national of the United States.

**OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards]** Standards established by an HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

**OVER-FMR TENANCY (OFTO).** In the Certificate program: A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

**OWNER.** Any persons or entity having the legal right to lease or sublease a unit to a participant.

**PARTICIPANT.** A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

**PAYMENT STANDARD.** In 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 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.

**PERSONS WITH DISABILITIES.** Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

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

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

**PRIVATE SPACE.** In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

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

**PUBLIC HOUSING AGENCY (PHA).** A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "housing agency" (HA).

**RANKING PREFERENCE.** A preference used by the HA to select among applicant families that qualify for federal preference.

**REASONABLE RENT.** A rent to owner that is not more than rent charged:

- (1) For comparable units in the private unassisted market; and

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(2) For comparable unassisted units in the premises.

**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.

**RECERTIFICATION.** Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

**REGULAR TENANCY.** In the Certificate program: A tenancy other than an over-FMR tenancy.

**REMAINING MEMBER OF TENANT FAMILY.** Person left in assisted housing after other family members have left and become unassisted.

**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.

**RESIDENT ASSISTANT.** A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

**SECRETARY.** The Secretary of Housing and Urban Development.

**SECURITY DEPOSIT.** A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

**SERVICE PERSON.** A person in the active military or naval service (including the active reserve) of the United States.

**SINGLE PERSON.** A person living alone or intending to live alone.

**SPECIAL ADMISSION.** Admission of an applicant that is not on the HA waiting list or without considering the applicant's waiting list position.

**SPECIAL HOUSING TYPES.** See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

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

**SUBSIDIZED PROJECT.** A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
6. A Public Housing Project.

**SUBSIDY STANDARDS.** Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

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**SUBSTANDARD UNIT.** Substandard housing is defined by HUD for use as a federal preference.

**SUSPENSION/TOLLING.** Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

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

**TENANT RENT.** (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Where some of all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, Tenant Rent equals Total Tenant Payment less the Utility Allowance in the Certificate Program. In the Voucher Program, Tenant Rent is Rent to Owner less HAP.

**TOTAL TENANT PAYMENT (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**UNIT.** Residential space for the private use of a family.

**UNUSUAL EXPENSES.** Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

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

**UTILITY ALLOWANCE.** If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

**UTILITY REIMBURSEMENT PAYMENT.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

**VACANCY LOSS PAYMENTS.** (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

**VERY LARGE LOWER-INCOME FAMILY.** Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

**VERY LOW INCOME FAMILY.** A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% 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. This is the income limit for the Certificate and Voucher Programs.

**VETERAN.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

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

**VOUCHER PROGRAM.** The rental voucher program.

**WAITING LIST ADMISSION.** An admission from the HA waiting list.

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**WAITING LIST.** A list of families organized according to HUD regulations and HA policy who are waiting for subsidy to become available.

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

**WELFARE RENT.** This concept is used ONLY for Section 8 Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

- (1) If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or recertification is being processed.
- (2) If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

### **C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE**

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

**CITIZEN.** A citizen or national of the United States.

**EVIDENCE.** Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

**HA.** A housing authority- either a public housing agency or an Indian housing authority or both.

**HEAD OF HOUSEHOLD.** The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

**HUD.** Department of Housing and Urban Development.

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

**MIXED FAMILY.** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

**NATIONAL.** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NONCITIZEN.** A person who is neither a citizen nor nation of the United States.

**PHA.** A housing authority who operates Public Housing.

**RESPONSIBLE ENTITY.** The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the HA).

**SECTION 214.** Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

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

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## PROGRAM INTEGRITY ADDENDUM

[24 CFR 792.101 to 792.204, 982.54].

### INTRODUCTION

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The PHA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The PHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the PHA's policies for the prevention, detection and investigation of program abuse and fraud.

### A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the PHA undertake an inquiry or an audit of a participating family arbitrarily. The PHA's expectation is that participating families will comply with HUD requirements, provisions of the certificate or voucher, and other program rules. The PHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the PHA PHAs a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the PHA's attention, to investigate such claims.

The PHA will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

**Referrals, Complaints, or Tips.** The PHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy **Internal File** of the allegation will be retained in the family's file.

