

U.S.DepartmentofHousingandUrbanDevelopment  
OfficeofPublicandIndianHousing

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# PHAPlans –PlanUpdate

5YearPlanforFiscalYears2000 –2004

AnnualPlanforFiscalYear2003

**NOTE:THISPHAPLANSTEMPLATE(HUD500 75)ISTOBECOMPLETEDIN  
ACCORDANCEWITHINSTRUCTIONSLOCATEDINAPPLICABLEPIHNOTICES**

## **PHA Plan Agency Identification**

**PHAName:** VirginiaHousingDevelopmentAuthority

**PHANumber:** VA901andVA902

**PHAFiscalYearBeginning:(mm/yyyy)** (07/2002)

### **Public Access to Information**

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

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

### **Display Locations For PHA Plans and Supporting Documents**

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

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

#### **Amherst**

Lynchburg Community Action Group  
PO Box 455  
Amherst Va 24521

#### **Appomattox**

Lynchburg Community Action Group  
926 Commerce Street  
Lynchburg Va 24504

#### **Bedford**

Lynchburg Community Action Group  
403 Otey Street Ste B6  
Bedford Va 24523

#### **Buckingham**

Buckingham Housing Development Corp Inc  
PO Box 400  
Dillwyn Va 23936

**Buchanan**  
BuchananCountyDss  
POBox1058  
Grundy Va 24614

**Carroll**  
CarrollCountyDss  
605-8PineStreet  
Hillsville Va 24343

**Campbell**  
DSSRentalAssistanceOffice  
POBox860  
Rustburg Va 24588

**CentralVirginiaCenterIndependentLiving**  
2900WBroadStreet  
Richmond Va 23230

**Charlottesville**  
RegionTenCommunityServicesBd  
800PrestonAvenue  
Charlottesville Va 22902

**Chesterfield**  
Chesterfield/ColonialHgtsDSS  
9854LoriRoadSte100  
Chesterfield Va 23832

**CraigCounty**  
CraigCountyDSS  
POBox330  
NewCastle Va 24127

**Culpeper**  
Rappahannock-RapidanCSB  
POBox1568  
Culpeper Va 22701

**Dickenson**  
RentalAssistanceOffice  
POBox1070  
Clintwood Va 24228

**Dinwiddie**  
DinwiddieDSS  
POBox107  
Dinwiddie Va 23841

**EssexCounty**  
MiddlePeninsulaRentalAssistanceOffice  
POBox665  
Gloucester Va 23061

**Fauquier**

FauquierCommunityActionCommInc  
POBox22  
Warrenton Va 20188

**Floyd**

PembrokeManagementInc  
POBox10725  
Blacksburg Va 24062

**Fluvanna**

FluvannaDss  
POBox98  
ForkUnion Va 23055

**FranklinCounty**

StepInc  
200DentSt  
RockyMount Va 24151

**Fredericksburg**

FredericksburgDSS  
608JacksonStreet  
Fredericksburg Va 22404

**Galax**

RooftopOfVaCap  
POBox853  
Galax Va 24333

**Giles**

PembrokeMgmtInc  
604WenonahAve  
Pearisburg Va 24134

**GloucesterCounty**

MiddlePeninsulaRentalAssis.  
POBox665  
Gloucester Va 23061

**Goochland**

GoochlandDSS  
POBox34  
Goochland Va 23063

**GraysonCounty**

GraysonCountyRentalAssistanceOffice  
POBox217  
Independence Va 24348

**Greene**

SkylineCapInc

POBox508  
Stanardsville Va 22973

**HanoverCounty**

HanoverCommunityServicesBd  
12300SWashingtonHwy  
Ashland Va 23005

**Hanover/SatelliteOfcCVILC**

CentralVirginiaResourceCenter  
7284-AHanoverGreenDr  
Mechanicsville Va 23111

**Harrisonburg-Rockingham**

Harrisonburg/RockinghamCSB  
1241NorthMainStreet  
Harrisonburg Va 22802

**Henrico**

HenricoAreaMentalHealth&RetardSvcs  
10299WoodmanRoad  
GlenAllen Va 23060

**Henry**

RentalAssistanceOffice  
POBox1112  
Martinsville Va 24114

**IsleOfWight**

RentalAssistanceOfficeDss  
17100MonumentCircleSteA  
IsleOfWight Va 23397

**JunctionCenterForIndepLiv**

548ParkAvenueNw  
Norton Va 24273

**KingAndQueenCounty**

MiddlePeninsulaRentalAssistanceOffice  
POBox665  
Gloucester Va 23061

**KingWilliamCounty**

MiddlePeninsulaRentalAssistanceOffice  
POBox665  
Gloucester Va 23061

**LancasterCounty**

LancasterCountyCourthouse  
8311MaryBallRd  
Lancaster Va 22503

**Lexington**

RockbridgeAreaRentalAssistanceOffice  
150SouthMainStreet  
Lexington Va 24450

**LouisaCounty**

LouisaCoHsgFoundationCoAdminOfc  
POBox160  
Louisa Va 23093

**Lynchburg**

LynchburgRha  
POBox1298  
Lynchburg Va 24505

**Madison**

SkylineCapInc  
POBox588  
Madison Va 22727

**Manassas/ManassasPark**

ManassasDss  
8955CenterStreet  
Manassas Va 22110

**Martinsville**

MartinsvilleHousingServicesOffice  
POBox1112  
Martinsville Va 24114

**MatthewsCounty/Middlesex**

MiddlePeninsulaRentalAssistanceOffice  
POBox665  
Gloucester Va 23061

**Montgomery**

PembrokeManagementInc  
POBox10725  
Blacksburg Va 24062

**Nelson**

VirginiaHousingDevelopmentAuthority  
POBox4546  
Richmond Va 23220

**Northumberland**

NorthumberlandDSS  
POBox399  
Heathsville Va 22473

**OrangeCounty**

OrangeCountyCommitteeOnHousing  
146MadisonRd  
Orange Va 22960

**PageCounty**

ShenandoahCountyDss  
600NorthMainStSte108  
Woodstock Va 22664

**PatrickCounty**

POBox1112  
Martinsville Va 24114

**Pittsylvania**

PittsylvaniaCoCommunityActionAgencyInc  
POBox1119  
Chatham Va 24531

**Poquoson**

CityManager  
500CityHallAve  
Poquoson Va 23662

**Powhatan**

PowhatanDSS  
3908OldBuckinghamRdSte2  
Powhatan Va 23139

**PrinceGeorge**

PrinceGeorgeHousingOffice  
POBox68  
PrinceGeorge Va 23875

**PrinceWilliam**

CountyOfficeOfHousing&CommunityDevelopment  
15941DonaldCurtisDrSte112  
Woodbridge Va 22191

**Pulaski**

PembrokeManagementInc  
16TrinkleAvenue  
Dublin Va 24084

**Radford**

RadfordRentalAssistanceOffice  
210ThirdAvenue  
Radford Va 24141

**Richmond**

RichmondResidentialServicesInc  
1000NThompsonStreet  
Richmond Va 23220

**Roanoke**

TapHousingDepartment  
510EleventhStNw  
Roanoke Va 24017

**Rockbridge**

RockbridgeAreaRentalAssistanceOffice  
150SouthMainStreet  
Lexington Va 24450

**Russell**

RentalAssistanceProgram  
POBox1508  
Lebanon Va 24266

**ShenandoahCounty**

ShenandoahCountyDSS  
600NorthMainStSte108  
Woodstock Va 22664

**SmythCounty**

SmythCountyDSS  
121BagleyCircleSte200  
Marion Va 24354

**Spotsylvania**

SpotsylvaniaDSS  
POBox249  
Spotsylvania Va 22553

**Stafford**

StaffordCountyDSS  
POBox7  
Stafford Va 22555

**Sussex**

CountyAdministrator  
POBox1397  
Sussex Va 23884

**Tazewell**

TazewellCountyDSS  
POBox149  
Tazewell Va 24651

**Westmoreland**

WestmorelandHousingCoalition  
POBox1082  
Montross Va 22520

**Winchester**

WinchesterDss  
33EBoscawenSt  
Winchester Va 22601

**Wythe**

WytheCountyDSS  
275SouthFourthStreet  
Wytheville Va 24382

**York**

YorkCountyHousingOffice  
POBox5 32  
Yorktown Va 23690

- Mainadministrativeofficeofthelocalgovernment
- MainadministrativeofficeoftheCountygovernment
- MainadministrativeofficeoftheStategovernment
- Publiclibrary
- PHAwebsite (*PHAPlan, VHDA’sAdministrativePlan, andBriefStatementof ProgressOnly*)
- Other(listbelow)  
*VirginiaPovertyLawCenter – (PHAPlan, VHDA’sAdministrativePlan, VHDA OrganizationalChart, andBriefStatementofProgressonly)*  
*201W. BroadStreet*  
*Richmond, VA23219*

PHAPlanSupportingDocumentsareavailableforinspectionat:(selectallthatapply)

- MainbusinessofficeofthePHA
- PHAdevelopmentmanagementoffices
- Other(listbelow)

**5-YEAR PLAN**  
**PHAF ISCAL YEARS 2000 -2004**  
 [24CFRPart903.5]

**A.Mission**

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

- The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.
- The PHA's mission is: *VHDA's mission is to help our fellow Virginia's obtain safe, sound and decent housing otherwise unaffordable to them.*

**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 EN COURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS .** (Quantifiable measures would include target sets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the space to the right of or below the stated objectives.

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

- PHA Goal: Expand the supply of assisted housing  
 Objectives:
  - Apply for additional rental vouchers:
    - *Seek new sources of subsidy funds*
  - Reduce public housing vacancies:
  - Leverage private or other public funds to create additional housing opportunities:
  - Acquire or build units or developments
  - Other (list below)
    - *create new ways to deliver loan products and services in partnership with others, in order to maximize assistance to low -and moderate-income Virginians;*
    - *seek new and lower cost sources of loan capital*

- PHAGoal:Improvethethequalityofassistedhousing  
Objectives:
  - Improvepublichousingmanagement:(PHASscore)
  - Improvevouchermanagement:(SEMAPscore)83.7 %
    - *ImproveSEMAPscoreviadevelopmentofbettercompliance monitoringanddatacollectionmethodologies*
    - *ProvideSEMAPimplementationtrainingtolocaladministrative agents*
    - *Shiftincreasedcompliancemonitoringresponsibilitiestothelocal agents*
  - Increasecustomersatisfaction:
    - *Attractadditionalpotentiallandlordsbyimprovingtimelinessof payments*
  - Concentrateoneffortstoimprovespecificmanagementfunctions: (list;e.g.,publichousingfinance;voucherunitinspections)
    - *Developandimplementtrainingplanforlocalagents,*
    - *RewriteVHDAPoliciesandProceduresManual*
  - Renovateormodernizepublichousingunits:
  - Demolishordisposeofobsoletepublichousing:
  - Providereplacementpublichousing:
  - Providereplacementvouchers:
  - Other:(listbelow)

- PHAGoal:Increaseassist edhousingchoices  
Objectives:
  - Providevoucher mobilitycounseling:
    - *AdministrativeAgentsconductorreferprogramparticipantsto RegionalOpportunityCounselingProgram(whereROCis available).*
    - *EachAgentisrequiredtoimplementVHDA's"ExpandingHousing Opportunities"Policy.*
  - Conductoutreacheffortstopotentialvoucherlandlords
    - *Conductoutreachparticularlyoutsideareasofminorityand/or povertyconcentration*
    - *ConductapublicrelationsprogramtoeducateRealtorsand landlordsregardingthebenefitsofrentingtovoucherparticipants*
  - Increasevoucherpaymentstandards
  - Implementvoucherhomeownershipprogram: *VHDAiscontinuingto reviewthehomeownershipregulationsandanticipates thatprogram implementationcouldoccurin2002or2003*
  - Implementpublichousingorotherhomeownershipprograms:
  - Implementpublichousing site -basedwaitinglists:
  - Convertpublichousingto vouchers:
  - Other:(listbelow)

## 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)
    - *Conduct outreach effort to potential landlords outside areas of minority and/or poverty concentration.*
    - *Provide resident counseling.*
    - *Provide a marginal unit checklist to Administrative Agents and reinforce a policy of disapproving marginal units.*

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

- PHA Goal: Promote self-sufficiency and asset development of assisted households
- Objectives:
- Increase the number and percentage of employed persons in assisted families:
  - Provide or attract supportive services to improve assistance recipients' employability:
  - Provide or attract supportive services to increase independence for the elderly or families with disabilities.
  - Other: (list below)
    - *Increase the number of families participating in the welfare-to-work voucher program.*
    - *Increase the number of Section 8 program participants who participate in the FSS program.*
    - *Encourage welfare-to-work program participants to participate in the FSS program.*

**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)
    - *Require that each administrative entity maintains/implements an EO plan and posts an EO poster in a visible location in their place of business.*

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

- X** PHA Goal: Understand and Respond to Stakeholder Expectations  
Objectives:
- X** We will use feedback from our stakeholders to define their expectations:
- *Attend meetings with stakeholders and develop actions to prioritize and respond to their expectations*
  - *Establish/provide ongoing communication venues to inform stakeholders of our operations and services*
  - *Work with local agents who desire to withdraw from the State-wide program in order to administer the program directly through HUD*
  - *Work with agents and resident representatives to identify a system for establishing a Resident Advisory Board/ to meet regularly*
- X** PHA Goal: Take full advantage of the economies and services that automation can provide  
Objectives:
- X** Reevaluate and improve automation technologies
- *Utilize internal IT resources in combination with IT consultant to develop more efficient automation processes*
  - *Implement Emphasis Computer Solutions statewide*

**AnnualPHAPlan**  
**PHAFiscalYear2003**  
 [24CFRPart903.7]

**i. AnnualPlanType:**

SelectwhichtypeofAnnualPlanthePHAwillsubmit.

**StandardPlan**

**StreamlinedPlan:**

- HighPerformingPHA**
- SmallAgency(<250PublicHousingUnits)**
- AdministeringSection8Only**

**TroubledAgencyPlan**

**ii. ExecutiveSummaryoftheAnnualPHAPlan**

[24CFRPart903.79(r)]

*Inthepyear,VHDAwillcontinuetoimplementrecommendationsstemmingfromastudyofthe administrationoftheSection8ProgramthatwasconductedinFY'00.Theresrecommendationstobe implementedinclude:streamliningcentralstaffing;completingthefullautomationoftheprogram;and optimizingVHDA'ssupportandcoordinationoftheprogramviatrainingandtechnicalassistance.In addition,VHDAwillfocusoninvestigatingopportunitiestoproject-baseassistanceinorderto maximizeutilizationandwilldevelopandpossiblyimplementaHomeownershipProgram.*

**iii. AnnualPlanTableofContents**

[24CFRPart903.79(r)]

ProvideatableofcontentsfortheAnnualPlan ,includingattachments,andalistofsupporting documentsavailableforpublicinspection .

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**Attachments**

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

Required Attachments:

- Admissions Policy for Deconcentration (**Attachment A**)
- FY2000 Capital Fund Program Annual Statement
- Most recent board - approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)
- X Membership of the Resident Advisory Board (**Attachment B**)
- X Brief Statement of Progress (**Attachment D**)

Optional Attachments:

- PHA Management Organizational Chart (**Attachment E**)
- FY2000 Capital Fund Program 5 Year Action Plan
- Public Housing Drug Elimination Program (PHDEP) Plan
- Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text) (**Attachment C**)
- Other (List below, providing each attachment name)  
Administrative Plan (**Attachment F**)

**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>
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair	5 Year and Annual Plans

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	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 jurisdiction to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction ( <i>Summaries only of applicable local consolidated plans are available for review; VA State Consolidated Plan available for review</i> )	Annual Plan: Housing Needs
	Most recent board -approved operating budget for the public housing program	Annual Plan: Financial Resources;
	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certification 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
	Public housing rent determination policies, including the methodology for setting public housing flat rents <input type="checkbox"/> check here if included in the public housing A&O Policy	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development <input type="checkbox"/> check here if included in the public housing A&O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
	Public housing grievance procedures	Annual Plan: Grievance

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	<input type="checkbox"/> check here if included in the public housing A&O Policy	Procedures
X	Section 8 in formal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
	The HUD - approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing home ownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
X	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self - Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self - Sufficiency
	Most recent self - sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self - Sufficiency
	The most recent Public Housing Drug Elimination Program (PHDEP) semi - annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

## 1.Statement ofHousingNeeds

[24CFRPart903.79(a)]

### **A.HousingNeedsofFamiliesintheJurisdiction/sServedbythePHA**

BasedupontheinformationcontainedintheConsolidatedPlan/sapplicabletothejurisdiction,and/or otherdataavailabletothePHA,provideastatementofthehousingneedsinthejurisdictionby completingthefollowingtable.Inthe“Overall”Needscolumn,providetheestimatednumberofrenter familiesthathavehousingneeds.Fortheremainingcharacteristics,ratetheimpactofthat factoronthe housingneedsforeachfamilytype,from1to5,with1being“noimpact”and5being“severeimpact.” UseN/AtoindicatethatnoinformationisavailableuponwhichthePHAcannmakethisassessment.

<b>HousingNeedsofFamiliesintheJurisdiction byFamilyType</b>							
FamilyType	Overall	Afford- ability	Supply	Quality	Access- ibility	Size	Loca- tion
Income<=30% ofAMI	54,735 (72%)	5	5	4	2	3	5
Income>30%but <=50%ofAMI	43,817 (72%)	5	5	4	2	4	5
Income>50%but <80%ofAMI	35,539 (42%)	4	5	3	2	4	4
Elderly	24,602 (59%)	4	2	3	3	2	4
Familieswith Disabilities	N/A	5	5	3	4	2	5
Hispanic	2,367	5	5	4	2	5	5

WhatsourcesofinformationdidthePHAusetoconductthisanalysis?(Checkallthat apply;allmaterials mustbemadeavailableforpublicinspection.)

- ConsolidatedPlanoftheJurisdiction/s  
Indicateyear:1996;2000(AbbreviatedPlan)
- U.S.Censusdata:theComprehensiveHousingAffordabilityStrategy (“CHAS”)dataset (*Overallneedandaffordabilityands izerankings*)
- AmericanHousingSurveydata  
Indicateyear:
- Otherhousingmarketstudy  
Indicateyear:
- Othersources:( listandindicateyearofinformation )-*Updateddataiscurrentlyunavailable*
- *Statistics:1999;Tables3and5(supplyranking)*
  - *U.S.CensusBureau;1990CensusofPopulationandHousing; Shareofhousingunitsbuiltpriorto1940(qualityranking)*
  - *CommonwealthofVirginia,StudyofFundingforHousing Serving PeoplewithDisabilitiesPursuanttoSJR159andSJR456;Senate DocumentNo.12;December1,1999(accessibilityranking)*

- Virginia Dept. of Housing and Community Development and Virginia Housing Development Authority: Analysis of Housing Needs in the Commonwealth, September 2001 (all rankings)

## B. Housing Need 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.

Each of VHDA's local administrative entities maintains their own independent waiting list. Waiting list data such as that which is requested in the Table below is not readily available due to the current lack of an automated waiting list management system. Automation of the waiting list functions should allow collection/compilation of the requested information beginning July 2002.

Housing Need of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input checked="" type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total			
Extremely low income <= 30% AMI			
Very low income (> 30% but <= 50% AMI)			
Low income (> 50% but < 80% AMI)			
Families with children			
Elderly families			
Families with Disabilities			
Race/ethnicity			
Characteristics by Bedroom Size			

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

*The primary strategies that VHDA will utilize to meet the goals established to address the housing needs of families within the jurisdiction will include the continued roll-out of a complete automation package and intensive and on-going training of the administrative agents. These primary strategies will allow VHDA to operate a more efficient and a more effective program in partnership with the local agents.*

**(1) Strategies**

**Need: Shortage of affordable housing for alleligible populations**

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

Select all that apply

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed financed development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease 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 -uprates by market in gthe program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease -uprates 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)  
*All local administrative agents are required to ensure that 75% of all new admissions are at or below 30% of AMI (or should alert VHD to the need to apply for a waiver).*

**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

*SomelocalitiesparticipatingintheWelfare-to-WorkVoucherProgramhave establishedanadmissionspreferenceforworkingfamilies.*

Adoptrentpoliciestosupportandencouragework

Other:(listbelow)

*Allagentsarerequiredtoensurethatadmissionsover30%ofAMIdonot exceed50%ofAMI.*

### **Need:SpecificFamilyTypes:TheElderly**

#### **Strategy1: Targetavailableassistancetotheelderly:**

Selectallthatapply

Seekdesignationofpublichousingfortheelderly

Applyforspecial -purposevoucher targetedtotheelderly,shouldtheybecome available

Other:(listbelow)

### **Need:SpecificFamilyTypes:FamilieswithDisabilities**

#### **Strategy1: TargetavailableassistancetoFamilieswithDisabilities:**

Selectallthatapply

Seekdesignationofpublichousingforfamilieswithdisabilities

Carryoutthomodificationsneededinpublichousingbasedonthesection504 NeedsAssessmentforPublicHousing

Applyforspecial -purposevoucher targetedtofamilieswithdisabilities, shouldtheybecomeavailable

Affirmativelymarkettoalocalnon -profitagenciesthatassistfamilieswith disabilities

Other:(listbelow)

### **Need:SpecificFamilyTypes:Racesorethnicitieswithdisproportionatehousing needs**

#### **Strategy1:IncreaseawarenessofPHAresourcesamongfamiliesofracesand ethnicitieswithdisproportionateneeds:**

Selectifapplicable

Affirmativelymarkettoraces/ethnicitiesshowntohavedisproportionate housingneeds

Other:(listbelow)

*VHDArequiresthatAgentsadvertisehousingassistanceavailabilityin newspapersofgeneralcirculationaswellasinminoritymedia.*

#### **Strategy2:Conductactivitiestoaffirmativelyfurtherfairhousing**

Selectallthatapply

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

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

**(2) Reasons for Selecting Strategies**

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

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

**2. Statement of Financial Resources**

[24 CFR Part 903.79(b)]

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 support services, Section 8 tenant-based assistance, Section 8 support services or other.

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
1. <b>Federal Grants (FY 2003 grants)</b>		
a) <b>Public Housing Operating Fund</b>		
b) <b>Public Housing Capital Fund</b>		

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
c) HOPEVI Revitalization		
d) HOPEVI Demolition		
e) Annual Contributions for Section 8 Tenant -Based Assistance	\$51,350,560	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self - Sufficiency Grants		
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>		
<b>4. Other income (list below)</b>		
<b>4. Non -federal sources (list below)</b>		
<b>Total resources</b>	\$51,350,560	

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

[24CFR Part 903.79(c)]

**A. Public Housing -NOT APPLICABLE TO VHDA -Go to pg. 21**

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

**(1) Eligibility**

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

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

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

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

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

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

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

**(2) Waiting List Organization**

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

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

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

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

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

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

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

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

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

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

**(3) Assignment**

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

- One
- Two
- Three or More

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

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

**(4) Admissions Preferences**

a. Income targeting:

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

b. Transfer policies:

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

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

c. Preferences

1.  Yes  No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If "no" is selected, skip to subsection **(5) Occupancy**)
  
2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

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

Other preferences: (select below)

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

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either

through an absolute hierarchy or through a points system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

#### Date and Time

#### Former Federal preferences:

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

#### Other preferences (select all that apply)

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

#### 4. Relationship of preferences to income targeting requirements:

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

### **(5) Occupancy**

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

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

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

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

**(6) Deconcentration and Income Mixing**

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

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

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

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

Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments  
If selected, list targeted developments below:

Employing new admission preferences at targeted developments  
If selected, list targeted developments below :

Other (list policies and development targeted below)

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

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

- Additional affirmative marketing
- Actions to improve the marketability of certain developments
- Adoption or adjustment of ceiling rents for certain developments

- Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- Other (list below)

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

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

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

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

## B. Section 8

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

### (1) Eligibility

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

- Criminal or drug -related activity only to the extent required by law or regulation (*Required to be performed by local administrative entity*)
- Criminal and drug -related activity, more extensively than required by law or regulation (*VHD A policy allows for local administrative entity discretion in developing local policy to provide for more extensive screening*)
- 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? (*Some administrative entities have received local funding to conduct criminal records checks*)

c.  Yes  No: Does the PHA request criminal records from State law enforcement agencies for screening purposes? (*Some administrative entities have agreements with State law enforcement agencies that allow for records checks 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)

- *Administrative Agents must share the following information with owners:*
  - *family's current and prior address;*
  - *name/address of landlord at the family's current and prior address;*
  - *information on amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;*
  - *information on the tenant rent portion that is not paid to the owner, and*
- *the AA may offer the owner any information in the PHA possession, about the family, including information about the tenancy history of family members, or about drug-trafficking by family members.*

### **(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 (*in person applications*)

Other (list below)

*At each of the local administrative agent offices*

### **(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:

The initial term of a voucher is 60 days. Local administrative agents (AA) may grant a family an extension upon written request. Extensions may be granted in 30-day increments. The AA must grant an extension of the search time as a reasonable accommodation for a person with a disability. At any time during an extended search term, the AA may require the family to report its progress in leasing a unit. At minimum, the report should indicate where the family looked for a unit and why it was rejected. The submission of a detailed, written progress report to the AA is mandatory when the family requests to extend the search period beyond 120 days or is required to move due to HQS violations. AAs are encouraged to require a progress report for all extensions beyond 60 days, particularly where the family is hard-to-house or has self-identified as having a disability. Review of a family's progress report may reveal situations of possible discrimination where a family is repeatedly denied housing.

**(4) Admissions Preferences**

a. Income targeting

Yes  No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admission 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)

*An applicant may claim qualification for one or all of the VHDA approved local preferences. As the Administrative Agents have the best knowledge of the characteristics of the low-income population in their jurisdiction, they may develop their own local preferences. However, Agents may not implement a local preference without VHDA approval.*

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

(locality preference)

- Veterans and veterans' families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Household 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 (VHDA-approved preference)
- Other preference(s) (list below)
  - VHDA-Approved Preferences;
  - Victim/witness protection
  - Displacement to avoid reprisals;
  - Preference for Singles (for any single or two member elder, disabled or displaced household)
  - Welfare-to-Work preferences (as established by local administrative agents)

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 points system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

X Date and Time  
 The priority placed on all other preferences as indicated in #4 above, is determined by the locality.

Former Federal preferences

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

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Household that contribute to meeting income goals (broad range of incomes)
- Household that contribute to meeting income requirements (targeting)

- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

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

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

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

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

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

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

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

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

- The Section 8 Administrative Plan
- Briefing sessions and written materials
- Other (list below)
  - *Welfare-to-Work Plans*
  - *FSS Plans*

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

- Through published notices (*e.g., in newspapers of general circulation and in minority media*)
- Other (list below)
  - *Direct mail to eligible families (e.g., WtW families)*
  - *Radio Announcements*

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

**A.Public Housing –NOT APPLICABLE TO VHDA –Go topg.29**

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

**(1) Income Based Rent Policies**

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

a. Use of discretionary policies: (select one)

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

---or---

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

b. Minimum Rent

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

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

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

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

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

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

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

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

- For the earned income of a previously unemployed household member
- For increases in earned income
- Fixed amount (other than general rent -setting policy)  
If yes, state amount/s and circumstances below:
  
- Fixed percentage (other than general rent -setting policy)  
If yes, state percentage/s and circumstances below:
  
- For household heads
- For other family members
- For transportation expenses
- For the non-reimbursed medical expenses of non-disabled or non-elderly families
- Other (describe below)

e. Ceiling rents

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

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

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

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

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

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

f. Rent - 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
- Anytime the family experiences an income increase
- Anytime a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold) \_\_\_\_\_
- Other (list below)

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

**(2) Flat Rents**

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

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

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

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

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

*Payment standards are presently established at 100% of FMR. Any change in the payment standard will be made upon VHDAs notification to its administrative agents, usually within 60 days of the release of a new FMR schedule. Specific policies related to voucher payment standards are included in the attached Administrative Plan.*

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  
*Local administrative agents may submit a written request for an exception to the established payment standard at any time*
- 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)
  - *Affordable housing given the current market conditions*
  - *Vacancy rates*
  - *Analysis of the % of family pay to rent*
  - *Other market factors*

## **(2) Minimum Rent**

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

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

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

- *Reasonable accommodations will be made for persons with disabilities.*
- *Other exemptions as determined by the local administrative entity.*

## **5. Operations and Management**

[24CFR Part 903.79(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</b>	<b>Expected Turnover</b>
Public Housing	NA	
Section 8 Vouchers	8,850	2%
Section 8 Certificates	45	2%
Section 8 Mod Rehab	478	1%
Special Purpose Section 8 Certificates/Vouchers (list individually)	WTW-660	2%
Public Housing Drug Elimination Program (PHDEP)	NA	
Other Federal Programs (list individually)	NA	

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

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

(1) Public Housing Maintenance and Management: (list below)

(2) Section 8 Management: (list below)

- *VHDA Administrative Plan*
- *VHDA's Internal Administrative Manual*
- *Policies and Procedures Manual*
- *Local addendata to the VHDA Administrative Plan*
- *Welfare-to-Work Plans*
- *FSS Plans*

## **6. PHA Grievance Procedures**

[24CFRPart903.79(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 24CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

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

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

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

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

If yes, list additions to federal requirements below:

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

- PHA main administrative office  
 Other (list below)  
*Local Administrative Agents' Offices*

**7. Capital Improvement Needs - NOT APPLICABLE TO VHDA -  
Gotopg.39**

[24CFRPart903.79(g)]

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

**A.CapitalFundActivities**

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

**(1)CapitalFundProgramAnnualStatement**

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

Select one:

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

-or-

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

**(2)Optional5 -YearActionPlan**

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 as Attachment (state name)

-or-

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

**B.HOPEVIandPublicHousingDevelopmentandReplacement Activities(Non -CapitalFund)**

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 HOPEVI 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 HOPEVI 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 HOPEVI revitalization grant in the Plan year?
- If yes, list development name/s below:

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

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

## **8. Demolition and Disposition – NOT APPLICABLE TO VHDA -Go topg.39**

[24 CFR Part 903.79(h)]

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

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

2. Activity Description

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

<b>Demolition/Disposition Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. Activity type: Demolition <input type="checkbox"/> Disposition <input type="checkbox"/>	
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>	
4. Date application approved, submitted, or planned for submission : (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 - NOT APPLICABLE TO VHDA, Goto Pg. 39**

[24 CFR Part 903.79(i)]

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

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

completing streamlined submissions may skip to component 10.)

**2. Activity Description**

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

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

**10. Conversion of Public Housing to Tenant -Based Assistance –NOT APPLICABLE TO VHDA, Goto Pg. 39**

[24 CFR Part 903.79(j)]

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

**A. Assessment of Reasonable Revitalization Pursuant to section 202 of the HUD FY1996 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 FY1996 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 HOPEVI demolition application (date submitted or approved: ) <input type="checkbox"/> Units addressed in a pending or approved HOPEVI 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**

[24CFR Part 903.79(k)]

**A. Public Housing**

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

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

2. Activity Description

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

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPEI <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA's Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application

4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

**B. Section 8 Tenant Based Assistance**

1.  Yes  No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24CFR 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.)

*VHDA is in the process of reviewing the Homeownership regulations with the intent to develop and implement a Homeownership Program. Actual program implementation may or may not occur during FY03.*

2. Program Description:

a. Size of Program

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

- If the answer to the question above was yes, which statement best describes the number of participants? (select one)
- 25 or fewer participants (Estimated only; Actual number may be greater .)
  - 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:

*VHDA has not established the eligibility criteria for participation in the planned Homeownership Program. Once the program parameters have been established, VHDA will ensure opportunities for public and resident comment.*

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

[24CFR Part 903.79(1)]

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

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

#### 1. Cooperative agreements:

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

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

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

- Client referrals (*for WtW Voucher Program*)
- Information sharing regarding mutual clients (for rent determinations and otherwise)
- Coordinate the provision of specific social and self -sufficiency services and programsto 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 home ownership option participation
- Preference/eligibility for section 8 home ownership option participation



the steps the PHA plan to take to achieve at least the minimum programs in ze?  
 If no, list steps the PHA will take below:

**C. Welfare Benefit Reductions -SECTION NOT APPLICABLE TO VHDA -Go to Pg.44**

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

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

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

**NOT APPLICABLE TO VHDA (24 CFR Part 9037(1))**

**13. PHA Safety and Crime Prevention Measures - NOT APPLICABLE TO VHDA -Go to pg.44**

[24 CFR Part 903.79(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 area 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 level 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 anti crime/anti drug programs
- Other (describe below)

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

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

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

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

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

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

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

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

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

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

PHA eligible for FY2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes  No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes  No: Has the PHA included the PHDEP Plan for FY2000 in this PHA Plan?
- Yes  No: This PHDEP Plan is an Attachment. (Attachment Filename: \_\_\_)

**14. RESERVED FOR PET POLICY**

[24CFR Part 903.79(n)]

**NOT APPLICABLE TO VHDA , Goto Section 16**

**15. Civil Rights Certifications**

[24CFR Part 903.79(o)]

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

**16. Fiscal Audit**

[24CFR Part 903.79(p)]

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

**17. PHA Asset Management – NOT APPLICABLE TO VHDA – go to Section 18**

[24 CFR Part 903.79(q)]

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

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

**18. Other Information**

[24 CFR Part 903.79(r)]

**A. Resident Advisory Board Recommendations**

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

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

- Attached at **Attachment E** : *Summary of RAB Comments*  
 Provided below:

3. In what manner did the PHA address those comments?

- Considered comments, but determined that no changes to the PHA Plan were necessary.  
 The PHA changed portions of the PHA Plan in response to comments  
List changes below:  
 Other: (list below)

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

1.  Yes  No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)

2.  Yes  No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.) *VHDA has reviewed the logistics of adding a resident to the VHDA Board of Commissioners. Legislation, which is required to effect this addition, has been drafted and will go to the Governor's Office for approval.*

### 3. Description of Resident Election Process

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

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

b. Eligible candidates: (select one)

- Any recipient of PHA assistance  
 Any head of household receiving PHA assistance  
 Any adult recipient of PHA assistance

- Any adult member of a resident or assisted family organization
- Other (list)

c. Eligible voters: (select all that apply)

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

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

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

1. Consolidated Plan jurisdiction: *Commonwealth of Virginia*

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

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- Other: (list below)  
*A draft copy of the PHA Plan Update was provided to all local Administrative Agents to review for consistency with any/all applicable local Consolidated Plans.*

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

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1. Consolidated Plan jurisdiction: *Chesterfield County*

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

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.

- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below) *Commitment to move families from homeless to permanent housing.*

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1. Consolidated Plan jurisdiction: *Fredericksburg*

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

- The PHA has based its statement of needs of families in the jurisdiction on the need expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- Other: (list below)

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

*Provide affordable housing to eligible populations*

- *Apply for additional Section 8 units if they become available*
- *Additional housing – housing is needed, but this new housing must include an appropriate mix of rental units and owner-occupied units to provide the stability necessary to maintain viable neighborhoods. Public Assistance can be of some use, but private financing must also play a critical role.*
- *Mortgage assistance programs with CDBG.*
- *Provide housing support to the elderly and disabled.*

*Provide decent housing*

- *Assist homeless persons to obtain housing*
- *Assist persons at risk of becoming homeless*

*Expand economic opportunities*

- *Enhance empowerment and self-sufficiency*

*To meet the above objectives there must be coordination and a continuum of care identified by the key organizations involved with the housing concerns in the community. This would include Thurman Brisben Homeless Shelter, Salvation Army, Transitional Housing and Services, Department of Social Services Section 8 Housing*

*program, Rappahannock Community Services Board, Central Housing Coalition, Rappahannock Legal Services, and City Staff. In order to provide a continuum of housing services the collaborative group must look for additional resources to support the growing need of affordable housing to prevent homelessness. Until this is achieved the waiting lists and the citizens faced with being homeless will continue to increase.*

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1. Consolidated Plan jurisdiction: *Henrico County*

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

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)  
*Support the use of more than 40 Section 8 vouchers to provide opportunities for low income tenants and more than 90 for the almost 300 very low income special population County residents on the waiting list, over the year.*
- Other: (list below)

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

*The Consolidated Plan has supported the use of CDBG and HOME funds that have been used to purchase group homes for persons with mental illness and mental retardation that need greater supervision and support than other persons with mental illness or mental retardation that are able to live in apartments or homes with more limited staff supports and rental assistance. Funds have also made modifications to these homes possible in order to permit handicap accessibility. This provides a range of housing options to support the need of persons with varying needs.*

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1. Consolidated Plan jurisdiction: *Prince William County*

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

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.

- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
  - Landlord outreach program (Manassas/Manassas Park)
  - Provide housing search and counseling services to our Section 8 participants. (Manassas/Manassas Park)
  - Provide the FSS program to Section 8 participants, which provides a direct advocacy program to the participants. (Manassas/Manassas Park)
- Other: (list below)
  - Prioritize waiting list for local preference. (Manassas/Manassas Park)

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

- Maintain and increase stock of affordable rental housing. (Manassas/Manassas Park)
- Over the next 5 years provide 550 additional households with Section 8 rental assistance comprised of 500 to extremely low -income and 50 to low -income households (Manassas/Manassas Park)
- Over the next 5 years provide housing counseling and education to 150 extremely low -income persons, 345 low -income persons, and 135 moderate -income persons. (Manassas/Manassas Park)
- Over the next 5 years provide advocacy services to 65 extremely -low, 40 low -income and 35 moderate -income renter households. (Manassas/Manassas Park)
- Expand the supply of affordable, accessible rental housing for persons and households with special needs. (PWC)
- Maintain and increase the supply of affordable housing stock (PWC)
- Protect the safety of children in the community (PWC)
- Provide counseling and other supportive services to households working towards self -sufficiency (PWC)
- Provide financial support for rehabilitation of rental housing stock (PWC)
- Conduct community education events and landlord outreach (PWC)
- Generate additional public support for lower -income housing. (PWC)
- Expand housing services to more elderly and disabled households. (PWC)

1. Consolidated Plan jurisdiction: *Richmond, City of*

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

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

- ThePHAhasparticipatedinanyconsultationprocessorganizedandofferedby theConsolidatedPlanagencyinthedevelopmentoftheConsolidatedPlan.
- ThePHAhasconsultedwiththeConsolidatedPlanagencyduringthe developmentofthisPHAPlan.
- ActivitiestobeundertakenbythePHAinthecomingyearareconsistentwith theinitiativescontainedintheConsolidatedPlan.(listbelow)
- Other:(listbelow)

4.TheConsolidatedPlanofthejurisdictionssupportsthePHAPlanwiththefollowing actionsandcommitments:(describebelow)

*Addressthe needsof personswith disabilities*

- *Constructorrehabilitateadaptive housingunitsfortheelderlyand personswith disabilities*
- *Providefinancialassistancetopersonswith disabilitiesforhome modifications*
- *Increaseavailabilityofsupportservicesthatwillallowapersonwith disabilities toliveindependently.*

*Cityissupportiveofhousingthehomelessanddisabled.*

#### **D.OtherInformationRequiredbyHUD**

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

#### **Definition of “Substantial Deviation” and “Significant Amendment or Modification”**

*The following actions will be considered to be significant amendments or modifications:*

- *Change to rent policies,*
- *Admissions policies,*
- *Or organization of the waiting list;*

*An exception to this definition will be made for any changes that are adopted to reflect changes in HUD regulatory requirements.*

## **Attachments**

AttachmentA:	DeconcentrationQuestions
AttachmentB:	ResidentAdvisoryBoardMembers
AttachmentC:	SummaryofRABComments
AttachmentD:	BriefStatementofProgress
AttachmentE:	OrganizationalChart
AttachmentF:	VHDAAdministrativePlan

# PHA Plan Table Library

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

### 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	

**AnnualStatement**  
**CapitalFundProgram(CFP)PartII:SupportingTable**

Development Number/Name HA-WideActivities	GeneralDescriptionofMajorWork Categories	Development Account Number	Total Estimated Cost

**AnnualStatement  
CapitalFundProgram(CFP)PartIII:ImplementationSchedule**

Development Number/Name HA-WideActivities	AllFundsObligated (QuarterEndingDate)	AllFundsExpended (QuarterEndingDate)