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**Review.** A follow-up will be made if PHA staff discovers (as a function of a certification or recertification, an interim redetermination, or a quality control review), information or facts, which conflict with previous file data, the PHA's knowledge of the family, or is discrepant with statements made by the family.

**Verification of Documentation.** A follow-up will be made if the PHA receives independent verification or documentation, which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

## **B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD**

The PHA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

**Things You Should Know.** This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.

**Program Orientation Session.** Mandatory orientation sessions will be conducted by the PHA staff for all prospective program participants, either prior to or upon issuance of a certificate or voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.

**Resident Counseling.** The PHA will routinely provide participant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.

**Review and explanation of Forms.** Staff will explain all required forms and review the contents of all (re) certification documents prior to signature.

**Use of Instructive Signs and Warnings.** Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse

**Participant Certification.** All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.

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### **C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD**

The PHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

**Quality Control File Reviews.** Prior to initial certification, and at the completion of all subsequent recertifications, 5 % of files will be reviewed. Such reviews shall include, but are not limited to:

**Assurance that verification of all income and deductions is present.**

**Changes in reported Social Security Numbers or dates of birth.**

**Authenticity of file documents.**

**All forms are correctly dated and signed.**

**Observation.** The PHA Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances, which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

**Observations will be documented in the family's file.**

**Public Record Bulletins** may be reviewed by Management and Staff.

**State Wage Data Record Keepers.** Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits

### **D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD**

The PHA staff will encourage all participating families to report suspected abuse to **Lornia Jenkins, Lead Housing Specialist**. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The PHA will not follow up on allegations, which are vague or otherwise non-specific. They will only review allegations that contain one or more independently verifiable facts.

**File Review.** An internal file review will be conducted to determine:

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If the subject of the allegation is a client of the PHA and, if so, to determine whether or not the information reported PHAs been previously disclosed by the family.

It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

**Conclusion of Preliminary Review.** If at the conclusion of the preliminary file review there is/are facts contained in the allegation which conflict with the file data, and the fact(s) are independently verifiable, the **Lead Housing Specialist** will initiate an investigation to determine if the allegation is true or false.

#### **E. OVERPAYMENT TO OWNERS**

**If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, the PHA may terminate the Contract and arrange for restitution to the PHA and/or family as appropriate.**

**The PHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the PHA or the tenant, as applicable.**

#### **F. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD**

If the PHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the PHA will secure the written authorization from the program participant for the release of information.

**Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages, which may have been previously undisclosed or misreported.**

**Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the PHA's review.**

**Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.**

**Public Records. If relevant, the PHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage,**

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**divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.**

**Interviews with Head of Household or Family Members.** The PHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate PHA office. A high standard of courtesy and professionalism will be maintained by the PHA staff person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.

**G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA**

Documents and other evidence obtained by the PHA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among PHA Staff unless they are involved in the process, or have information, which may assist in the investigation.

**H. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW**

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation PHAs occurred, a violation PHAs not occurred, or if the facts are inconclusive.

**I. EVALUATION OF THE FINDINGS**

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

The type of violation (procedural, non-compliance, fraud).

Whether the violation was intentional or unintentional.

What amount of money (if any) is owed by the family.

If the family is eligible for continued occupancy.

**J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED**

Once a program violation PHAs been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

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1. **Procedural Non-compliance.** This category applies when the family "fails to" observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

Examples of non-compliance violations are:

Failure to appear at a pre-scheduled appointment.

Failure to return verification in time period specified by the PHA.

- (a) **Warning Notice to the Family.** In such cases a notice will be sent to the family, which contains the following:

**A description of the non-compliance and the procedure, policy or obligation, which was violated.**

**The date by which the violation must be corrected, or the procedure complied with.**

**The action that will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PHA.**

**The consequences of repeated (similar) violations.**

2. **Procedural Non-compliance - Overpaid Assistance.** When the family owes money to the PHA for failure to report changes in income or assets, the PHA will issue a Notification of Overpayment of Assistance. This Notice will contain the following:

A description of the violation and the date(s).

Any amounts owed to the PHA.

A **10-day** response period.