## 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>					



**ATTACHMENTC:va901c02**  
**VHDAResidentAdvisoryBoards(RAB)**

**SummaryofRABComments:October15 -17,2001**  
**PHAPLANCOMMENTSCHART**

<b>RABComment</b>	<b>VHDAResponse</b>
<p><b>Section8Homeownership</b> ñSection11(B).</p> <ul style="list-style-type: none"> <li>• HowwillVHDAselectpersonsfor homeownershipprogram?</li> <li>• WillhousesrepossessedbyFarmerís Homebeeligibleforhomeownership program?</li> <li>• Howwillprogramhelppersons with badcredit?</li> <li>• Willdown -paymentassistancebe available?</li> <li>• Rentalpaymenthistoryshouldbe takenintoconsideration.</li> <li>• Whywilltheprogrambelimitedto25 families?</li> <li>• Eachlocalityshouldbeprovidedwith slotsfortheprogramtoensurethat eligibleapplicantsfromacrossthe statehaveanopportunitytoparticipate.</li> </ul>	<p>NorevisiontothePlanisnecessary.Theprogram parameters,includingeligibilityrequirements,have notyetbeenestablished.VHDAanticipates thatthe majorityoftheplyearwillbedevotedto planning/design(vs.implementation).Tothe extent thattheplanning/designworkiscompletedduring theplyear,VHDAanticipatesstartingwithasmall pilotprogram(&gt;25participants)soastotestthenew programforeffectiveness/efficiency.Alimited numberoflocalitiesmayevenbeidentifiedtoserve asthetestsitesforthepilotprogram.</p> <p>Thoughth eprogramparametershavenotbeen establishedatthispoint,oneprogramoptionisto providedown -paymentassistance(vs.monthly assistancew/themortgagepayments).Sincethe programwouldbeofferedinpartnershipwithprivate lenders,itissafetoassumethatapplicantcredit checkswilloccur.Also,notethatitistandard practicetoreviewrentalpaymenthistoryforfirsttime home-buyers.</p>
<p><b>TaxCredit</b> ñ</p> <ul style="list-style-type: none"> <li>• CanTaxCreditpropertieshave incomerequirementsiforSection8 applicants?</li> <li>• Whyisnítthereconsistencybetween taxcreditproperties(withrespectto tenant-basedSection8admission criteria)?</li> <li>• Isthereanydialoguebetweenthe tax creditandSection8programsat VHDA?Wouldnít suchcommunication</li> </ul>	<p>NochangestoPlanecessary.</p> <p>Thereisnorestrictionontaxcreditproperties that instituteminimumincomerequirements.Theonly Codeprovisionstates thatpropertiesmaynotrefuse toleasetoaholderofavoucherbecauseofthe statusofthe prospectivetenantassuchaholder. Thatmeansapropertymanagermaynotsay, ñwedoníttakeSection8ñor ñwehaveenoughSection8ñ. Ifthepropertyhasareasonableminimumitis allowabletoturndownavoucherholderifhedoesnít meetthatminimum.Also,anyotherselection criteriamustbemetbythevoucherholder -i.e., credit/landlord/criminal,etc.</p> <p>VHDA,asthestatehousingcreditagency,doesnot imposemanagementpolicyonpropertieswithtax creditsunless thereis a specific Coderequirement</p>

<p>ensure admissions consistency?</p>	<p>for such a policy. Otherwise, a owner is responsible for his own procedures. VHDA functions as a reporting organization for the IRS not as an overseer for management purposes.</p> <p>The Section 8 (Housing Voucher) and Tax Credit areas do communicate with each other and address any questions that are brought up although as noted above we don't mandate management procedures</p>
<p><b>Housing Quality Standards (HQS)</b></p> <ul style="list-style-type: none"> <li>• HQS inspectors pick issues that seem to be personal preferences versus actual HQS standards.</li> <li>• How come unvented gas space heaters are not allowed?</li> <li>• Don't inspectors have to provide notice to the resident when an inspection is scheduled?</li> <li>• I don't want an inspector looking in my closet where I have private things. Are they allowed to go wherever they want?</li> <li>• More frequent inspections are needed. One inspection per year is not enough.</li> <li>• Landlords should be required to find housing for residents who are forced to move due to HQS violations.</li> <li>• (Agent) Will VHDA be providing a supply of the HQS enforcement brochures to the agents?</li> <li>• If a renter complains about a unit, what are the chances that the landlord would say, "I don't want you anymore?"</li> </ul>	<p>No revision to the Plan is necessary. VHDA has established training as a priority during the current and next plan years. Agents and inspectors have already taken Basic HQS training and Advanced HQS training is scheduled for February 2002. Trainers emphasize the need to focus on HQS standards and the need to avoid applying standards based on personal preference.</p> <p>HUD has determined that the use of unvented gas space heaters is a health/safety risk due to the risk of carbon dioxide/monoxide emissions.</p> <p>Generally, program participants should receive prior notice of an inspection. During the inspection, the inspector is permitted free access to the housing unit in order to complete an adequate inspection. An initial inspection must occur prior to executing the HAP contract, and occurs annually thereafter. Program participants may request an inspection if maintenance issues, duly brought to the landlord's attention, are not timely repaired. Landlords are also encouraged to periodically review/inspect housing units to ensure proper upkeep/maintenance.</p> <p>Residents in this situation may be better served by receiving housing search assistance from the local agent who understands and supports housing quality standards</p> <p>VHDA will distribute the brochures to agents, landlords, and program participants.</p> <p>Landlords should be alerted to the need for repairs to the housing unit. Program participants who fear possible reprisal (such as eviction/non-renewal of the lease) should seek the assistance of their local housing agent.</p>

<p><b>Outreach</b></p> <ul style="list-style-type: none"> <li>• More need to be done to educate/market the Section 8 (Housing Choice Voucher) Program to potential landlords.</li> <li>• Participating landlords should be invited to attend future RAB meetings for their input.</li> <li>• Consider making use of regular newsletters for current/prospective landlords, meetings/training events for current/prospective landlords for educational and marketing purposes.</li> <li>• Shouldn't landlords contact agents when they no longer accept Section 8 so their names can be removed from the list provided to applicants?</li> </ul>	<p>No revision to the Plan necessary. To date, the local agents have been primarily responsible for all landlord/owner outreach. VHDA will review, however, the feasibility of partnering with our local agents to better market the program to potential landlords/owners.</p> <p>Local agents regularly update the list of owners/landlords who are willing to rent to Section 8/Housing Choice Voucher participants. It certainly is possible, however, that between such updates an owner/landlord may decide to no longer accept Section 8 applicants without providing notice to the agent. Program participants who encounter this are encouraged to alert the agent so he/she can remove the owner from the list.</p>
<p><b>Eligibility/Admissions/Deposits</b></p> <ul style="list-style-type: none"> <li>• Can VHDA provide preliminary applications in the lobby for applicants to make to localities?</li> <li>• Several landlords are asking for security deposit and full first month contract rent not just security deposit and tenant portion.</li> <li>• Can owners charge a security deposit equal to rent?</li> <li>• Should owners charge the family a late fee based on the full contract rent and not just tenant portion?</li> <li>• If applied to a new development and they turned me down because of the results of a credit check. Can they do that to a Section 8 applicant?</li> </ul>	<p>Due to the fact that VHDA allows each locality to establish their own application standards (i.e., in-person applications only, mail-in applications, etc.) VHDA has determined that it is impracticable to accept applications at VHDA. Please note that this constitutes a change in the draft PHA Plan reviewed by the Resident Advisory Boards.</p> <p>Landlords should apply the same security deposit provision to Section 8/Housing Voucher applicants as they do for non-assisted applicants. So, if the owner/landlord assesses a security deposit equal to the first month's rent for a non-assisted applicant, Section 8 applicants must be charged the same.</p> <p>Late fees should be based on the tenant portion of rent when the tenant portion is late. Landlords may not assess a late fee to the tenant if the assistance check is late. In such cases, the housing agency may be assessed a late fee.</p> <p>If a housing development has established credit as an eligibility criterion, all applicants (Section 8 and all others) must meet the established standard. Applicants who do not meet the standard should not be admitted.</p>

<p><b>Resident Advisory Board -</b></p> <ul style="list-style-type: none"> <li>• Information about the Resident Advisory Board(s) and the opportunity to serve on the Board(s) should be included in the briefing packets.</li> <li>• Resident Advisory Board(s) should meet more frequently (perhaps quarterly or semi-annually).</li> <li>• Landlords should be invited to attend these RAB meetings.</li> </ul>	<p>No revision to the plan necessary. The idea to include information about the Resident Advisory Board(s) in briefing packets is a good one! VHDA will continue to work with the current RAB members and local agents to improve the PHA Plan/RAB process, including the possibility of increasing the frequency of meetings.</p>

**ATTACHMENTB:va901b02**  
**RESIDENTADVISORYBOARDMEMBERS**  
**VHDAHOUSINGCHOICEVOUCHERPROGRAM**  
**July1,2001 ñ June30,2002**

<b>RABMEMBER</b>	<b>County</b>	<b>Address/Phone#</b>
<b>Roanoke</b> MichellePerskinsky	Bedford	821SmithStreet Bedford,VA24523 (540)586 -1901
<b>Roanoke</b> ElsieButeau	FranklinCounty	720EastCourtStreet RockyMount,VA24151
<b>Roanoke</b> DonnaDuncan	FranklinCounty	410PonderosaDrive Wirtz,VA24184
<b>Roanoke</b> JacquelineSmart	FranklinCounty	699OldFranklinTurnpike RockyMount,VA24151
<b>Roanoke</b> CarmenN.Fowler	WytheCounty	665WestUnionStreet Wytheville,VA24382 (540)625 -3153
<b>Roanoke</b> RebeccaMabry	WytheCounty	1234North15 <sup>th</sup> Street Wytheville,VA24382
<b>Roanoke</b> AmandaMcGehee	WytheCounty	226FoxFireRoad MaxMeadows,VA24360 (540)699-3177
<b>Charlottesville</b> SheilaP.Floyd	RockbridgeCounty	95WillowSpringsRd. Apt.F -23 Lexington,VA24450 (540)463 -2540
<b>Charlottesville</b> CarlaM.Conner	RockbridgeCounty	224MaurySt. Lexington,VA24450 (540)463 -2454
<b>Charlottesville</b> PeggyR.Fitzgerald	RockbridgeCounty	1400SpruceAve. Apt.A -24 BuenaVista,VA24416 (540)261 -7163
<b>Charlottesville</b> KristenSitton	PrinceWilliamCounty	13558LynnSt Woodbribge,VA22191
<b>Charlottesville</b> BarbaraBennett	PrinceWilliamCounty	3702MastheadTrail Triangle,VA22171
<b>Charlottesville</b> CristinaLucas	PrinceWilliamCounty	NotAvailable
<b>Charlottesville</b> VirginiaH.Ashby	WinchesterCity	181ScarletMapleDrive Apt.201 Winchester,VA22603 (540)665 -0332

<b>Charlottesville</b> CynthiaD.Monico	WinchesterCity	202HackberryDrive StephensCity,VA22655 (540)868 -2355
<b>Charlottesville</b> DavidP.Russell	WinchesterCity	335N.LoudounStreet Apt.2C Winchester,VA22601 NoPhone
<b>Charlottesville</b> SharonLewis	FluvannaCounty	P.O.Box604 ForkUnion,VA23055 (804)842 -1370
<b>Charlottesville</b> RobinBryant	FluvannaCounty	Route7,Box4080 Palmyra,VA22963 (804)842 -1408
<b>Charlottesville</b> PatriciaRobey	FluvannaCounty	Route2,Box1303 Troy,VA22974
<b>Charlottesville</b> PamCardwell	CampbellCounty	P.O.Box72 Concord,VA24538 (804)237-5763
<b>NewportNews</b> LorrendaTaylor	IsleofWightCounty	203WindsorAvenue Smithfield,VA23430
<b>NewportNews</b> TheresaElvidge	IsleofWightCounty	15250RattlesnakeTrail Ivor,VA23 866
<b>NewportNews</b> StephanieWeeks	IsleofWightCounty	107WaterfordCrossing#4 Smithfield,VA23430
<b>NewportNews</b> DorisHlyton	HanoverCounty	205KingsArmsSt. Ashland,VA23005
<b>NewportNews</b> RoseSolari	HanoverCounty	209DNorthCottageGreen Ashland,VA23005
<b>NewportNews</b> PatsyLane	HanoverCounty	207-BNorthCottageGreenDrive Ashland,VA23005
<b>NewportNews</b> MarilynSparks	YorkCounty	200BarhamBlvd#56 Yorktown,VA23690
<b>NewportNews</b> FayeLewis	YorkCounty	313LeighRoad Yorktown,VA23690
<b>NewportNews</b> PeardieJohnson	YorkCounty	201Tam -O-ShanterBlvdApt25A Williamsburg,VA23185

**ATTACHMENT A: va901a02**

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

- a.  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.  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>

AttachmentD:va901d02  
**BriefStatementofProgress**

**Expandthesupplyofassistedhousing** ñVHDAappliedforfundingundertheFair Share,Mainstream,andFSSServiceCoordinatorNOFAs.Todate,VHDAhasreceived fundingawardsannouncementsfor369Fair Sharevouchers,75Mainstreamvouchers andFSSServiceCoordinatorfundsinsupportof3full -timecoordinatorsand6part -time coordinators.

**Improvethethequalityofassistedhousing** ñVHDAprovidedBasicHQSInspector Trainingforlocalagents.AnAdvancedHQSSeminarisscheduledforFebruary2002. AdditionalgeneralAgenttrainingandguidanceonavarietyoftopicsimpacting compliancemonitoringanddatacollectionhavealsobeenprovided.

**Increaseassistedhousingchoices/Provideimprovedlivingenvironment** ñVHDA hasprovidedmapsdelineatingareasofpovertyandminorityconcentrationtoallAgents andhasencouragedtheagentsíuseofthesemapsinconductinglandlordoutreachas wellaswiththeirresidentbriefings.VHDAhasalsoprovidedamarginalunitchecklistto theAgentsandhasreinforcedVHDAísolicyofdisapprovingmarginalunits.Finally, VHDAhasdevelopedabrochureprovidingadditionalguidanceonHQSEnforcementfor Agents,Landlords,andTenants.

**Promoteself -sufficiencyan dassetdevelopmentofassistedhouseholds** ñVHDAhas activelymonitoredthewelfare -to-workprogramandhasadjustedthelocalallocationsof wtwvouchersinresponsetoleasingsuccess.Allwtwlocalitieshavebeenencouragedto linkthewtwandFSSprograms.Inordertoensureconsistentprogrammonitoring,VHDA hasassignedanassociatetocoordinateallFSSprogramfunctions/oversight.This associatewillworkcloselywithAgentstoensureeffectiveuseoftherecentlyawarded ServiceCoordinatorfunds.

**Ensureequalopportunityandaffirmativelyfurtherfairhousing** ñVHDAstaffverify duringlocalreviewvisitssthatlocaladministrativeentityhasestablishedanEqual OpportunityPlanandhaspostedanEOposterintheirprimaryplaceofbusiness.

**Understandandrespondtostakeholderexpectations** ñInFY00,VHDAunderwenta comprehensivereviewofitsSection8/HousingVoucherProgram.Asareult,VHDA workedwithapproximately20localagentsandHUDtoallowtheseagentstodirectly administertheirprogram.ThePHAPlanprocesshascontinuedtoevolvewithgreater timebeingallocatedtoseekingresidentandgeneralpopulationinput.Inaddition,VHDA conductedacomprehensivesurveyofagenttrainingneeds.Trainingseminars/workshops wereidentifiedandofferedonthebasisofthesurveyresults.

**Takefulladvantageoftheeconomiesandservicesthatautomationcanprovide** ñ VHDAhascompletedanoverviewoftheavailabletechnologiesandhasestablisheda timelineforthecompleteautomationoftheSection8Program.Followingthistimeline, VHDAanticipatescompleteautomationoftheprogramtobeachievedby August/September,2002.

# **VHDA**

# **Organizational Chart**

***(As of February 28, 2002)***

ATTACHMENTF : va901f02

VIRGINIA HOUSING DEVELOPMENT  
AUTHORITY (VHDA)

ADMINISTRATIVE PLAN  
FOR  
TENANT BASED RENTAL ASSISTANCE

# Virginia Housing Development Authority

## Administrative Plan for Tenant Based Rental Assistance under the Section 8 Housing Choice Voucher Program

This document combines the Virginia Housing Development Authority's (VHDA) Administrative Plan and Equal Opportunity Plan. This Administrative Plan is part of the PHA Plan for VHDA.

The Department of Housing and Urban Development (HUD) allows public housing agencies (PHAs) broad discretion to adopt local policies for operation of the tenant-based program. This plan reflects the exercise of those policy choices by VHDA. Sections required by HUD regulation are indicated by an asterisk (\*). VHDA policies and procedures articulated hereinafter are subject to change in accordance with all applicable HUD requirements; changes that are adopted to reflect changes in HUD regulatory requirements will not be considered significant amendments requiring implementation of a public hearing process. This plan is not a comprehensive statement of VHDA's procedures for program administration but is intended to provide applicants, participants, and owners with a basic understanding of VHDA's Section 8 program.

Administrative Agents (AAs) administer the Section 8 program on behalf of VHDA throughout the Commonwealth of Virginia. The AAs have discretion in implementing some of VHDA's policies. AAs that are PHAs with their own Section 8 Program, in general, have greater discretion in order to maintain administrative consistency between the programs they operate.

For more information applicants, participants, and owners, are directed to the following:

- HUD's program regulations found in Title 24 of the Code of Federal Regulations
- The owner information packet available upon request from each administering agency.
- The information packet for participants available upon request from each administering agency.

A copy of this plan is on file at the U.S. Department of Housing and Urban Development (HUD), Office of Public Housing

Effective date: May, 2000 Revised: 7/1/01

***A copy of this Administrative Plan is available for public review at the following addresses:***

***Virginia Housing Development Authority  
Multifamily Special Programs  
601 S. Belvidere Street  
Richmond, Virginia 23220***

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## 2 Definitions & Clarifications

These definitions and clarifications are provided for the reader's convenience. They do not supersede the definitions found in HUD's program regulations for the same terms.

**Absorption** In portability, the point at which a receiving PHA stops billing the initiating PHA for assistance on behalf of a family living in the receiving PHA's jurisdiction.

**ACC** Annual contributions contract. A written contract between HUD and the PHA through which HUD agrees to provide funding to operate the Section 8 program and the PHA agrees to operate according to HUD requirements.

**ACC Reserve Account** Account established by HUD and funded from the amounts by which the annual maximum payment to the PHA under the consolidated ACC exceeds the amount actually approved and paid. This account is used as a source for additional payments for the Section 8 program.

**Adjusted Income** Annual income minus the dollar amount of the allowances a participating family qualifies for. Adjusted income is calculated to determine the amount a family can afford to contribute for their housing costs. Regulations governing the calculation of adjusted income are found in 24 CFR Part 5.

**Administrative Agency** An agency under contract with VHDA to administer federal rental assistance programs on its behalf.

**Administrative Fee** Fee paid by HUD to the PHA for administering the Section 8 program..

**Administrative Fee Reserve** Account established by the PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

**Administrative Plan** The Administrative Plan describes PHA policies for administering the Section 8 program. The Administrative Plan is part of the PHA Plan.

**Admission** The effective date of the first HAP contract providing housing assistance payments for a family to an owner. This is the point at which a family becomes a participating family in the Section 8 program.

**Annual Income** Gross income projected to be received by all family members during the twelve months following an initial certification or recertification. Income used by a PHA to determine a family's initial eligibility for the Section 8 program. HUD regulations instruct a PHA to include some income sources and to exclude other income sources when projecting a family's annual income. Regulations governing the calculation of annual income are found in 24 CFR Part 5.

**Applicant** A family that has applied for admission to the program, but is not yet a participant. A family becomes a participant on the effective date of the first HAP contract executed for the family (first day of initial lease term).

**Brief period** Thirty days or less.

**Budget Authority** For each funding increment in the Section 8 program, the maximum amount HUD may pay the PHA for program expenses.

**Certificate** A document issued by a PHA to a family selected for admission to the rental certificate program. The certificate describes the program and the procedure to be followed to receive PHA approval for a unit selected by the family. The certificate describes family obligations. The PHA does not issue any new certificates. All participants receiving assistance through the Section 8 Certificate program will be converted to the Housing Choice Voucher program by September 30, 2001.

**Certificate Program** Section 8 Certificate program. This program has been replaced by the Section 8 Housing Choice Voucher program. All participants receiving assistance through the Section 8 Certificate program will be converted to the Housing Choice Voucher program by September 30, 2001.

**Child** A family member, other than the head, co-head or spouse, under 18 years old.

**Citizen** A citizen or national of the United States.

**Consolidated Annual Contributions Contract** Includes the funding for all program increments in effect. Although separate ACCs must be created for each funding increment, the consolidated ACC states HUD's commitment to fund each increment identified in the ACC exhibits constitute a separate ACC.

**Contiguous MSA** In portability, an MSA that shares a common boundary with the jurisdiction of the initiating PHA.

**Continuously Assisted** A family is continuously assisted if the family is already receiving assistance under any program established under the United States Housing Act of 1937, as amended, when the family is admitted to the Section 8 program.

**Contract** Agreement between the owner and the PHA through which the PHA agrees to provide housing assistance payments to the owner on behalf of the tenant, and the owner agrees to abide by HUD and PHA requirements. Generally referred to as the housing assistance payment (HAP) contract. For all new agreements, the PHA will execute a Housing Choice Voucher Program contract.

**Contract Authority** The maximum annual payment by HUD to a PHA for a funding increment.

**Conviction** Found guilty by a court of law.

**Days** Consecutive days.

**Disabled Person** See definition for Person with Disabilities.

**Displaced Person** A family in which it is a sole member, or each member has been displaced by government action. A person or family whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

**Domicile** The legal residence of the head of the household, co-head or spouse as determined in accordance with state and/or local law.

**Drug related criminal activity** The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance (as defined in Section 102 of the Controlled Substance Act, 21 U.S.C. 802); or the illegal use, or possession for personal use, of a controlled substance.

**Drug Trafficking** The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

**Elderly Family** A family whose head, co-head, spouse or sole member is a person who is at least 62 years old. Two or more persons who are at least 62 years old living together. One or more persons who are at least 62 years of age living with one or more live-in aids.

**Elderly Person** A person who is at least 62 years of age.

**Enhanced Voucher** – PIH 2000-9 Section 8 Tenant Based Assistance (Enhanced and Regular Housing Choice Vouchers) for Housing Conversion Actions in Federal Fiscal Year 2000 – Policy and Processing Guidance – issued March 7, 2001. PIH 2001-10 Conversion of Regular Housing Choice Vouchers to Enhanced Vouchers for Families affected by Section 8 Project – based Housing Assistance Payment (HAP) Contract Terminations and Expirations (Including Moderate Rehabilitation Contracts) in Federal Fiscal Years 1995, 1996, 1997, 1998, and 1999 – issued March 28, 2001.

**Eviction** A termination of tenancy by a court of law, as evidenced by a Judgment for Possession.

**Evidence of Citizenship or Eligible Immigration Status** The documents required of family members claiming U.S. citizenship or eligible immigration status.

**Exception Payment Standard** In the voucher program, an initial payment standard in excess of the PHA established payment standard. If the PHA had a HUD approved area exception rent in effect on October 1, 1999, the PHA may establish an exception payment standard amount up to the amount of the HUD approved area exception rent.

**Extension of time** (*for HQS inspection repairs*) Allows additional time, usually not more than 30 days, to complete the required repairs, during which time the HAP payment may:

continue to be paid in full;  
be withheld and retroactively repaid in full; or  
be withheld and reduced appropriately when payments resume or HAP contract is terminated.

**Extremely Low Income Family** A family receiving income at or below 30% of the median annual income for their area.

**Fair Market Rent** (FMR) The rent, including the cost of utilities that would be required to be paid in the PHA jurisdiction to lease privately owned, existing, decent, safe and sanitary housing of modest (non-luxury) nature with suitable amenities. HUD establishes FMRs for housing units of varying sizes and are published in the Federal register before the beginning of each fiscal year.

**Family\*** All the members of a household who live under one roof and consist of approved household members as listed on the HAP contract or as subsequently approved by both the owner and the administering agency. VHDA recognizes that a variety of relationships exist, which are not necessarily relationships of ancestry or marriage. Each administering agency is encouraged to exercise the best possible judgment in this regard. A family may consist of a single person.

**Family Self Sufficiency Program** (FSS Program) A program established by a PHA to promote self-sufficiency for assisted families. Program often includes the provision of coordination of supportive services to encourage education, job training, mental health counseling, drug counseling, etc... as necessary for program participants.

**Family Unit Size** The appropriate number of bedrooms for a family. The family unit size is based on the PHA established subsidy standards.

**PHA** Public housing authority or housing agency. A state, county or municipal agency authorized to engage in or assist in the development or operation of flow-income housing. VHDA is a PHA.

**HAP Contract** Housing assistance payment contract. The contract between VHDA or administering agency and the owner that allows housing assistance payments to be made directly to the owner on a program participant's behalf.

**HAP payment** The subsidy paid to the owner, by VHDA or an administering agency on behalf of a program participant.

**Abated HAP Payment** Stop the HAP payment to an owner for a period during which the condition of a unit did not conform to HQS standards. An abated payment is not repaid after the HQS violation is corrected.

**Suspended HAP payment** The HAP payment is not being made e.g., either terminated or withheld regardless of the reason.

**Terminate HAP payment** Stop housing assistance payments to the owner until required repairs are completed. Once the HAP payment is terminated, no retroactive payment, either partial or full, may be made to the owner. The administering agency will provide the owner with written notice of its intent to terminate the HAP payment in accordance with the HAP contract. The notice will state that the HAP payment will resume only when all required repairs are completed.

**Housing Quality Standards (HQS)** HQS refer to both HUD's HQS and VHDA's supplemental inspection requirements. Units must meet HQS at all times. Once a unit is under a HAP contract, a primary contractual obligation of the owner and the administering agency is to ensure that the unit continues to meet all HQS.

**Household** Family members and others who live under the same roof.

**HUD** The Department of Housing and Urban Development

**HUD Requirements** HUD requirements for administering the Section 8 program. HUD issues new requirements as regulations, rules and notices in the *Federal Register*, and other binding program directives.

**Initial Housing Authority** In portability, the term refers to (1) an PHA that originally selected a family that subsequently moved out of its jurisdiction; and (2) an PHA that absorbed a family that subsequently decides to move out of its jurisdiction.

**Initial Rent to Owner** The Rent to Owner at the beginning of the initial lease term.

**INS** Immigration and Naturalization Service

**Jurisdiction** The area in which the PHA has authority under state and local law to administer the Section 8 program.

**Lease** A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions of occupancy of the dwelling unit by the family. The lease establishes the rights and responsibilities for both the owner and the tenant.

**Live-In Aide** A person who resides with one or more elderly, near-elderly or disabled persons and who: 1. Is determined to be essential to the care and well-being of the persons; 2. Is not obligated for the support of the persons; and 3. Would not be living in the unit except to provide the necessary supportive services.

**Local Preference** A preference established by the PHA used to select among applicant families on the waiting list.

**Low Income Family** A family receiving an annual income at or below 80% of the median for their area. A low income family may receive Section 8 assistance under special conditions.

**Maximum Initial Rent Burden** The total family contribution for a Housing Choice Voucher family may not be more than 40% of the adjusted income when the family first moves into any unit or signs the first assisted lease for the unit.

**Minimum Rent** Established by the PHA somewhere between \$0 and \$50. The minimum rent includes a utility allowance.

**Mixed Family** A family whose members include citizens and/or persons with eligible immigration status, as well as persons without eligible immigration status.

**MSA** Metropolitan statistical area

**Near-Elderly** Family whose head, co-head, spouse or sole member is a person who is at least 50 years old but not yet 62 years old. Two or more persons who are at least 50 years of age but not yet 62 years old, living together. One or more persons who are at least 50 years old but not yet 62 years old, living with one or more live-in aides.

**Non-Citizen** A person who is neither a citizen or national of the United States.

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

**Participant** A family that has been admitted to the Section 8 program, and is currently assisted in the program. A family becomes a participant on the effective date of the first HAP contract executed by the administering agency for the family (first day of initial lease term).

**Payment Standard** An amount established by the PHA and used to calculate the housing assistance payment for a family participating in the voucher program. The PHA establishes the payment standard anywhere between 90% and 110% of the HUD established FMRs for the jurisdiction. The payment standard is the maximum monthly subsidy payment for a unit size.

**PBC** Project based certificate program. Project -based assistance using funding under the consolidated ACC for the Section 8 program.

**Person with disabilities** A person with a disability may have a physical, mental or developmental disability as defined in federal legislation. A person with a disability is one who meets at least one of the following three definitions. 1) Has a disability as defined in Section 223 of the Social Security Act. This Act defines disability as an inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period. or 2) Has a physical, mental or emotional handicap which is expected to be of long and indefinite duration; substantially impedes his/her ability to live independently; and is of such a nature that the person's ability to live independently could be improved by more suitable housing. or 3) Has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act. Developmental disability is defined as a severe, chronic disability which is attributable to a mental and/or physical impairment; was manifested before the age of 22; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas; capacity for independent living; self-care; receptive and expressive language; learning; mobility; self-direction; and economic self-sufficiency; and requires special interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

**Programs Established under the United States Housing Act of 1937** 1. The Public Housing program or Indian Housing program; 2. Any program operated as part of the Section 8 program; 3. The Section 23 Leased Housing program.

**Project Reserve** See definition for ACC Reserve Account.

**Public housing** State and federally -assisted public housing.

**Reasonable Rent** A rent to owner that is not more than rent charged for comparable units in the private unassisted market.

**Receiving Housing Authority** In portability, a PHA that receives a family selected for participation in the Section 8 program by another housing authority. The receiving PHA issues a voucher and provides program assistance to the family.

**Recovering addict** A person that: 1) has completed a supervised drug rehabilitation program and is not currently engaged in the illegal use of a controlled substance; or has otherwise successfully been rehabilitated and not currently illegally using drugs; or, 2) is involved in a supervised rehabilitation program and not currently illegally using drugs; and is involved in a self help group, such as Narcotics Anonymous, and not currently illegally using drugs.

**Rent to Owner** Previously referred to as the Contract Rent. Total amount the owner is entitled to collect based on the lease and the subsidy contract.

**Repairs completed** The repairs have been completed to the satisfaction of the administering agency, and in compliance with HQS.

**Request for ~~Inspection (RFI)~~ Tenancy Approval (RTA)** At the time a family has selected a unit to lease, it must submit the required HUD Request for ~~Inspection~~ Tenancy Approval form requesting the AA to inspect the unit and initiate the process of placing the unit under lease and contract.

**Residency Preference** PHA established preference for admission of families that reside or work or have been hired to work in the jurisdiction of the PHA.

**Section 214** Section 214 of the Housing and Community Development Act of 1980. Section 214 restricts HUD from making financial assistance available to noncitizens unless they belong to one of the categories for eligible immigration status specified in Section 214.

**Special Admission** Admission of an applicant that is not on the PHA waiting list, or without considering the applicant's place on the waiting list.

**Subsidy** Section 8 certificates and vouchers. The terms certificate or voucher are used only when necessary to distinguish between the two programs. All new participants will receive a voucher under the Housing Choice Voucher program.

**Subsidy Standard** Established by a PHA to determine the appropriate number of bedrooms and subsidy amount for families of various sizes and compositions.

**Suspension** Also referred to as tolling. Stopping the clock of the term on a family's voucher while a PHA determines whether or not to approve the family selected unit for the Section 8 program.

**Tenant Rent to Owner** The amount the tenant must pay the owner each month based on the lease, tenancy agreement and HAP contract. Previously referred to as tenant rent.

**Total Family Contribution** The full amount the tenant pays for rent and utilities. The total tenant payment and the total family contribution differ in the Housing Choice Voucher program when a family selects a unit with a gross rent exceeding the payment standard.

**Total Tenant Payment** Minimum amount a tenant can pay for rent and utilities.

**Utility Allowance** PHA estimate of the average amount a tenant will pay each month for utilities considering the size and type of units selected by the tenant.

**Utility Reimbursement** The amount, if any, by which the utility allowance exceeds the total family contribution. The PHA issues a check in this amount to either the family or to the appropriate utility company.

**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.

**Very Low Income Family** A family receiving an annual income at or below 50% of the median for their area.

**Voucher** A document issued by PHA to a family selected for admission to the Section 8 program. The voucher describes the program, and the procedures for receiving PHA approval for a unit selected by the family. The voucher also states the family obligations under the Section 8 program. All new program participants receive a voucher through the Housing Choice Voucher program.

**Waiting List Admission** An admission from the PHA waiting list.

## 2. Roles and Responsibilities

### 2.1 ADMINISTERING AGENCY RESPONSIBILITIES

The Administering Agency (AA) is responsible for daily program administration. The AA must comply with HUD regulations and requirements, this Administrative Plan, and the terms and conditions of its contract with VHDA for Section 8 program administration.

In accordance with this plan, AAs are required to develop their own procedures relative to the following:

- Implementation of local preferences by the AA.
- Resolution of owner and tenant complaints that are not subject to the informal review or hearing process.
- Tracking new admissions to ensure the AA meets the income targeting requirements established in QHWRA (1998)
- Establishing and retaining an attorney to review and approve any revised definition of “family,” with a copy of the attorney’s approval letter being submitted to VHDA, should the AA decide not to use the VHDA established definition of family.
- Enforcement procedures for tenant -caused HQS violations.
- Managing and responding to information pertaining to alleged drug and violent criminal activity.
- Reasonable accommodations
- Tracking days when the search time for an applicant is suspended due to a submission of an RTA.
- Making decisions regarding the extension on the term of a voucher
- Internal quality control monitoring for all SEMAP indicators.
- Making decisions relative to findings on an applicant’s criminal history report (C ORI).
- Other concerns or events as may be required.

Each Administrative Agency is responsible for developing an addendum to this Administrative Plan. In this addendum, the AA must describe its policies in the above listed areas. AA’s may only make revisions or amendments to their addendum during the PHA Plan planning process as established by VHDA and following all applicable public and other notice requirements (per 24 CFR 903.21). Such revisions or amendments are only permitted with prior VHDA written approval. VHDA will periodically and on a regular basis monitor AA practices to ensure consistency in the implementation and on-going administration of all aspects of its Section 8 program. At any time, VHDA may require AA to amend or modify their discretionary procedures.

#### 2.1.1 Recordkeeping

Applicant records must be kept for three years after a family is notified it is not eligible for the Section 8 program, or three years after the conclusion of any lawsuit, whichever is later.

Participant records must be kept for three years from the end of program participation, or after the conclusion of any lawsuit, whichever is later. VHDAR recommends maintaining all participant records for at least five years from the end of program participation, or after the conclusion of any lawsuit, whichever is later.

Should an applicant or program participant take advantage of their right to appeal the Immigration and Naturalization Service regarding their citizenship/immigration status, their records must be kept at least five years after a family is notified they are not eligible for the program, or from the end of program participation, or after the conclusion of any lawsuit, whichever is later.

Each AA should use the following filing system. Other methods are permitted so long as they provide a clear audit trail on a family from the point of application to termination.

<u>Method of Filing</u>	<u>Title of File</u>
Alpha	Preliminary Applications Received
Alpha	Applications Rejected/Canceled
Determined by Admin Policy	Waiting List
Alpha	Applications Pending Verifications
Alpha	Pending Voucher Issuance
Alpha	Vouchers Issued by not Under Contract
Alpha	Vouchers Expired/Canceled
Alpha	Pending Lease Approval
Alpha or Leasing Number	Pending VHDAR Lease Approval
Transmittal	Transaction Transmittal
Alpha or Leasing Number by Phrase	Vouchers under Contract
Alpha or Leasing Number	HAP Contracts Terminated/Canceled
Alpha	Inactive Status Classification
Date	Advertising/Outreach
Bedroom Size	Rent Reasonableness Information

### 2.1.2 Outreach

Outreach is best described as the efforts of an AA to interest and inform owners and families of the Section 8 program by utilizing paid media advertising, public service announcements, community contacts and other methods outlined in the locality's Equal Housing Opportunity Plan.

Outreach is one of the most important responsibilities of the AA and should be conducted in a comprehensive manner.

It is particularly essential that each AA whose jurisdiction lies within an MSA implement VHDAR's policies for expanding housing opportunities for program participants outside of areas traditionally served by the Section 8 program. Every AA within an MSA must develop a plan to recruit landlords with dwelling units outside areas of poverty or minority concentration. Each of

these AAs must submit a plan to the designated VHD Multifamily Programs Officer. (Refer to Memorandum to AAs within an MS A dated February 20, 2000, from Hunter Jacobs for additional guidance.

VHDA provides each AA with outreach materials and guidance in the use of the materials and in other outreach activities. In addition, VHDA provides maps for the AAs designating those areas of poverty or minority concentration.

Whenever a closed waiting list is opened, the AA must issue public notice through the local newspaper, and through other methods as described in the Equal Housing Opportunity Plan. The notice must inform the public where and when to apply for a voucher and include basic information on the Section 8 Voucher program.

It is important that whatever staff member(s) that meet with the public for outreach activities have a comprehensive knowledge of the program. They must be able to discuss the benefits of participating in the program for both owners and tenants.

## **2.2 OWNER RESPONSIBILITIES**

An Owner is responsible for:

- Screening tenants.
- Complying with the HAP contract.
- Maintaining the unit in compliance with HQS.
- Enforcing lease requirements.

For a further description of owner responsibilities refer to 24 CFR parts 882, 982, and 983.

## **2.3 FAMILY RESPONSIBILITIES**

### **2.3.1 Applicant responsibilities**

While on the waiting list an applicant must notify the AA of any changes in address and preference status.

Upon selection, an applicant must provide the AA with complete and accurate information necessary to determine program eligibility.

Upon determination of eligibility, an applicant must conduct and complete a housing search within time allowed by the AA.

For a further description of applicant responsibilities refer to 24 CFR parts 882, 982, and 983.

### **2.3.2 Participant responsibilities**

For a further description of family responsibilities refer to 24 CFR parts 882, 982, and 983. Families participating in a Family Self-Sufficiency program should refer to 24 CFR part 984.

#### **2.3.2.1 Family obligations**

For the complete text of family obligations see the Housing Choice Voucher, the tenancy addendum, and the lease signed by the tenant and owner. Violation of Family Obligations may be cause for program termination as discussed in chapter 10.

### 3. Eligibility and Intake (24CFR982 Subpart E)

Generally, only very low-income and extremely low-income families are eligible for assistance through the Housing Choice Voucher program. The Quality Housing and Work Responsibility Act of 1998 established new income targeting requirements. At least 75% of all new program admissions in each fiscal year must be families with income levels at or below 30% of the area median income. The remaining 25% of new admissions may be families with income levels at or below 50% of the area median income. An AA must develop a procedure for tracking new admissions so it can demonstrate that it meets the income targeting requirements.

In some circumstances, a low-income family that has been continuously assisted is eligible for assistance. (24CFR982.201) A family is considered to be continuously assisted if the family is already receiving assistance under any housing program covered under the 1937 Housing Act when the family is admitted to the Housing Choice Voucher program. Housing programs covered under the 1937 Housing Act include:

- The public or Indian housing program.
- Any program assisted under Section 8 of the 1937 Act, including assistance under a Section 8 tenant-based or project-based program.
- The Section 23 leased housing program.
- The Section 23 housing assistance payments program.

Brief interruptions in assistance caused by transitioning from one form of assistance under the 1937 Act program to another will not be considered to break the continuity of assistance where the reason for the transition was through no fault of the family, such as the expiration of a HAP contract for a project-based development or termination of a HAP contract for owner breach. VHDA has selected to allow a 30-day break in assistance. Therefore, if an applicant for the Housing Choice Voucher program has income below the low-income limit, and is not currently receiving assistance but did receive assistance during the previous 30 days, VHDA will consider that family to be continuously assisted.

Low-income families are also eligible if they qualify as:

- A non-purchasing household in the following homeownership programs: HOPE1, HOPE2, or other HUD-assisted multifamily homeownership programs;
- Displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract; (Under this category a family may have income below the moderate income limit (95% of median) and qualify for assistance.)
- Displaced as a result of the expiration of a project-based Section 8 contract;

Only very low income families may be admitted to Moderate Rehabilitation projects with HAP contracts effective on or after October 1, 1981 unless an exception is granted by HUD. Low income families may be admitted to Moderate Rehabilitation projects with HAP contracts effective prior to October 1, 1981. (24CFR 882)

At Moderate Rehabilitation properties and projects with project-based certification at least 40% of new admissions in each fiscal year must be families with income levels at or below 30% of the area gross median income. (QHWRA, 1998)

### **3.1 PREFERENCES\***

When applying for the Section 8 program, an applicant may claim qualification for one or all of VHDA approved local preferences. However, eligibility for a preference does not automatically make an applicant eligible for Section 8 assistance. The household must also qualify under VHDA eligibility factors. A preference affects how soon an applicant will be issued a voucher. An applicant with a preference will be selected to receive a voucher before an applicant without a preference, even if the applicant without a preference applied for the program first.