The right to disagree and to request an informal hearing with instructions for the request of such hearing.

- (a) Participant Fails to Comply with PHA's Notice. If the Participant fails to comply with the PHA's notice, and a family obligation has been violated, the PHA will initiate termination of assistance.
- (b) Participant Complies with PHA's Notice. When a family complies the PHA's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule, which was violated. The staff person will

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complete a Participant Counseling Report, give one copy to the family and retain a copy in the family's file.

- 3. Intentional Misrepresentations.** When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the PHA, the PHA will evaluate whether or not:

The participant had knowledge that his/her actions were wrong, and

The participant willfully violated the family obligations or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrongdoing.

The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- (a) An admission by the participant of the misrepresentation.
- (b) That the act was done repeatedly.
- (c) If a false name or Social Security Number was used.
- (d) If there were admissions to others of the illegal action or omission.
- (e) That the participant omitted material facts, which were known to him/her (e.g., employment of self or other household member).
- (f) That the participant falsified, forged or altered documents.
- (g) That the participant uttered and certified to statements at an interim (re) determination, which were later independently verified to be false.

- 4. Dispositions of Cases Involving Misrepresentations.** In all cases of misrepresentations involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

- (a) Criminal Prosecution: If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will:

**Refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.**

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(b) Administrative Remedies: The PHA will:

Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the PHA's repayment policy.

**5. The Case Conference for Serious Violations and Misrepresentations. When the PHA has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the case.**

**This conference will take place prior to any proposed action by the PHA. The purpose of such conference is to review the information and evidence obtained by the PHA with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. Any documents or mitigating circumstances presented by the family will be taken into consideration by the PHA. The family will be given 7 days to furnish any mitigating evidence.**

**A secondary purpose of the Participant Conference is to assist the PHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the PHA will consider:**

**The duration of the violation and number of false statements.**

**The family's ability to understand the rules.**

**The family's willingness to cooperate, and to accept responsibility for his/her actions**

**The amount of money involved.**

**The family's past history**

**Whether or not criminal intent has been established.**

**6. Notification to Participant of Proposed Action.** The PHA will notify the family of the proposed action no later than 7 days after the case conference by certified mail.

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**Springfield Metropolitan Housing Authority  
Homeownership  
Addendum 1 to Section 8 Administrative Plan**

The Springfield Metropolitan Housing Authority (SMHA) hereby establishes a Section 8 tenant-based homeownership option in Springfield, Ohio, pursuant to the U.S. Department of Housing and Urban Development's (HUD) final rule dated October 12, 2000 and by Section 555 of the Quality Housing and Work Responsibility Act of 1998 under Section 8(y), Homeownership Option.

**Participant Qualification**

24 CFR 982.626, 982.627

Any Section 8 eligible applicant or program participant who has been issued a Section 8 Housing voucher may utilize the subsidy to purchase rather than rent a home, subject to the following:

- 1) A family must meet the requirements for admission to or continued participation in the SMHA tenant-based program.
- 2) The homeownership option will be included in all Briefing and re-housing briefings as well as media and community announcements. Current Section 8 participants must be in compliance with their lease and program requirements and must terminate their current lease arrangement in compliance with the lease.
- 3) The head of household or co-head that has previously defaulted on a mortgage obtained through the homeownership option is barred from participation.
- 4) Participant families must be "first-time" homeowners except families with a disabled member, where a family member must not have owned title to a principal residence in the last three years. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a "first-time homeowner" for purposes of the Section 8 homeownership option. Residents of limited equity cooperative are eligible for the homeownership option. The right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest." (Title to a mobile home is not considered as homeownership for purposes of this option.)
- 5) Participant in the Section 8 homeownership option must enroll in the pre and post purchase homeownership-counseling program and be deemed to be "mortgage ready"

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before a homeownership voucher will be issued. At a minimum, the counseling will cover the following:

- Home maintenance
  - Budgeting and money management
  - Credit counseling
  - Negotiating the purchase price
  - Financing
  - Locating the home
  - De-Concentration issues
  - Family must purchase only a home that passes HQS inspection.
- 6) The head of household or co-head must be employed full time and have been continuously so employed during the year before commencement of homeownership assistance. Families in which the head of household or co-head are disabled or elderly are exempted from this requirement. Families with a disabled household member may request an exemption as a reasonable accommodation.
- 7) The family's income must be equal to or exceed two times the payment standard for the family's unit size. Public assistance income may not be used for meeting this requirement, except for households in which the head or co-head is elderly or disabled and households that include a disabled person other than head or co-head. (Public Assistance includes federal housing assistance or the housing component of a welfare grant; TANF assistance; SSI that is subject to an income eligibility test; food stamps; general assistance or other assistance provided under a Federal, state or local program that provides assistance available to meet family living or housing expenses.)
- 8) Applicants must enroll in the Family Self-Sufficiency Program. Funds accumulated the escrow account may be advanced for purchase of the home or home maintenance, subject to the guidelines of the FSS Program.

### **Time Frame for Utilization**

24CFR 982.626 (b), CFR 982.629 (a)

An applicant will have a minimum of 90 days from the date of issuance of a voucher to find a home and enter into a Purchase Agreement.

If an applicant is unable to enter into a Purchase Agreement before the end of the 90 day deadline, the applicant will be provided an additional 90 days to enter into a Purchase Agreement and schedule a closing date or to utilize the voucher in rental situation.

Any extension will be at the discretion of the SMHA Assisted Housing Case FSS Manager.

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## **Portability**

24 CFR 982.636

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of SMHA's jurisdiction if the receiving public housing authority is administering a Section 8 homeownership program and is accepting new families into its Section 8 homeownership program.

## **Permitted Ownership Arrangements**

The homeownership option may be utilized in two types of housing:

- 1) A unit owned by the family, where one or more family members hold title to the home or a home previously occupied under a lease-purchase agreement.
- 2) A cooperative unit, where one or more family members hold membership shares in the cooperative.

## **Contract for Sale and Inspection**

24 CFR 982.631

Participants in the homeownership option program must initially complete a Purchase Agreement with the owner of the property to be purchased.

The Purchase Agreement must include the home's price and terms of sale, the SMHA pre-purchase HQS inspection requirements, and an agreement that the purchaser is not obligated to pay for any necessary repairs.

The participant must obtain an independent professional home inspection of the unit's major systems at the participant's expense. In all cases, the inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical and heating systems.

SHHA will conduct a Housing Quality Standards (HQS) inspection and will review an

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independent professional inspection of the unit's major systems. SMHA retains the right to disqualify the unit for inclusion in the homeownership program based on either the HQS inspection or the professional inspection report.

### **Financing**

24 CFR 982.632

The household is solely responsible for obtaining financing. All loans must meet FHA mortgage insurance credit underwriting requirements. SMHA will review lender qualifications, loan terms, or other debt to determine that the debt is affordable.

SMHA establishes a minimum homeownership down payment requirement of at least 3 percent of the purchase price for participation in its Section 8 homeownership program, and requires that at least one percent of the purchase price come from the family's personal resources.

There is no prohibition against using local or State Community Development Block Grant (CDBG) or other subsidized financing in conjunction with the homeownership program.

SMHA prohibits owner financing. SMHA only allows owner financing if the owner is a nonprofit.

In the event of appeal, a review panel will be appointed by the Assisted Housing Director.

### **Length and Continuation of Assistance**

24 CFR 982.633

Section 8 assistance will only be provided for the months the family is in residence in the home. The maximum length of time a family may receive homeownership assistance is fifteen years if the initial mortgage incurred is 20 years or longer. In all other cases, the maximum length of time is ten years. Elderly and disabled families are exempt from this time limit.

### **Family Obligations**

24 CFR 982.633

In addition to completing the Pre-Counseling program, the family must complete a contract of homeowner obligations prior to the issuance of the homeownership voucher to include:

- 1) The family must comply with mortgage terms.
- 2) At any time the family is receiving homeownership assistance, the family may not sell or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home.
- 3) A home equity loan may not be acquired without the prior written consent of SMHA.