**3.1.1 Residency Preference** - VHDA has established, as the residency preference default, a preference for admission of families that reside or work or have been hired to work in the Commonwealth of Virginia. AA's may however elect to establish their local jurisdiction as a local residency preference. If the AA elects to establish a local residency preference, they must receive prior VHDA written approval and must follow all applicable public and other notice requirements (per 24CFR 903.21).

#### **3.1.1.1 3.1.2 VHDA Approved Preferences**

As the Administrative Agents have the best knowledge of the characteristics of the low income population in their jurisdiction, they may develop their own local preferences. The VHDA approved preferences listed in 3.1.1.1 - 3.1.1.6, are encouraged by HUD and "pre-approved" for AA use by VHDA. AA's may exercise their own discretion in electing to utilize these pre-approved preferences. Local preferences, other than those listed as "VHDA preferences" herein, must be submitted to VHDA in writing and approved by VHDA prior to implementation.

#### **3.1.1.1 3.1.2.1 Victim/witness Protection**

These households must be offered assistance. However, if a subsidy is not available, the household is placed at the top of the waiting list and offered the next available subsidy.

To be considered for selection under this category an applicant must meet all three of the following criteria:

- a. The applicant (or member of the applicant's household) has been a witness to or a victim of a crime in Virginia and needs witness protection according to a Virginia state or local law enforcement agency; and

- b. As a result of testifying or agreeing to testify in a court of appropriate jurisdiction against the aggressor, the applicant's household has been placed in a life-threatening situation or the circumstances of which can be verified in writing by an appropriate Virginia law enforcement official; and
- c. All efforts to secure housing assistance through a local housing agency have been exhausted.

An applicant's eligibility for this category must be approved by VHDA before the Administering Agency may assist the household.

Verification Requirements

Verification must be provided by a Virginia state or local law enforcement agency.

**3.1.1.23.1.2.2 Displacement due to domestic violence**

For the purposes of this section, domestic violence means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant household.

An applicant is involuntarily displaced by domestic violence if:

- The applicant has vacated a housing unit because of domestic violence; or
- The applicant lives in a housing unit with a person who engages in domestic violence.

If the applicant is still living in the unit at the time of selection, the violence must have occurred within six months or be of a continuing nature.

Verification Requirements

Verification of the domestic violence and/or displacement because of domestic violence must be provided by the local police department, social service agency, court of competent jurisdiction, or a clergyman, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence.

If approved for assistance, the applicant must certify that the person who engaged in such violence will not reside with the applicant family.

All decisions to terminate assistance or to allow the abuser to return to the household will be made on a case-by-case basis by the AA and VHDA in consultation with a local domestic violence counseling agency.

### **3.1.1.33.1.2.3 Displacement to avoid reprisals**

To qualify for this preference, the reprisal need not be life threatening, as is required for automatic preference under the Victim/Witness Protection provision.

An applicant qualifies for this preference if:

- Family member(s) provided information of criminal activities to a law enforcement agency, and
- Based on a threat assessment, the law enforcement agency recommends rehousing the *family* to avoid or minimize a risk of violence against family members as a reprisal for providing such information.

#### Verification Requirements

The District Attorney's Office must certify, in writing, that a member of the applicant household has or is cooperating with an investigation and is currently at risk of reprisal for providing such information; therefore, the DA's Office recommends relocation.

### **3.1.1.43.1.2.4 Displacement due to Hate Crimes**

For the purposes of this section a hate crime is defined as actual or threatened violence or intimidation against a person or the person's property because of race, color, religion, sex, age, national origin, handicap or familial status.

An applicant is involuntarily displaced if:

- A family member is a victim of a hate crime; and
- The applicant has vacated a housing unit because of such a crime, or
- The fear of such a crime has destroyed the family's chance for peaceful enjoyment of its unit.

If the applicant is still living in the unit at the time of selection, the crime must have occurred within six months or be of a continuing nature.

#### Verification Requirements

The applicant must provide written verification from the Police Department that a member of the household has been a victim of a reported hate crime.

In addition to the police report, the applicant must provide a letter from the owner that the family resided in the unit.

Applicants still residing in the unit where the crime occurred, must provide a statement that the fear associated with such a crime has destroyed the applicant's peaceful enjoyment of the unit.

### **3.1.1.53.1.2.5 Displacement Due to Inaccessibility of a Unit**

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

- A member of the family has a disability causing the person to be unable to use critical elements of the unit; and
- The owner is not legally obligated to make changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation.

For more information on reasonable accommodation please refer to Section 504 of the Rehabilitation Act of 1973 and Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act).

#### Verification Requirements

A licensed medical practitioner must certify that a family member has a disability that makes the person unable to use specific and critical elements of the unit and that the specific accommodation requested would allow the applicant to use that critical element of the unit.

The owner must certify that the tenant has requested certain modifications to the unit; that the critical elements of the unit are as described by the applicant; and that the owner is not legally obligated to make the changes requested.

### **3.1.1.63.1.2.6 Preference over Singles**

Single persons who are age 62 or older, displaced, homeless, or persons with disabilities have preference for admission over other single persons. (24 CFR 982.207(b)(v)(5). No longer a mandatory preference, per QHWRA, 1998.)

## **3.1.2 3.1.3 Change in preference status**

A family's situation may change while on the waiting list. The family must provide the AA information about changing circumstances that may affect preference to enable the AA to make appropriate selections. Upon selection, the family may be considered for any preferences for which it may be eligible. If it is determined that a family is not eligible for a preference it has claimed, the application will be returned to the waiting list based on time and date of application.

## **3.1.3 3.1.4 Denying a preference**

At any time the AA determines an applicant does not qualify for a preference the family has claimed, the AA must notify the family in writing providing the reason the preference is denied and informing the family of its right to an informal review.

### **3.1.4 3.1.5 Portability within the State of Virginia**

Voucher transfers between AAs must be absorbed by the receiving agency if subsidy is available. VHDA will not accept voucher transfers from other PHAs under the provisions of statutory and regulatory portability, when the local PHA in the community to which the tenant wishes to move administers a Section 8 program. Exceptions for special circumstances such as conflict of interest issues must be approved by VHDA.

The decision to establish a policy or run a CORI report to screen applicants is left to each AA. Should an AA implement a CORI program, without exception, VHDA will not accept voucher transfers from other AAs under the provisions of statutory and regulatory portability, when the AA in the community to which the tenant wishes to move administers a Section 8 program and the transfer participant has been rejected by that AA as the result of a CORI.

A receiving AA may conduct a criminal background check or determine that one has been conducted before accepting a portable family as described in paragraph 3.2.5.

New admissions (families executing their first Section 8 leases) that are absorbed by a receiving AA are included in the receiving AA's income targeting figures.

### **3.1.5 3.1.6 Moderate Rehabilitation Tenants**

Moderate Rehabilitation is a project-based program and vouchers are not issued to families in Moderate Rehabilitation units except under certain circumstances. Frequently, Moderate Rehabilitation tenants must relocate through no fault of the household, such as a change in family size or for accommodation under Section 504 of the Rehabilitation Act of 1973. In these instances, the AA must first refer the household to any suitable comparable Moderate Rehabilitation unit that may be available. If there is a suitable unit within the same project that unit should be referred before units in other projects. If the household rejects a unit for good cause, it should be issued a voucher, regardless of availability. If the family cannot provide a good reason for rejecting an offer of a suitable Moderate Rehabilitation unit, the AA should take steps to terminate the family from the Section 8 program.

A Moderate Rehabilitation tenant may request a voucher in accordance with the reasonable accommodation principle contained in Section 504 of the Rehabilitation Act of 1973. If a Moderate Rehabilitation tenant can demonstrate that to remain in the Moderate Rehabilitation unit would pose a hardship because of that tenant's disability, and where the owner is not legally obligated to make the necessary accommodations, the tenant may request a voucher. The AA must determine whether, due to the tenant's disability, the Moderate Rehabilitation unit is inappropriate housing for that tenant. The fact that the disability existed when the tenant originally agreed to live in the Moderate Rehabilitation unit may not be considered when making this decision.

At the time of annual recertification, the AA must determine whether a family is overcrowded or underutilizing a Moderate Rehabilitation unit. If a family needs to move to a unit of different

size, the AA will require the family to move to an available unit of appropriate size in the same Rehabilitation development. If no suitable unit is available in the same development, the AA may require the family to move to a suitably sized unit in another Moderate Rehabilitation development in the same community. If there are no available suitable Moderate Rehabilitation units in the same community, the AA will provide the family with a voucher to look for a suitable unit. If necessary, the AA may issue a voucher in order to provide the voucher, with VHDA approval.

If the AA is unable to fill a vacant Moderate Rehabilitation unit from its waiting list after 30 days (or if the owner has rejected, with good cause, applicants referred from the list), the agency may approve for Moderate Rehabilitation subsidy a Section 8 eligible applicant selected by the owner.

### **3.2 VERIFICATION REQUIREMENTS APPLICABLE TO ALL ADMISSIONS**

The Administrative Agent must verify all family characteristics that affect program eligibility, adjusted income and qualification to receive VHDA approved preferences. (24 CFR 5, Subparts B, D, E and F and 24 CFR 982.516) The AA must verify the information using the following methods.

#### **3.2.1 Oral or Written Third Party Verification**

The AA must verify all information affecting an applicant's eligibility, preference or total Tenant Payment. Wherever possible verification must be from third party sources.

Each applicant and participant must sign a form or forms authorizing the AA to obtain the required verification. Signed forms must be sent directly to the third party verification source by fax or mail. Verification forms must not be hand-carried by participating families. However, the AA may accept third party information by telephone, fax, or mail. Telephone verifications must be recorded in the tenant file with the information provided, the person who provided the information, the date of the call, and the name of the staff member who took the call.

#### **3.2.2 Review of Documents**

If repeated attempts to obtain third party verification have failed, or if no third party verification is possible, the AA may review documents to verify family information. However, whenever documents are used for verification, the tenant file must be documented to explain the reason third party verification was not used or the efforts made to obtain it.

The AA should make a copy of all documentation used to make eligibility determinations and retain the documents in the tenant file. Examples of such documents include employee pay stubs, receipts for medication, contracts, tax returns and benefit award letters.

### 3.2.3 Family Certification

Only when there is no responsive third party and no reliable documentation, may the AA accept the family's certification of the accuracy of submitted information. VHDA anticipates that AAs will accept notarized statements on rare occasions and only after documenting the tenant file to indicate why obtaining third party verification or reviewing documents was not possible.

### 3.2.4 Age of verifications

All information must be verified within 60 days of issuing a voucher to a new voucher holder. If the voucher is not issued within 60 days, the AA must reverify the information. (24CFR Part 5)

### 3.2.5 HUD Release of Information/Privacy Act Form

All applicants and participants must sign the form HUD -9886 *Release of Information/Privacy Act Notice* as part of the initial certification and at every annual recertification thereafter. The form must be signed by the head of the household, co-head and spouse, and by every other family member who is at least 18 years old. The form need not be signed at interim recertifications so long as it has been properly signed at the previous annual recertification. Any adult joining the family after the initial certification must begin signing the form at the annual or interim recertification through which they join the family.

## 3.3 VERIFICATION SOURCES

The requirements for verification of VHDA approved local preferences are described in Section 3.1 above. This section describes verification of other factors.

### 3.3.1 Verification of disability

The definition of a person with disabilities for purposes of determining program eligibility and preference status for the Section 8 programs is found in Section 3(b)(3)(E) of the United States Housing Act of 1937 and in the Section 1 glossary of this policy.

Receipt of SSI or Social Security Disability payments is a sufficient demonstration that an applicant is disabled. In the absence of such income, a qualified individual, such as a medical professional, must confirm whether or not an applicant meets HUD's definition. Each AA must have a verification form for use in these cases.

Disability status must be verified annually and, if after admission, the family member no longer meets the definition of a person with a disability, the household may continue to receive assistance but the calculations of adjusted income may change.

NOTE: Employment is not an indication of whether or not a person has a disability.

### 3.3.2 Verification of age

For purposes of determining program eligibility, adjusted income and eligibility for preferences, age may be evidenced by a copy of a birth certificate, baptismal certificate, census record, official record of birth, driver's license or other authoritative document including evidence of receipt of Social Security benefits. Age need be verified only at the initial certification unless the AA discovers a discrepancy.

### 3.3.3 Verification of zero income

Participant whose household claiming zero income must submit to the AA assigned a notarized statement officially claiming zero income. In addition, the family members are required to sign verification forms allowing the AA to verify the receipt of no income through unemployment compensation, welfare, and social security/disability programs. The authorization for release of information is used to obtain the individual's wage record from the Virginia Employment Commission. AA's, at their discretion, may elect to perform re-verification of participant zero income status on a scheduled basis. Should an AA opt to do so, the decision and schedule to be used should be included in the AA's Administrative Plan Addendum.

### 3.3.4 Verification of income from self -employment

Verification of income from self -employment will be based on a 12-month period that is measured by the family's federal and state income tax returns. Any self-employed person must submit a copy of their most recent tax return. Along with the form 1040 tax return, the applicant must include a Schedule C that documents his or her business expenses deducted from business revenue. If the Schedule C includes an expense for depreciation, the applicant must submit a calculation of the depreciation expense.

When a self-employed individual has not been self-employed long enough for her to be a completed tax return, the AA should obtain at least one of the following documents: A audited or unaudited financial statement for the business for the current or previous year; A completed loan application for the business listing income derived from the business during the previous 12 months; A notarized statement or affidavit as to the net income realized from the business during the previous year. When an applicant submits a notarized affidavit, the AA must request additional backup information from the applicant including any logs, receipts, reports that help document the information verified by the notarized statement.

### 3.3.5 Verification of drug or alcohol rehabilitation

In accordance with the Housing Opportunity Extension Act of 1996 an AA may require any family member who has engaged in drug related activity within three years or has a pattern of illegal use of a controlled substance or pattern of alcohol abuse that contributed to a pattern of behavior that may interfere with the health or safety of other residents or their right to peaceful enjoyment of their unit, to submit evidence of participation in or successful completion of a supervised treatment program as a condition of being allowed to participate in the Section 8 program.

The AA shall have discretion to consider all of the circumstances in each case to determine the extent of participation by family members in the illegal activity. In appropriate cases, the AA may permit the remaining family members to receive assistance and may impose a condition that the family member(s) determined to have engaged in the illegal activities not reside in the family unit.

### 3.3.6 Drug and Criminal Activity Screening

Per 24 CFR Parts 5 et al, an AA must screen all applicants for drug abuse and other criminal activity. AAs may not require applicants to pay the costs related to such screenings.

**CORI - Criminal Offender Registry Information** - VHDA allow each AA to establish their own policy regarding running CORI checks on members of applicant households. Should an AA decide to implement a system for running CORI checks, the AA must develop and include in their addendum to this Administrative Plan policies and procedures governing running CORI checks. The AA must consistently implement their established policy.

Unless a CORI report is used to deny, condition or terminate assistance the AA must destroy it. It is illegal to keep unused reports on file. CORI reports used to deny, condition or terminate assistance must be kept under lock with extremely limited access to staff responsible for completing eligibility determinations.

### 3.4 WAITING LIST ADMINISTRATION (24 CFR 982.204 AND 982.206)

An AA must maintain and administer the waiting list in accordance with all HUD and VHDA requirements. Failure to properly manage the waiting list is grounds for VHDA to impose a fine against the AA administrative fee. If the AA continues to mismanage the waiting list, VHDA may cancel the program administration contract with the AA.

### 3.4.1 Selection

The AA must select participants from the waiting list in accordance with the admission policies in this Administrative Plan, the AA's addendum to this plan, all HUD requirements, and Federal, state and local fair housing laws.

The Administrative Agent must maintain sufficient information for each family on the waiting list to be able to select families off the list in accordance with VHDA policies. In addition, the AA must develop and maintain sufficient documentation to demonstrate that the families admitted were selected from the waiting list and admitted to the program in accordance with the policies and selection criteria discussed in this Administrative Plan and the AA's addendum to this plan.

### 3.4.2 Opening and closing the waiting list

If an Administrative Agent determines that the waiting list contains an adequate pool of applicants, and that applicants at the bottom of the list will have to wait at least two years before receiving subsidy, the AA can request approval from VHDA to close the waiting list. The AA must have written approval from VHDA prior to taking steps necessary to close the list.

Specifically, the AA must receive approval to close the waiting list from the  ir VHDA Multifamily Programs Officer (MPO). The AA must submit a written request including information on the reasons for closing the waiting list, the number of persons on the waiting list, the date on the application of the next family to receive a voucher, a sample advertisement to be used to advertise the closing of the waiting list, and other information deemed necessary by the MPO.

After receiving VHDA approval, the AA must give public notice through publication in a local newspaper of general circulation and in minority media. The notice must comply with the Equal Housing Opportunity requirements of this Administrative Plan and comply with all HUD fair housing requirements. The AA must maintain a copy of all advertisements announcing the opening and closing of the waiting list and submit copies to the MPO.

When the AA determines that it is time to begin taking applications again, it must officially re-open the waiting list. Again, the AA must give public notice through publication in a local newspaper of general circulation and in minority media.

### 3.4.3 Waiting list information

AA must use the VHDA preliminary application or an approved facsimile that must include a minimum of the following information:

- Applicant name and application number;

- Current applicant address and phone number;
- Family unit size
- Age and gender of family members who will live in the unit;
- Any local preference(s) the applicant claims;
- Racial or ethnic designation of the head of household (See 24CFR 982.204);
- Social Security Number for the head of household only. (This information is required to ensure that duplicate applications are not entered onto the waiting list.)
- Date and time application received.

Applications missing any of this information will not be processed, and the applicant will be so notified by mailing to the address provided on the application. Corrected applications will not be accepted after the waiting list is closed unless the applicant can demonstrate mitigating circumstances.

The AA will not verify the family characteristics, including total family income, until the applicant is selected off the waiting list. In accordance with 24CFR 982.201(e) an AA must verify all pertinent family characteristics within the period of 60 days before issuing the voucher.

#### **3.4.4 Change in preference status — affect on waiting list position**

An applicant's preference status may change while on the waiting list. A standard applicant may become preference eligible or vice versa, and request that his or her preference category be changed. The applicant will retain his/her place on the waiting list and the preference status will be changed. If upon selection and verification it is determined that the family does not qualify for a preference claimed, the family remains on the waiting list in the position held prior to claiming the preference.

If the AA denies an applicant preference status, the AA must provide the applicant with written notice of the preference denial and an opportunity to request a meeting with appropriate agency personnel. (See Section 9, Informal Hearings and Reviews)

#### **3.4.5 Removing names from the waiting list**

AAs will remove applicants from the waiting list if they:

- Do not respond to a request for information or updates within the time frame required;
- Refuse the offer of a housing Choice Voucher to search for a unit;
- Have failed to verify eligibility upon selection from the waiting list; or
- Any participant terminated for cause by any AA due to drug related or violent criminal activity will have his/her name removed from the waiting lists of all AAs on which it appears.

VHDA requires that each AA update their waiting list at least every two years by requiring applicants on the list to update the information submitted and confirm that they are still interested in participating in the Section 8 program. An AA must send out letters to all families on the waiting list requiring that they respond to the request for updated information by a certain date. If a family does not respond in the time allowed, the AA may remove their name from the waiting list.

When an applicant's name is removed for failure to respond to requests for information or updates, the AA must send the applicant a letter informing him/her that his/hers name is being removed from the waiting list. In these instances, an informal review is not required to be offered. However, these procedures for removing applicants from the waiting list may not violate the rights of persons with disabilities. If an applicant's failure to respond to the AA request to update information was caused by the applicant's disability, the AA must provide a reasonable accommodation to give the applicant an opportunity to respond.

An AA must maintain documentation sufficient to demonstrate those families removed from the waiting list for failing to respond to a request for information, including all correspondence showing that the AA followed correct procedures prior to removing the family's name from the waiting list. VHDA requires that each AA maintain a separate file containing the applications and all correspondence for all families removed from the waiting list for failing to respond to a request to update their information. Each AA must maintain a separate file for each fiscal year. The VHDA fiscal year runs from July 1<sup>st</sup> through June 30<sup>th</sup>.

An AA must maintain documentation sufficient to demonstrate that those families who are selected from the waiting list but are not issued a voucher (because they are determined ineligible, withdraw, fail to respond to a call in letter or their applications are closed for another reason) were selected in the proper sequence based on preferences claimed and the date and time of the original application. The AA must print out of the top of the waiting list showing the application's place on the list at the time it was selected and keep that printout with the application, ineligibility information and other documentation.

Whenever an applicant is denied admission to the program, the AA must send the applicant a letter informing him/her that he/she is being denied admission to the program and offered the opportunity for an informal review. VHDA requires that each AA maintain a separate file containing the applications and all correspondence for all families denied admission to the program. Included with the applicant information, the AA must keep a printout of the waiting list at the time the applicant was selected from the list for an eligibility determination. Each AA must maintain a separate file for each fiscal year. The VHDA fiscal year runs from July 1<sup>st</sup> through June 30<sup>th</sup>.

### **3.4.6 Special program waiting lists** (24CFR982.203)

VHDA administers a variety of special programs including the Family Unification, Welfare to Work, Mainstream and the Family Self-Sufficiency programs. Applicants for these programs must meet additional, specific, eligibility requirements. Depending on the program, the waiting list may be maintained by the AA or by some other provider agency that serves the target population. When an applicant cannot establish basic program eligibility at the time of application, the AA or provider agency may refuse to place the applicant on the special program waiting list. If the AA or provider agency decides not to place the applicant on the special program waiting list it must keep a copy of the application, formally reject the applicant, keep a copy of the rejection on file and notify the applicant of his/her right to an informal review. If admissions decisions are made by the provider agency, that agency is responsible for conducting the informal review.

Applicants that self-identify on the standard Section 8 application as eligible for a special program(s) must complete the application specific to that program if the list is maintained by an AA, or be referred to the provider agency that maintains that waiting list. Only those applicants for whom minimum eligibility requirements can be verified should be placed on the list, if open.

(See Section 18 for more information on special programs.)

### **3.5 Calculation of Annual Income** (24CFR5SubpartF)

After selecting a family off the waiting list, the AA must verify the annual income of the applicant household to make a final program eligibility determination. Annual income is the gross amount of income a family is projected to receive during the coming 12 months. A family's annual income may not be one dollar more than the applicable income limit if they are to receive assistance through the Section 8 program.

HUD has established rules which govern how a PHA must calculate annual income. Each AA must follow these rules as found in the VHDA *Operations Manual*.

### **3.6 Calculation of Adjusted Income** (24CFR5SubpartF)

After completing a program eligibility determination, an AA must calculate the adjusted income of an applicant to then calculate their minimum total tenant payment. An eligible family may qualify to receive five allowances/deductions from their annual income before the AA determines how much the family can afford to contribute to their own housing costs. A family's annual income minus their deductions equals their adjusted income.

HUD has established rules which govern how a PHA must calculate a family's allowances and adjusted income. Each AA must follow these rules as found in the VHDA *Operations Manual*.

### **3.7 Non Citizen Rule** (24CFR5 Subpart E)

Effective June 19, 1995 HUD implemented Section 214 of the Housing and Community Development Act of 1980, as amended. Section 214 prohibits PHAs from making financial assistance available to persons other than U.S. citizens, nationals or eligible noncitizens.

Each AA must follow the procedures established in the VHDA *Operations Manual* to verify the status of every member of an applicant family. Every member, including all minors, must be verified as a citizen or national of the U.S., or fall into one of the approved categories of eligible noncitizens. Each AA must complete this verification process at the same time they complete the program eligibility determination discussions discussed above.

For an entire family to be eligible to receive assistance through the Section 8 program, every member must be a citizen or national of the U.S. or an approved noncitizen. However, if a family includes one or more ineligible noncitizens, they may receive a portion of the assistance they would have otherwise received based on the portion of the family that is eligible for housing assistance.

### **3.8 D DENIAL OF ASSISTANCE TO APPLICANTS\*** (24982.552)

Denial of assistance to an applicant may include any or all of the following actions:

- Denying the family an application to fill out for placement on the waiting list if the waiting list is closed;
- Refusing to issue a voucher to the applicant;
- Withdrawing a voucher;
- Refusing to enter into a Housing Choice Voucher or approve a lease or a unit; or
- Refusing to process or provide assistance under portability procedures.

When assistance is denied the family must be notified in writing of the reason and offered an informal review.

HUD requires an AA to deny assistance if any family member refuses to sign or submit the required consent forms in accordance with HUD regulation (24CFR5.230). Section 5.230 pertains to verification of income and includes computer matching.

The Housing Opportunity Program Extension Act of 1996, signed into law on March 28, 1996 requires that 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 Section 8 programs for a three -year period beginning on the date of such eviction. The AA may waive this requirement if: 1) the person demonstrates successful completion of a rehabilitation program

approved by the AA; or, 2) the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household.

If an applicant owes money to a PHA from a previous tenancy in a state - or federally - assisted unit, the AA may require that the applicant satisfy the full reimbursement prior to receiving Section 8 assistance. At minimum the AA must require that the applicant establish and maintain a payment agreement to reimburse the money due the PHA.

### 3.8.1 Grounds for denial of assistance

There are circumstances where an applicant's past performance in a state - or federally - assisted housing program will disqualify the family for admission to VHDA's Section 8 programs. However, the AA may not automatically deny assistance to a family without having conducted an independent investigation into the circumstances of each case, including the seriousness of the offense, how long ago it occurred, and whether the family composition is the same.

An AA has discretion to consider mitigating factors presented by the family when deciding whether or not to deny assistance. (See chapter 13 for more information about mitigating circumstances.)

In the absence of mitigating circumstances, the AA may deny assistance to an applicant for the following reasons:

- If the family has violated any Family Obligations as listed in HUD regulations for the Section 8 program.
- If any family member has ever been evicted from public housing.
- If any PHA has ever properly terminated assistance under the certificate or voucher program for any family member.
- If any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program, e.g., withholding information about income during a required reexamination, or misrepresenting the family's income in a previous federal- or state - assisted tenancy.
- If the family currently owes rent or other amounts to VHDA or to another administering agency in connection with Section 8, public housing or any other federal or state housing assistance program, and has not made a good faith effort to meet the terms of their promissory note or repayment agreement.
- If the family has not reimbursed any PHA or administering agency for amounts paid to an owner under a HAP contract for rent, damage to the unit, or other amounts owed by the family under the lease.

- If the family has breached an agreement with the AA to pay amounts owed to an AA, or amounts paid to an owner by an AA.
- If the family has engaged in or threatened abusive or violent behavior toward AA personnel.
- If any family member has committed drug-related or violent criminal activity. (24CFR Parts 5etal)
- If any household member has been evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug -related criminal activity within three -years of the date of admission.
- If the AA determines that there is reasonable cause to believe that any household member abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- If the AA determines that there is reasonable cause to believe that any household member's illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

### 3.9 A APPLICANT BRIEFING (24CFR982.301)

The first time a family is issued a voucher the AA will conduct a detailed briefing session to explain the program to the family. Typically, the briefing will be a group session held at the AA office. If the family cannot attend a briefing because of illness or disability, the AA may conduct individual briefing sessions at a location convenient to the family; or, the family may send a proxy to the briefing. The family must sign a release form authorizing the proxy to attend the briefing on its behalf. All forms distributed at the briefing that require a signature must be signed by the family, not the proxy, and returned to the AA.

Topics to be discussed at the briefing will include:

- A description of the program.
- Discrimination and fair housing issues.
- Family and owner responsibilities.
- An explanation of portability.
- An explanation of the VHDA subsidy standards.
- Where the family may lease a unit, both within and out of the AA jurisdiction.
- What agency should administer the subsidy out of the jurisdiction of the issuing AA.
- For families that live in high poverty areas, an explanation of the advantages of moving to an area that does not have a high concentration of poor families.
- An explanation of the materials included in the briefing packet, including a discussion of VHDA's policies for expanding housing opportunities for Section 8 participants.
- How to submit a Request for Tenancy Approval (RTA) and Inspection (RFI).

- The possible impact of a CORI check and/or other drug and criminal activity screenings check, on an applicant's ability to transfer to another AA or PHA jurisdiction, where the AA has chosen to implement CORI procedures.
- Restrictions on moving with continued assistance if the family owes money to VHDA.
- An explanation of and discussion regarding the lead -based paint brochure which must be included in the briefing packet .
- Explanation of exception payment standards and their appropriate use as mechanisms to enable the family to further their housing opportunities. The AA must explain that as a reasonable accommodation for a person with disabilities the AA may authorize a payment standard higher than the standard currently in use. If the exception payment standard for a person with a disability is to go above 120% of the FMR, VHDA must seek HUD approval.
- The AA's policy on granting reasonable accommodations for persons with disabilities.

At the briefing the family will be provided with an information packet that contains, at a minimum, the 17 items required by HUD regulations, and the required letter explaining portability and the consequences of voluntarily giving up the subsidy to be signed by the applicant.

The AA is responsible for providing a briefing to all families selected for a Section 8 moderate rehabilitation unit. The purpose of the briefing is to explain the Moderate Rehabilitation program and to appraise the family of its responsibilities and those of the owner. The AA must explain that the project-based Moderate Rehabilitation contract will be expiring in the near future and that at the current time HUD is issuing vouchers to families in projects with expiring contracts.

The AA is responsible for providing a briefing to all families selected to receive housing assistance through a project -based certificate or voucher. The purpose of the briefing is to explain the rules of the project -based certificate or voucher program and to appraise the family of its responsibilities and those of the owner. The AA must inform the applicant that the subsidy is tied to the project and that if the family moves it will lose its housing assistance. The AA must discuss a family's options should they be required to move due to an increase or decrease in family size, particularly if there is a violation of HQS. The AA must explain that the subsidy contract will expire in the near future and that HUD is currently issuing vouchers to families when the contract expires.

### **3.10 SUBSIDY STANDARDS (24CFR982.402)**

Subsidy standards determine the family unit size. The family unit size is the number of bedrooms needed for families of different sizes and compositions, and is used to determine the maximum subsidy the family may receive through the Section 8 program.

Subsidy size	Minimum number of persons	Maximum number of persons	Minimum number of bedrooms <sup>1</sup>
SRO	1	1	0
0	1	1	0
1	1	2	1
2	2	4	1
3	4	6	2
4	6	8	3
5	8	10	4
6	10	12	5

<sup>1</sup>Min.#ofbedrooms may include other room that could be used for sleeping.

The subsidy standards must provide for the smallest number of bedrooms needed to house a family without encouraging overcrowding.

The subsidy standards must be consistent with the space requirements established by Housing Quality Standards.

The subsidy standards must be applied consistently for all families of like size and composition.

For purposes of determining subsidy standards, an adult is 21 years of age or older. A child is under 21 years of age.

Adults should be allocated one bedroom each. If two adults consider themselves partners they should be allocated one bedroom.

An adult should not be required to share a bedroom with a child.

The head of household should be allocated one bedroom. If the head of the household has a partner, the partners should share the bedroom.

Single pregnant women with no other children in the household should be allocated two bedrooms.

Pregnant women with other family members should be allocated sufficient bedrooms to accommodate the new baby if the birth would result in the family being underhoused.

Live-in aides residing with the family should be allocated a separate bedroom.

A child who is temporarily absent because of placement in a foster home is considered a family member in determining the family unit size. As used in this section, temporarily means that the Department of Social Services (DSS) goal for the family is reunification with their children within one year of the date the subsidy is issued.

When the goal for children in foster care is adoption, the children are not considered temporarily absent and the family will be issued a subsidy size that does not include the children in foster care. Should DSS change a family's goal from adoption to reunification the AA will increase the family's subsidy size as appropriate, and when appropriate. In any case, the AA will not terminate a HAP contract unless HQS space standards are violated.

The family must sign a release for the purpose of obtaining relevant information from DSS.

If a planned reunification does not occur within the first year after the subsidy is issued the family will be considered over-housed.

A child who is away at school but returns to live with the family during breaks and school closings may be included in determining the appropriate subsidy standard for the family if the child is included in the household for income calculation purposes.

Families who are in the process of securing legal custody of children and can document the custody process can ask the AA to include those children when determining the appropriate subsidy standard for the household.

Children who are subject to a joint custody agreement but live with the family at least 50% of the time may be counted in determining the appropriate subsidy standard for the family.

Independent group residences (IGR) require the AA to approve a zero-bedroom or one-bedroom subsidy standard for each eligible person who will reside in an IGR.

Section 8 Moderate Rehabilitation properties have VHDA approved management plans on file that define the subsidy standards and issues related to making occupancy decisions for those units.

Properties receiving assistance through a project-based certificate utilize the VHDA subsidy standards.

### **3.10.1 Exception to subsidy standards**

Exceptions to these standards may be granted by the AA for documented reasons critical to the household's health or if justified by handicap, relationship of family members, or other personal circumstances. Documentation must come from an appropriate third party source such as a doctor, psychiatrist, or psychologist. It is the responsibility of the applicant or participant to obtain such documentation.

### **3.10.2 Application of subsidy standards to determine maximum rents subsidy**

A family may lease a unit with more or fewer bedrooms than indicated on the subsidy. The family may choose to use a living room, or other general living area, as a bedroom. This is allowable provided the applicable HQS space requirements are met, i.e., there is enough square footage in the living/sleeping area for the number of persons who will use such space for sleeping, and there is adequate light and ventilation.

When a family leases a unit with more or fewer bedrooms indicated on the voucher, the AA uses the payment standard that is the lower of the unit size indicated on the voucher or the actual unit size rented by the family.

*Example: A six person family is issued a 3BR voucher and rents a 2BR apartment, choosing to use the living area as a bedroom. The 2BR payment standard must be used.*

The utility allowance for the actual unit selected is always used regardless of the size of the family's voucher (see Section 8.5).

### **3.10.3 Adjustments in family unit size due to changes in family composition**

#### **3.10.3.1 Unit does not meet HQS**

When an AA determines that a unit does not meet HQS because of an increase in family size or a change in family composition, the family will be issued a larger subsidy size. The family and the AA must try to find an acceptable unit as soon as possible. If an acceptable unit is available, the AA must terminate the HAP contract. The higher payment standard will not be applied until the family moves.

#### **3.10.3.2 Family is underhoused**

If a family is entitled to a larger subsidy because of the application of VHDA subsidy standards (but the unit meets HQS), the larger subsidy standard is applied at the family's next annual reexamination or when the family moves to a new unit. The family is not required to move because it is not in violation of HQS.

#### **3.10.3.3 Family is overhoused**

When a family becomes overhoused, the AA must issue a smaller voucher at the family's next annual reexamination or at the family's next move whichever is sooner.

When the voucher is issued the AA must recalculate the family's minimum total tenant payment under the smaller voucher size and inform the family of its options. This will enable the family to determine if it can afford to remain in place.

### **3.10.4 Termination notice and effective date**

When the HAP contract is terminated due to violation of HQS the AA must notify the family and the owner of the termination. The termination is effective at the end of the calendar month that follows the calendar month in which the AA gives notice to the owner.

### **3.10.5 AA role in identifying acceptable units**

If a family is required to locate another unit, the agency will assist the family in its housing search to the greatest extent possible. This will include providing the family with current listings of known available units and appropriate referrals to housing search agencies. However, it is the responsibility of the family to find the new unit.

An acceptable unit is one that is within the same school district or within the family support network.

## 4. Issuing and Leasing

### 4.1 ISSUING\* (24CFR982.302 AND 982.303)

#### 4.1.1 Initial term

The initial term of a voucher is 60 days.

#### 4.1.2 Extensions

The AA may grant a family an extension upon written request. Extensions may be granted in 30 day increments. The AA must grant an extension of the search time as a reasonable accommodation for a person with a disability. (Final Merger Rule, 10/21/99)

At any time during an extended search term, the AA may require the family to report its progress in leasing a unit. At a minimum, the report should indicate where the family looked for a unit and why it was rejected. The submission of a detailed, written, progress report to the AA is mandatory when the family requests to extend the search period beyond 120 days or is required to move due to HQS violations.

AAs are encouraged to require a progress report for all extensions beyond 60 days, particularly where the family is hard-to-house or has self-identified as having a disability. Review of a family's progress report may reveal situations of possible discrimination where a family is repeatedly denied housing.

#### 4.1.3 Suspensions\*

The term of a family's subsidy will be suspended upon submission of a ~~Request for Inspection~~ Request for Tenancy Approval (RTA) ~~(RFI)~~. The AA will allow suspensions during both the initial or extended term after submission of an ~~RFI~~ RTA.

##### 4.1.3.1 How the length of suspension is determined

Suspension will be for the period of time between the date the RTA is submitted and the date of the letter in which the result of the final inspection is communicated to the family. If the suspension is for a reason other than delay in unit preparation, the AA will determine an appropriate period not to exceed 120 days.

##### 4.1.3.2 How suspensions are granted or denied

In all cases, the voucher term will automatically be suspended upon submission of an RTA. Suspensions for other reasons will be granted provided the family can provide documentation acceptable to the AA that after the subsidy was issued, circumstances occurred that halted its housing search.

Suspensions may be granted for the following reasons:

- A lead inspection or order leading is pending;
- A family member becomes temporarily confined to a hospital, nursing home, etc.;
- The family is detained pending trial;
- The family is admitted to a drug Rehabilitation or other Rehabilitation program; or,
- Any other situation that is beyond the family's ability to control, and prevents the family from conducting a housing search.

A subsidy will not be issued to a single individual who is unable to undertake a housing search in the first place, e.g., is in the hospital or in prison. Where circumstances prevent the individual from accepting a subsidy, he or she may be held at the top of the waiting list for a period not to exceed one year, but not if the individual is in prison. The AA will work with a person confined to a hospital, and any authorized representative to issue the voucher as soon as possible. otto

#### 4.1.3.3 Participant suspensions

In situations where a participant currently under lease is not terminated from the program but voluntarily chooses to enter a substance abuse treatment program the AA currently under lease may suspend the subsidy for a period not to exceed 12 months provided the participant:

- Is in compliance with program regulations at the time the suspension is requested; and,
- Provides advance notice to the AA; and,
- Agrees to the AA's terms and conditions for the suspension.

For a sample voluntary suspension contract see Attachment 4 - A. This contract may be extended up to an additional six months at the discretion of the AA provided the participant has complied with the terms of the contract, and the extension is to continue in a treatment program.

If a participant is issued a new voucher because he/she must move, and is prevented from conducting or completing a housing search for medical reasons or other good cause, the AA may suspend the subsidy.

#### 4.1.4 Expiration

If the subsidy expires the family may file a new application if the waiting list is open.

### 4.2 APPLICANTS & PORTABILITY

If an applicant is not a Virginia resident of the jurisdiction on the date he or she applies, he/she must reside in the state-jurisdiction for 12 months before exercising portability.

Applicants must have been Virginia resident s-of-the-jurisdiction at the time of application to exercise portability immediately.

### 4.3 LEASE APPROVAL

#### 4.3.1 Submission of **RFIRTA** (24CFR982.302)

The family must submit an **RFIRTA** and a copy of the lease during the term of the voucher in the form and manner required by the AA. A family may submit only one **RFIRTA** at a time.

#### 4.3.2 Disapproval of owners

The AA has discretion to reject an owner in accordance with this policy and by considering the circumstances of each individual case.

An AA must require a prospective landlord to disclose information on the ownership entity prior to approving the owner for program participation. The term “owner” is not merely the nominal entity that holds legal title to the property to be rented, but also covers other persons with an actual interest in the property. Owners are responsible for those they employ, such as agents and management companies; therefore, the AA should consider the practices and past performance of agents and management companies in their decision to reject an owner.

An AA must disapprove the owner, when directed by HUD, if:

- 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;
- A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements or;
- The owner is subject to certain federal sanctions and the AA has been informed of this fact by HUD or some other source;
- The owner has been the subject of equal opportunity enforcement proceedings and the AA has been directed by HUD to deny approval.

An AA may deny owner participation if the owner has:

- Violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437(f)); or
- Committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; or
- Engaged in drug -related criminal or violent criminal activity; or

- 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; or
- A history or practice of renting units that fail to meet State or local housing codes; or
- Not paid real estate taxes, fines or assessments.