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- 4) The family must provide required information regarding income and family composition in order to calculate correctly total tenant payment and homeownership assistance, consistent with Section 8 requirements.
  - 5) While receiving homeownership **assistance**, the family must notify SMHA if the family defaults on a mortgage securing any debt **on the home**.
  - 6) While receiving homeownership assistance, the family must notify SMHA before the family moves out of the home
  - 7) The family must, at annual re-certification, document that he or she is current on mortgage, insurance and utility payments.
  - 8) The family is prohibited from moving more than one time in a one-year period. The family may be required to participate in pre- or post-counseling prior to rehousing.

### **Assistance Payment**

24 CFR 982.635

The family's Section 8 monthly housing assistance payment will be the lower of (1) the Section 8 voucher payment standard minus the Total Tenant Payment or (2) the monthly homeownership expenses minus the Total Tenant Payment.

Monthly homeownership expense include all of the following:

principal and interest on mortgage debt; refinancing charges of mortgage debt; taxes and public assessments; insurance; maintenance allowance for expenses; major repairs and replacements; utility allowance per SMHA's schedule of utility allowances; replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any.

Housing assistance payments will be made directly to the lender.

A family's home ownership assistance may be changed in the month following annual recertification of the household income, but participation in the Section 8 Home Ownership program shall continue until such time as the assistance payment amounts to \$0 for a period of six (6) consecutive months.

### **Lease-to-Purchase**

Lease-to-Purchase agreements are considered rental property and subject to the normal tenant-based Section 8 rental rules. All regulations of the homeownership program will be in effect at the time that the family opts to exercise the purchase.

### **Default**

If the family defaults on the home mortgage loan, SMHA may permit the family to move with continued Section 8 housing choice rental assistance if the family demonstrates that it has (a) conveyed title to the

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home to HUD or its designee, as required by HUD, and (b) moved from the home within the period established or approved by HUD.

### **Recapture**

24 CFR 982.639

SMHA will recapture a percentage of the homeownership upon the sale or refinancing of the home. Proceeds invested in the purchase of another home are exempt from recapture. At the time of purchase the family must execute documentation that secures SMHA's right to recapture the homeownership assistance. A family may refinance to take advantage of better terms without any recapture penalty, provided that no proceeds are realized ("cash out"). Only "cash-out" proceeds from refinancing and sales proceeds not used to purchase a new home with Section 8 assistance less those amounts provided for in 982.640 are subject to recapture. Further, the amount of homeownership assistance subject to recapture shall automatically be reduced in annual increments of 10% beginning one year from the purchase date. At the end of 10 years the amount of homeownership assistance subject to recapture will be zero.

### **Denial or Termination of Assistance**

24 CFR 982.638

SMHA reserves the right to deny or terminate assistance for the family, and will deny voucher rental assistance for the family, in accordance with HUD regulations governing any failure to comply with the following:

- family obligations
- mortgage default
- failure to demonstrate that the family has conveyed title to the home as required; or
- if the family has moved from the home **before** the period established or approved.

### **Informal Hearing**

24 CFR 982.555

SMHA will provide the opportunity for an informal hearing to program participants who are being terminated from the program because of the family's action or failure to act. SMHA will send written notice to the reason(s) for the proposed action, and that the participant may request an informal hearing, in writing, within 14 days of the notice. If the participant requests a hearing, the assistance will not be terminated until the final decision is made.

When a participant requests a hearing, SMHA will schedule the hearing promptly and notify the participant of the date and time of the hearing. Prior to the hearing the participant will be given an opportunity to examine and copy the documents pertinent to the family's termination. SMHA must be

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given the same opportunity to examine any family documents that are directly related to the hearing and to copy them at its own expense.

A hearing officer designated by the Executive Director will conduct the hearing. This person will be someone other than the person who may have approved the decision or a subordinate of this person. A lawyer or other representative, at the family's own expense may represent the family. The family will be given the opportunity to present evidence and to question any witnesses. The hearing officer will issue a written decision within 5 working days stating the reasons for the decision.

SMHA is not bound by the hearing decision. SMHA shall send a letter to the family if it determines SMHA is not bound by the hearing officer's determination within 5 working days. The letter shall include the SMHA's reasons for the decision.

**The End**