#### 4.3.3 Providing information about family to owners

The selection of a family for program participation is not a representation by the AA about the family's expected behavior or suitability for tenancy. Determining tenants' suitability is the housing owner's responsibility. Owners are permitted and encouraged to screen families on the basis of their history as tenants. An owner may consider a family's background with respect to such factors as:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of others to the peaceful enjoyment of their housing;
- Drug related criminal activity or other criminal activity that is a threat to the life,
- Safety or property of others (criminal convictions are a matter of public record); and
- Compliance with other essential conditions of tenancy.

To assist the owner in obtaining this information the AA **must** give the owner:

- The family's current address, as shown in the housing agency records; and,
- The name and address, if known, of the landlord at the family's current and prior address; and;

The AA **may** offer the owner other information in the PHA possession, about the family, including information about the tenancy history of family members, or about drug-trafficking by family members. This information will include at a minimum:

- Information on amounts the PHA paid to an owner under a HAP contract for rent, damage to the unit, or other amounts owed by the family under the lease; and
- Information on the tenant rent portion that is not paid to the owner

This information may be provided to a person authorized by the owner to screen tenants and/or lease the unit.

In certain types of admissions, such as those involving persons moving due to domestic violence or participation in the witness protection program, the AA must exercise caution and discretion in the release of this information.

An AA must provide a copy of this policy to all owners via the inspection results which are sent directly to owners. This policy must be provided to applicants at the briefing session.

#### 4.3.4 Renting to relatives

The AA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family unless the AA determines that approving the unit would provide a reasonable accommodation for a family member who is a person with disabilities. This prohibition applies to new admissions and to moves with continued assistance. Leases between such relatives with an effective date of May 8, 1998 or earlier remain valid. The following model language may be used as either :1) an attachment to the current ~~Request for Inspection~~ Request for Tenancy Approval forms; or 2) a newly inserted paragraph in ~~RTA~~ Forms.

PROHIBITION ON RELATIONSHIP TO OWNER

We certify that no legal or beneficial owner of this unit is the parent, child, grandparent, grandchild, sister or brother of any member of the tenant family.

## 5. Voucher Payment Standards

### 5.1 ESTABLISHING AND REVISING PAYMENT STANDARDS

Payment standards are presently established at 110% of the FMR. The payment standard will change upon VHDA notification to the AA.

Before making revisions to the payment standard, VHDA will consider the ability of participants to obtain decent, affordable housing given the current market conditions, vacancy rates, and other market factors.

#### 5.1.1 Effectivedate

The effectivedate of a change in a payment standard will usually be October 1<sup>st</sup>, but may be at other times. The new payment standard must be applied as of the effectivedate unless the effectivedate is in the middle of a month in which case the *operativedate* will be no later than the first of the following month.

#### 5.1.2 Payment standards in subsidized projects

For a voucher tenancy in a Section 236, 515, or 221(d)(3) project, the payment standard may not exceed the basic rental charge, including the cost for tenant -paid utilities (982.505(b)(4)).

### 5.2 Exception Payment Standards (Final Merger Rule, 10/21/99)

Where HUD has granted a area -wide exception rents for the Section 8 certificate program, the AA may implement an area -wide exception payment standard equal to the HUD -approved exception rent. Otherwise, AA must seek VHDA approval to use a payment standard above 110% of the FMR, except as discussed below.

An AA should approve a higher payment standard than normally used as an accommodation for a person with a disability. The AA does not need VHDA approval if the payment standard used is at or below 110% of the FMR and it is granted as a reasonable accommodation for a person with a disability. Before approving the higher payment standard, the AA must document the disability and the need for the higher payment standard.

If an AA wants to utilize a payment standard higher than that normally used, ~~upto 110% of the FMR~~, and it is not due to a reasonable accommodation for a person with a disability, the AA must obtain VHDA approval. To obtain approval, the AA must provide VHDA with documentation demonstrating the need for the higher payment standard.

If the AA wants to use a payment standard higher than 110% of the FMR for any reason, the AA must provide information to VHDA whom must obtain HUD approval.

### 5.3 Applying the Payment Standard

An AA must use the lower of the payment standards that apply to the size of unit indicated on the voucher, or the actual unit size rented by the family.

The utility allowance for the actual unit size selected is always used regardless of the family's voucher size.

#### 5.3.1 When changes in the payment standard apply to an existing housing payment.

The payment standard that is applied to a family may be changed only at a regular reexamination or when a family moves.

When a family moves to another unit, the AA must apply a different payment standard if one of the following circumstances applies:

- If the payment standard has increased or decreased, the new payment standard is used.
- If VHDA has adopted new subsidy standards, the payment standard for the appropriate unit size under the new occupancy standard is used.
- If the family's size or composition has changed, the payment standard for the appropriate unit size is used.

A family may request an interim predetermination of the housing assistance payment at any time, based on a change in the family's income, adjusted income, size or composition.

Redetermination of the housing assistance payment as a result of an interim reexamination for these reasons does not affect the payment standard applicable to the family if the family remains in place.

A participant receives a utility reimbursement only if the family pays some or all of its utilities and the rent to the owner is less than the housing assistance payment.

## 6. Rent Reasonableness Determinations (24CFR982.503)

Each AA must develop a written procedure for making rent reasonableness determinations in accordance with HUD regulations and SEMAP requirements. The rent reasonableness requirements apply to all new applicants and program participants.

An AA must determine a reasonable rent under the following conditions.

- Before the initial lease of any unit;
- Before granting any increase in the rent to owner; or
- If there is a 5% or greater decrease in the published FMR in effect 60 days before the contract anniversary as compared with the FMR in effect one year before the contract anniversary.

The AA may, at its discretion, redetermine reasonable rent at any time (982.503(a)(3)), for any or all units.

Even if there is a substantial decline in the local market rents, signaled by a fall in the FMR, rent for the particular assisted unit is not reduced unless the comparability analysis shows that the current unit rent exceeds rent for comparable unassisted units.

The AA must keep records to document the basis for each AA determination. In the tenant-based programs, this comparability determination must be kept for at least 3 years. The AA must keep these records in the tenant file attached to the documentation associated with any approved rent increase for future reviews. In the PBC program, comparability determinations must be kept during the term of the HAP contract and for at least three years thereafter.

### 6.1 FACTORS CONSIDERED IN VALUING UNIT

The PHA must compare characteristics of the contract unit with characteristics of comparable unassisted units. The rule provides that the PHA must compare:

- Location;
- Quality,
- Size;
- Unit type;
- Age of the contract unit;
- Amenities;
- Housing services;
- Maintenance, and
- Utilities to be provided by the owner in accordance with the lease.

In accordance with 982.512, the PHA must also consider whether or not the contract unit is receiving other subsidies. These units may be subject to limits in addition to rent reasonableness.

An AA's rent reasonableness procedure should also be guided by HUD's program requirements set forth in SEMAP.

HUD requires the PHA to conduct either telephone, site visits after telephoning, or more extensive market surveys of available rental units.

PHA should also consider: 1) market rent information obtained from the city, real estate agents, or banks; 2) rental information obtained from classified advertisements in newspapers; and 3) the HUD Field Office Data Appraiser.

Each AA must develop a data collection system to capture the required information with a methodology to compare all nine factors for unassisted units and units to be assisted. The AA must maintain and routinely update the data system to ensure all comparisons are made with current market data. An AA may not use data for the purpose of determining a reasonable rent if it has been more than twelve months since the information was entered in the data collection system. VHDA will routinely monitor the development and maintenance of the data system by the AA.

## **6.2 PROJECT BASED CERTIFICATE (PBC) PROGRAM**

During the term of a HAP contract, PBC rents must be reasonable. The AA must redetermine that the current rent to owner is reasonable at least annually during the HAP contract term (983.256).

To document the comparability of the initial rent to owner for a PBC, the AA must hire an independent, state certified appraiser who has no direct or indirect interest in the property or otherwise. The appraiser must use the standard HUD form (HUD 92273) to document comparability of the initial rent to owner and prepare a separate form for each unit type in the project.

In determining the annual adjustment of the rent to owner, the adjusted rent to owner must not exceed a reasonable rent as determined by the AA through a comparability study. The comparability study, and the accompanying Form HUD 92273, may be prepared by VHDA/AA staff or by another qualified appraiser. However, the appraiser may not have any direct or indirect interest in the property or otherwise.

## **7. Special Housing Types\* (24CFR982SubpartM)**

### **7.1 INDEPENDENT GROUP RESIDENCES**

An Independent Group Residence (IGR) is a group home that provides residential and social services for persons with disabilities. Typically an IGR provides services for persons with a specific type(s) of disability. Persons eligible for the Section 8 voucher program may utilize their voucher to rent bedrooms in an IGR.

When preparing and approving the ~~Request for Inspection~~ Request for Tenancy Approval for an Independent Group Residence, the form should reflect the actual bedroom size of the entire structure. The gross rent, including rent reasonableness determinations, is based on the number of bedrooms included in the structure, plus the services provided by the Service Agency.

To determine the portion of the gross rent to be allocated to each individual receiving Section 8 assistance in an IGR, the AA must divide the gross rent by the total number of occupants occupying the IGR, other than the Resident Assistant, who will occupy no more than one bedroom.

For persons residing in an IGR, a separate subsidy contract is signed for each individual program participant. If a Service Agency is subleasing and operating the IGR, the Service Agency will sign the subsidy contract as owner.

The AA must execute the form, *Addendum to the Lease - Independent Group Resident Supportive Services Agreement*, with the Service Agency. This addendum outlines the services to be provided by the Service Agency for the program participant.

The AA must not execute any agreement that would require it to terminate housing assistance payments as a result of the Service Agency's failure to provide services for the program participant. The program participant may use his/herright to find another place to live that may or may not provide such services, or may use portability and move out of the jurisdiction of the AA.

### **7.2 CONGREGATE HOUSING**

Congregate housing is housing with a shared central kitchen and dining area and a private living area for an individual household. Prior to approving the use of a Section 8 voucher in a congregate housing facility, the AA must receive approval from VHDA and HUD. To date, no AA has approved the use of a Section 8 voucher in a congregate housing facility.

### 7.3 COOPERATIVE HOUSING

A housing cooperative provides home ownership opportunities for its members. Members buy a share in the cooperative corporation and in exchange receive a proprietary lease to occupy one of the cooperative's units. Cooperative members accumulate equity in the property and may sell their shares in the corporation for a profit. In a limited - equity cooperative, members are limited as to how much equity they may accumulate and at what price they may sell their cooperative shares in the future. Cooperative members must pay a monthly cooperative fee in order to occupy a unit. Eligible Section 8 participants may use a voucher to occupy a unit in a limited - equity cooperative.

## 8. Annual and Ongoing Functions

### 8.1 ANNUAL REEXAMINATION (24CFR55 UBPART F AND 982.516)

AA must conduct an annual reexamination of family income, size and composition, and all family characteristics affecting eligibility and total family contribution. Adjustments will be made to reflect any changes in the total family contribution, rent to owner, utility allowance, tenant rent to owner, and housing assistance payment. The family's unit will be inspected as part of the reexamination process.

Reexamination activities will begin 120 days prior to the anniversary date of the lease and subsidy contract. Both the owner and tenant must be notified of their responsibilities during the reexamination process. The anniversary date will be the first day of a given month. In situations when a HAPC effective date is on a date other than the first of a given month, recertification date will be the first of the next month after the initial effective date. Examples:

- When a HAPC begins on the first of a month, recertification will take place after one year (i.e., 8/1/00 - 7/31/01; recertification date will be 8/1/01).
- When a HAPC does not begin on the first of a month, recertification occurs the first of the next month (e.g., 1/4/00 - 1/31/01; recertification date will be 2/1/01).

During the two years following October 1, 1999, the implementation date for the Housing Choice Voucher program, an AA must convert all program participants to the voucher program in accordance with all HUD rules and regulations. All program participants must be converted to the Housing Choice Voucher program before September 30, 2001. (Interim Merger Rule, 5/14/99 and Final Merger Rule, 10/21/99) See the VHD A Procedures Manual.

### 8.2 INTERIM REDETERMINATION OF FAMILY INCOME AND COMPOSITION \*

An AA must require regularly scheduled interim reexaminations if they believe that the family is not complying with income reporting requirements.

#### 8.2.1 Family reporting requirements

The paragraphs under this section discuss reporting requirements for Section 8 program participants.

If a participant family experiences an increase in income, the head of the household must notify the AA in writing within 30 days of the change.

If a family may request a reexamination if it experiences a decrease or an increase or a decrease in allowances, the AA must process the change.

AA may develop a local interim reporting policy, submit to V HDA for approval and include the approved policy in the local addendum to this Plan. If an AA elects not to develop a local policy, Policy 910 (VHDA's Operations Manual) becomes the default policy for that jurisdiction.

### **8.2.1.1 Changes in family composition**

A participant family must notify the AA in writing of any change in family composition within 30 days of the change. Changes in family composition may affect the family's income, HQS requirements and/or lease agreement. When the change is to add an additional household member, other than by birth, adoption, or court-ordered custody, prior approval must be obtained before additional household members may be added to the lease and subsidy contract.

### **8.2.2 Effectivedateofchange**

The effective date of the change in the total family contribution and HAP payment as a result of an interim recertification depends upon the reason for the interim change.

For any change resulting in an increase in the total family contribution, the participant must be given a full calendar month's notice of the change so long as the family met VHDA's reporting requirements. The family's portion will not increase for at least 30 days after the reported increase in income.

If a change results in an increase in the total family contribution and the family did not comply with VHDA's reporting requirements, the change will take effect retroactive back to the first day of the month following the increase in income. At a minimum, the family will have to repay HUD the extra subsidy the family received since experiencing an increase in income. At most, the family will be terminated from the program.

For any change resulting in a decrease in the total family contribution, the change will become effective the first day of the month after the family reported the change.

## **8.3 RENT ADJUSTMENTS**

### **8.3.1 Certificate Program (24CFR982.509)**

An AA does not increase the rent to owner automatically. The owner must request any adjustment in writing and receive AA approval. To receive approval for an increase in the rent to owner, an owner must be in compliance with the terms of the lease and the HAP contract. The unit must be in compliance with all HQS.

To receive a rent increase, the request must be submitted at least 60 days before the increase is effective, and at least 60 days before the next annual anniversary. An owner may apply for a rent increase at any time after the anniversary date. However, an AA may not pay the increase retroactively.

The AA may grant a rent increase not to exceed the Annual Adjustment Factor most (AAF) recently published by HUD in the Federal Register. Prior to granting the rent increase, the AA must perform a rent reasonableness determination on the new gross rent.

Contract rents may be adjusted upward or downward, as may be appropriate in accordance with HUD regulations. If the contract rent, adjusted by the applicable AAF, is greater than the rent being charged for a comparable unassisted unit, the rents shall be set at the comparable level.

### **8.3.2 Voucher program** (Interim Merger Rule, 5/21/99 and Final Merger Rule, 10/21/99)

AAFs are not used for the Section 8 voucher program. Annual rent adjustments are negotiated between the owner and the family. The owner must provide the tenant and the AA with a 60 day notice of intention to increase the rent. The AA must perform a rent reasonableness determination before approving the new rent level. If the proposed rent is found to be higher than those charged for comparable, unassisted units, the AA may approve a new rent set at the comparable level. If the owner will not agree to this rent level, and the tenant wants to continue receiving assistance through the voucher program, the tenant must move.

### **8.3.3 Rent adjustments in subsidized projects** (24CFR 982.512)

*In a Section 236, 515, 202, or 221(d)(3) project, certificate and voucher tenancies are not subject to annual or special adjustments. The rent to owner must be adjusted in accordance with the regulations governing the mortgage subsidy program.*

### **8.3.4 Special adjustments for PBC** (24CFR 982.510-983)

*Subject to HUD approval, special adjustments may be granted to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates or similar costs (e.g. assessments and utilities not covered by regulated rates) but only if and to the extent that the owner clearly demonstrates that such general increases have caused increases in the owner's operating costs which are not adequately compensated for by the annual adjustments.*

In PBC projects the owner must submit financial statements to the AA which clearly support the increase. The owner must show that a requested adjustment is appropriate to cover increases in actual and necessary costs for eligible cost items. The rule does not specify any particular format or procedure for documenting this fact. HUD must approve all special adjustments. (24CFR 983)

## **8.4 FAMILY MOVES\***

If a participant wants to move within the area served by the AA, the AA must give the participant a voucher to look for another unit. A family currently receiving assistance through the certificate program that wants to move will be issued a voucher as part of the conversion to the Housing Choice Voucher program. (Interim Merger Rule, 5/21/99 and Final Merger Rule, 10/21/99)

If a participant wants to move to another unit outside the area served by the AA, the participant must be given information on the procedures for the participant to follow under portability.

Each AA must comply with any other notice requirements contained in state or federal law or regulations governing administration of the Section 8 program; e.g. the explanation of portability as described in HUD notice 94 -12.

If a participant wants to withdraw from the Section 8 program, the participant must be given a standard termination notice.

***An AA may restrict the number of moves by a participant family to one per year in instances where the AA is able to establish a pattern of frequent moves without good cause.***

***Refer to Section 3.10 Subsidy Standards for appropriate subsidy size to be issued when a family moves.***

### **8.5 UTILITY ALLOWANCE (24CFR982.517)**

***An AA must determine a utility allowance for a family if the rent to owner for the unit does not include all necessary utilities. The AA uses the utility schedule of consumption data provided by VHDA to determine the utility allowances for all appropriate tenants.***

***The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy -conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, VHDA will use normal patterns of consumption for the community as a whole and current utility rates.***

If the unit utilizes a wood stove or inserts as a secondary source of heat, the utility allowance must be established based on the primary source of heat. Only in cases where the stove or insert is the only source of heat can a wood or coal allowance for wood or coal be allowed. In these cases the allowance will include the estimate for the least expensive fuel source for the unit.

If a family supplies the range and/or refrigerator, then the AA must include an allowance for the appropriate appliance(s).

#### **8.5.1 Determining unit size for the purpose of applying the utility allowance.**

***To apply the utility allowance properly, each AA must ensure that there is appropriate and adequate communication between Inspectors and Program Representatives. Before the inspection, the family's subsidy size must be conveyed to the Inspector. The family's subsidy size must be indicated on the RTA.***

The AA must count the actual number of bedrooms. Rooms that could be considered bedrooms according to HQS, but are not actually used as bedrooms may also be counted as bedrooms.

Living/sleeping rooms are not considered bedrooms for the purpose of calculating the utility allowances since these rooms have already been included in the calculations.

To apply the information from the VHDA provided utility allowances schedule, the AA must also determine the number of walls exposed to the outside environment. A unit may be classified as having one exposed wall, two exposed walls, three exposed walls or four exposed walls.

For manufactured homes, the utilities are determined by square footage as listed below.

Mobile Home Sq. Ftg	BR Size	Exposed Walls
700 -900	1	4
950 -1150	2	4
1150- 1350	3	4

For manufactured home owners receiving assistance with the space/pad rental, the allowance is established using the certified bedroom size, not the actual number of bedrooms in the unit. Therefore, the square footage tables should be disregarded and the chart for four -exposed walls should be used to determine the utility allowance using the certified bedroom size.

VHDA determines the utility allowances for units subsidized through the moderate rehabilitation and project -based certificate programs.

The utility allowance for an independent group residence is determined based on the actual number of bedrooms for the entire structure. This figure is prorated among the eligible participants using the same methodology used to prorate the contract rent.

**8.5.2 Reasonable accommodation**

An AA must approve a special higher utility allowance, on a case -by-case basis, as a reasonable accommodation for a person with a disability (982.516(e)). The AA should document the existence of the disability and the need for a higher utility allowance.

**8.6 MINIMUM TENANT PAYMENT (QHWRA, 1998)**

*VHDA requires that participants in its Section 8 program pay a minimum of \$25 towards rent and utilities.* AAs who are PHAs with their own Section 8 program are permitted to utilize their own minimum tenant payment policy upon written request to VHDA for a waiver and verification that the local PHA policy is compliant with HUD regulations. AA addendums should reflect if a general waiver has been granted.

### 8.6.1 Waiver provisions

*An AA may waive the minimum tenant payment in cases of financial hardship including, but not limited to, job loss, death of a family member, loss of benefits under state, local or federal assistance programs, or to avoid eviction. Waivers may be granted on an individual basis considering the circumstances of each particular family. A family must prove its hardship is of a long term nature.*

## Occupancy

### 9.1 WHO CAN LIVE IN THE ASSISTED UNIT (24CFR982S UBPART E AND 982.53)

AA will not discriminate on the basis of family characteristics such as:

- Units size needed
- Unwed parents
- Children born out of wedlock
- Recipients of public assistance
- Presence of children
- Age, sex, color, religion, national origin or disability

Approval of family composition or the addition of family members, foster children, or live-in aides will not be unreasonably withheld by the AA.

#### 9.1.1 At Admission

At admission, the AA must approve the family composition so a subsidy of the appropriate size can be issued. The AA may deny admission to a family or to individual family members as permitted by HUD regulations and as further defined in this Administrative Plan.

Family members approved by the AA will be listed on the subsidy contract and on the family's form 50058 report.

#### 9.1.2 During the family's participation in the program

After the HAP contract is executed, family members may be added to the assisted household only with approval of both the owner and the AA. There are three exceptions to this policy:

- Birth;
- Adoption; or,
- Court-awarded custody of a child.

The family must immediately notify the AA of any change in family composition. This notification must be before the new members occupy the unit if AA approval is required.

A family's failure to obtain approval is a violation of family obligations that will result in termination from the program; and, is a lease violation which may result in eviction from the unit.

The addition of new household members in the first year of the lease where the addition would cause the family to violate HQS requirements will not be permitted. However, if the owner and

the family agree to a mutual termination of the lease, and the additional occupant is approved by the AA, the AA will issue a new voucher and the family may move.

### 9.1.3 Live-in aide for disabled resident

An AA may refuse to approve, or may withdraw approval if a proposed live-in aide:

- Has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- Has committed drug-related criminal activity or violent criminal activity; or
- Currently owes rent or other amounts to the AA or to another PHA in connection with Section 8 or public housing assistance or any other program under the 1937 Housing Act.

In instances where there are complaints about a live-in aide, the AA should investigate those complaints and deny or withdraw approval if any of the above conditions exist. Under no conditions should an AA perform a CORI on a live-in aide.

## 9.2 A APPROVAL OF ADDITIONAL OCCUPANTS

To obtain approval to add occupants during occupancy, the head of the household must notify both the AA and the owner in writing.

Upon receipt of the family's request, the AA will obtain the necessary documentation from the individual[s] to be added to the household, and will perform a standard eligibility check that includes determination of eligible immigration status and a CORI.

When the eligibility check is complete, the AA will send its decision to both the owner and family. If the additional occupant is approved by the AA, the notice to the owner must provide the owner one month to respond and state that failure to respond to the notice within one calendar month will constitute approval, and will have the effect of amending both the lease and the HAP contract. If approved, a copy of the AA approval and the owner approval, if received, will be attached to the HAP contract.

It is the responsibility of the family, not the AA, to obtain the owner's written approval for the additional family members.

### 9.2.1 In the Event of Conflict

Should the owner not agree to the addition of family members, the AA will abide by that decision while the assisted family remains in that unit. If the owner denies the request, the family's options are as follows:

- Move by terminating the lease in accordance with its terms; or
- Seek mutual termination if the family is in the first year of the lease; or

- Remain in unit with the family composition unchanged.

If the owner approves the request to add family members but the AA does not; e.g. unacceptable CORI, the family must abide by the AA decision and the individual(s) may not move in. If the family allows the individual(s) to move in the AA will terminate assistance to the family.

### **9.3 F FAMILY BREAK-UP\***

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

In cases where the family is not clear as to how will remain as a family and who will leave, the AA must require the family member to decide by a specified deadline. The AA should not attempt to resolve who rightfully should receive the voucher as that is the family's responsibility. A decision must be made by the family as to how will be the remaining members, since only one voucher will be issued. If a decision is not reached by the specified deadline, then assistance cannot proceed or continue to be received by any members of the family.

## 10. Termination of Assistance (24CFR982.552)

This section states the grounds on which the AA may terminate assistance. It does not address termination of tenancy by the family or owner, or HAP contract termination for reasons other than terminating assistance to a family.

Termination of assistance may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease;
- Terminating housing assistance payments under an outstanding HAP contract; and,
- Refusing to process or provide assistance under portability procedures.

### 10.1 GROUNDS FOR TERMINATION OF ASSISTANCE

VHDA or an AA may terminate assistance at any time there are grounds justifying such action. VHDA/AA must inform families of the reasons for terminating assistance at the initial briefing and each year at reexamination. If a participant claims that she/he failed to receive such information, that fact will not prevent the participant from being terminated in accordance with HUD regulations and VHDA policy.

For any terminable offense, the VHDA/AA must exercise responsible discretion on a case by case basis and may consider all of the circumstances of the individual case, including seriousness of an offense, the extent of participation or culpability of individual family members, and the effects of program sanctions on uninvolved family members.

VHDA/AA has discretion to consider mitigating factors presented by the family when deciding whether or not to terminate assistance. See Section 13.2 for further discussion of mitigating circumstances.

In the absence of mitigating circumstances, VHDA/the AA may terminate assistance for the following reasons:

- If the family violates any family obligations as listed in HUD regulations for the Section 8 program.
- If any family member commits drug related or violent criminal activity. (24CFR Parts 5 et al)
- If any family member commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- If the family owes rent or other amounts to the AA or to any PHA (including 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), and either refuse to enter into a repayment agreement, or is not complying with the terms of a repayment agreement.

- If the family has engaged in or threatened, abusive or violent behavior toward AA personnel.

VHDA/The AA will not terminate a family's assistance for the following:

- Expected tenant behavior.
- If a family participating in the FSS program fails to comply with the family's FSS Contract of Participation.

### 10.1.1 Family obligations

Family obligations are listed on the voucher provided to the family upon admission to the program and must be provided in the information packet the family receives at the briefing.

#### 10.1.1.1 Supplying required information

The family must supply such certification, release, information, or documentation as the AA, VHDA, or HUD determine to be necessary and relevant including but not limited to:

- Disclosure and verification of Social Security Numbers.
- Signed consent forms for the obtaining wage and claim information from the State Wage Information Collection Agencies.
- Signed form HUD -9886, Release of Information/Privacy Act Notice.
- Signed consent forms to verify factors affecting eligibility preference qualification, and family total contribution.
- Evidence of eligible immigration status.

Information supplied by the family must be true and complete. If any family member fails to provide all required information or fails to respond to any written AA requests for information within the time frame required by the AA or any extension granted, the family will be terminated from the program. If an AA chooses to grant extensions for submitting information they should be limited in number and duration.

VHDA/the AA may terminate assistance in situations where any family member deliberately conceals information and the information withheld would have been grounds for denying assistance for the family when it originally applied for the program.

#### 10.1.1.2 HQS breach caused by family

The family is responsible for a breach of HUD's HQS that is caused by any of the following:

- Failure to pay for tenant-supplied utilities;

- Failure to provide and maintain tenant -supplied appliances;
- Damage caused by family or guest to unit or premises (beyond ordinary wear & tear).

The family must correct the defect within:

- 24 hours for life -threatening violations; and
- 30 calendar days for other violations.

***The AA may approve appropriate extensions if the HQS failure is non -life threatening and does not affect the safety of the resident or other occupants of the building. If the family fails to correct the violation within the required time frame it will be terminated from the program.***

Each AA must develop a fair and effective system of enforcement that attempts to match the severity of the problem to the severity of the enforcement and permits a range of enforcement actions, including the use of warnings, extensions, and termination. To the extent practicable, each AA must attempt to distinguish between damage that is accidental or minor as opposed to damage caused by reckless or malicious action by the family and use that information in determining appropriate enforcement actions. The AA should distinguish between an isolated or rare instance of tenant -caused damage and a pattern of continuous tenant -caused damage. In most instances termination of assistance is appropriate only when other compliance measures have failed.

AA enforcement procedures must attempt to inform and educate families as to applicable HQS standards and how their action or non -action relative to HQS violations may impact their ability to continue to receive rental assistance. When a family is cited for a family -caused HQS violation the AA must provide written notice to the family and the owner. The notice must:

- Be issued promptly after the violation is cited.
- Include a clear description of the violation, including how it violates program requirements.
- Indicate the time frame for correcting the violation; and
- The consequences of failing to correct the violation including actions that will be taken by the AA and actions that may be taken by the owner.
- Strongly recommend that the tenant contact the owner to discuss the repair method prior to correcting any tenant caused violation.
- Include a statement regarding a disabled person vs. right to request reasonable accommodation; and
- The name of the agency contact person.

***The AA's notice to the owner must:***

- Inform the owner that the family may be terminated from the program if the violations are not corrected and that, if the family is terminated, the HAP contract will also be terminated with no further housing assistance payments from the AA.
- Advise the owner that she/he may make the necessary repairs and charge the family's security deposit in accordance with the lease and state law; or, if the family is occupying the unit pursuant to a pre-1995 HAP contract, file a damage claim with the AA at the end of the tenancy.
- Advise the owner that if the violation also constitutes a lease violation and the family refuses or is unable to make the repairs, the owner may make the repairs, bill the family, and issue notice to terminate the tenancy in accordance with the lease and state law. (*For rules regarding termination of HAP payments when the owner terminates the lease see 24CFR982.311(b).*)
- Recommend that if the owner has any questions concerning the family's method or ability to correct the violation, they should contact the family directly.

Action that may be taken by the owner include but are not limited to the following:

- No action, the family is responsible for making repairs.
- Make the necessary repairs and charge the family's security deposit for the expense at the end of the tenancy.
- If the HQS violation also constitutes a lease violation and the tenant refuses or is unable to make the repairs, the owner may make the repair(s), bill the tenant, and issue notice to terminate tenancy.

***When it is not obvious that the damage was caused by tenant action, the burden of proof is on the owner. The statement of condition provided to the family at the beginning of its occupancy or the initial inspection report will document the condition of the unit at the initial lease date. The AA may also consider whether the owner or the tenant has a history or practice of violating HQS or VHDA housing standards***

If a participant is terminated for failing to correct an HQS violation and the violation is cured after the effective date of termination, generally, the participant should not be reinstated. Because termination of assistance has occurred, that would indicate that other compliance measures, such as the granting of appropriate extensions, etc., have been taken and have failed. Any request for reasonable accommodation must have been submitted by the family and addressed by the AA prior to the effective date of the termination. If the AA determines that there were mitigating circumstances and the family is reinstated in the same unit, a new lease and contract must be executed.

**10.1.1.3 Allowing inspection of the dwelling unit by the AA**

The family must allow the AA to inspect the dwelling unit at reasonable times and after reasonable notice.

***It is the family's responsibility to arrange for access to the unit by the AA's inspector even if the family will be absent from the unit.***

Families should be notified that although inspections are required annually, as a result of follow-up inspections and audit inspections by both VHDA and the AA, the unit may be inspected several times in a year.

To accommodate working families AA's are strongly encouraged to schedule appointments for a specific time, when requested. If an AA is unable to keep an appointment for an inspection, the family should be notified as early as possible on the date of inspection or sooner if possible. AA's are also encouraged to extend inspection hours into the early evening, perhaps one day a week or a couple of days per month, to accommodate working families.

***In instances where the unit is subject to repeated inspections due to the owner's failure to make the required repairs, an undue burden may be placed on working families. In these instances, the AA may suggest that the family ask the owner of the building to be present for re-inspections. If the family does not wish to allow the owner access to its unit, the family remains responsible to make certain an adult will be present for all scheduled inspections.***

VHDA/an AA may terminate assistance to a family for failure to provide access to the unit if:

- The AA is unable to gain access to the unit for at least two scheduled inspections within one reexamination period; and,
- THE FAMILY DID NOT CALL OR REQUEST THE INSPECTION(S) FOR MORE CONVENIENT TIME ; AND
- The AA did not cancel the inspections without notifying the family the day of the inspection.

#### **10.1.1.4 Violation of lease**

The family may not commit any serious or repeated violation of the lease.

***The lease is a contract between the family and the owner. Generally, AA's will take no action against landlord claims of tenant misbehavior, will not assume the owner's responsibility for enforcing the lease, and will not interject itself in the relationship between the family and the owner where the owner may seek remedy and/or mediation through the courts. Where an owner obtains a court-ordered eviction (Judgment for Possession) for serious or repeated lease violations, the AA may terminate that family from the program after conducting an independent investigation into the cause for eviction.***

The AA, at its discretion and in situations where the owner is unable or unwilling to act, upon determining that the nature of the lease violation(s) are having a serious impact on individual residents or the housing development as a whole, may terminate assistance to a family where the AA is able to document repeated or serious lease violations by the family. For example, police reports documenting regular disturbances at the unit.

Vermin and rodent infestation caused by trash accumulation from poor family housekeeping is not a tenant-caused HQS violation but it may be a lease violation. A owner may evict if poor housekeeping creates a serious or repeated violation of the lease.

#### **10.1.1.5 Owner eviction notice**

The owner must give the AA a copy of any owner eviction notice at the same time the owner notifies the tenant. Eviction notice means a notice to vacate, or a complaint or other initial pleading used to begin an eviction action under state or local law.

#### **10.1.1.6 Family notice of move or lease termination**

Before vacating the dwelling unit, the family must notify both the AA and the owner in writing in accordance with the terms of the lease and state law.

#### **10.1.1.7 Use and occupancy of unit**

The family must use the assisted unit for residence by the family. The unit must be family's only residence.

The composition of the assisted family residing in the unit must be approved by the AA.

The family must notify the AA within 30 days if any family member no longer resides in the unit and of the birth, adoption, or court-awarded custody of a child who will be living in the unit.

The family must request AA approval to add any other family member, live-in aide or foster child as an occupant of the unit. Depending upon the form of lease, owner approval may also be required. Additional household member(s) will be subject to CORI checks by the AA, if the AA has a policy to complete CORI checks.

The family must use the dwelling unit solely for residence. The family shall not assign the lease or transfer the unit.

#### **10.1.1.8 Absence from unit\* (24CFR982.54)**

The family may be absent from the unit for brief periods. For longer absences each AA establishes a policy on how long a family may be absent from an assisted unit. However, a family may not be absent from a unit for a period of more than 180 consecutive calendar days for any reason. At its discretion, the AA may allow an absence for a lesser period in accordance with VHDA approved policy.

***HAP payments terminate if the family is absent for longer than the maximum period permitted. The HAP contract and assisted lease also terminate.***

***Absence means that no member of the assisted family is residing in the unit.***

*The family must supply any information/certification requested by the AA to verify the residence of the family in the unit. The family must cooperate with the AA. The family must notify the AA promptly in writing of the absence from the unit.*

*The AA may adopt appropriate techniques to verify family occupancy in the unit including letters to the family, phone calls, visits or questions to landlords or neighbors.*

#### **10.1.1.8.1 Absence Due to Hospitalization/Residential Treatment Facility**

If the absence is due to hospitalization or admittance to a residential treatment facility, advice from a medical source will be required as to the length of the stay. If the medical source states the family will be hospitalized or in the treatment facility for 180 consecutive days or more, the family will be considered absent and assistance will terminate. If the absence is less than 180 consecutive days, assistance may continue for a brief absence.

*Hospitalization or admittance to a residential treatment facility is a situation whereby VHDA policy permits reinstating assistance or resuming assistance without reapplying for the program.*

In all cases there is a 180 -day limit on eligibility for reinstatement, measured from the date the termination is effective. Reinstatement is subject to the availability of subsidy.

#### **10.1.1.8.2 Absence for Incarceration**

If incarceration is for drug related or violent criminal activity, the participant may be terminated in accordance with that policy. See Section 11.2.

If an absence is due to incarceration, termination of assistance would not occur until verification of the length of incarceration is received. If the length of incarceration is longer than 90 consecutive days, assistance will be terminated.

*If assistance is terminated, a family must reapply for the program after termination. Assistance will not be reinstated or resumed after termination.*

#### **10.1.1.8.3 Absence Due to Other Documented Reasons**

Absence due to a documented reason other than hospitalization, incarceration or participation in a residential treatment facility, (e.g., employment, active duty/reserves, vacation, or care for another individual, etc.), is permitted for 90 consecutive days. Termination will occur if the absence exceeds 90 consecutive days.

A family must reapply to the program after termination occurs. Assistance will not be reinstated or resumed. If the period of absence will be more than 30 days, the family must submit a request for AA approval of extended absence as soon as possible, but not less than 21 days before the first date the family will be absent from the subsidized unit.

#### **10.1.1.9 Interest in unit**

The family must not own or have any interest in the dwelling unit (other than in a manufactured home). If the owner is a cooperative, the family may be a member of the cooperative.

#### **10.1.1.10 Fraud and other program violation**

The family members must not commit fraud, bribery or any other corrupt or criminal act in connection with any federal or state housing assistance program. HUD regulations pertaining to fraud are found at 24 CFR part 792.

#### **10.1.1.11 Crime by family members**

*The family members must not engage in drug related criminal activity or violent criminal activity. See section 11.2.*

#### **10.1.1.12 Other housing assistance**

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 Federal, state or local housing assistance program.

#### **10.1.2 When a family owes money to an AA**

HUD's policy regarding the payment of damage claims and vacancy loss changed effective October 2, 1995. HA may not pay damage claims and vacancy loss on behalf of families that entered into a lease after that date. However, a family under a new lease and HAP contract may have an outstanding claim from a previous tenancy.

*A family is obligated to pay money owed to the HA as a condition of continued participation in the program. When a HA has paid a vacancy loss, damage claim, or unpaid rent claim to a property owner the family must repay this money to the HA or face termination.*

HA may refuse to allow a family to move if it is in arrears. If the family has a history of damage or vacancy claims, or if the family had previously signed a repayment agreement but failed to make payments or stopped making payments, the HA may:

- Require the family to repay the full amount prior to moving; or
- Require the family to come current on the agreement and sign a new agreement that permit termination in place after three consecutive missed payments.

#### **10.1.2.1 Impact of bankruptcy on tenant debt**

If a participant files for bankruptcy, any debts owed to the housing agency are dischargeable. If a participant receives a judgment of bankruptcy, any debts are discharged.

### 10.1.3 Termination for drug or alcohol abuse

In accordance with the Housing Opportunity Extension Act of 1996 and 24 CFR Parts 5 et al., an AA may terminate the Section 8 assistance of any person if the AA determines that the person's abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. The AA may also terminate the Section 8 assistance of any person who the AA determines is illegally using a controlled substance. See section 11.2.

### 10.2 TERMINATION NOTICE TO FAMILY

Notice to the family that assistance is to be terminated must be sent by certified mail return receipt requested and by regular mail. Allegations by the tenant that she/he did not receive the notice of termination will not be considered by the AA as a reason for failure to submit a request for an informal hearing or otherwise respond to the notice.

Assistance payments must continue to be made until the hearing process has been concluded at the AA, or at VHDA if an appeal is filed.

## 11. Drug-related and Violent Criminal Activity (24CFR982.553 and 24CFR Parts 5 et al)

The Quality Housing and Work Responsibility Act of 1998 included provisions mandating better screening and denial of housing assistance to individuals and families with a history of specific types of criminal activity. Additional provisions were added requiring eviction for the same sorts of activities if engaged in after admission. VHDA will establish procedures for AA use in implementing the regulation in terms of mandatory actions. Implementation of discretionary actions available under the regulations may not occur until AA's receive further guidance from VHDA and subsequent to the prescribed public comment/hearing and Resident Advisory Board review procedures.

Drug related criminal activity is:

- The illegal manufacture, sale or distribution; or the possession with intent to manufacture, sell or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or
- Illegal use, or possession for personal use, of a controlled substance.

Violent criminal activity is 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.

The term criminal activity includes both drug related and violent criminal activity. The term drug related will be used only if it is necessary to distinguish between the two.

### 11.1 NOTIFICATION

Applicants and participants must be formally notified of the regulations covering drug abuse and other criminal activity as well as the local policies and procedures developed to implement these regulations.

Applicants and participants must be formally notified of VHDA's drug policy. At the time of application, families will be required to indicate on their application whether any family member has been involved in any drug related or violent criminal activity. The application will also provide the family with information concerning the VHDA drug policy.

*Applicants and participants must be formally notified of VHDA's policy regarding family members abusing alcohol in a way that may interfere with the health or safety of themselves or other residents or that may interfere with the rights of other to peaceful enjoyment of the premises.*

### 11.2 GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE

The AA must deny assistance to an applicant or terminate assistance to a participant family when the applicant or participant family falls within one of the categories with a statutory mandate to deny or terminate assistance. The AA may elect to establish local policies and procedures to

deny or terminate assistance on the basis of drug abuse and other criminal activity where HUD regulations allow HA discretion. Such local discretionary policies must be reviewed and approved by the AA's legal counsel prior to submitting to VHDA for approval.

The AA may deny assistance to an applicant or terminate assistance to a participant family if any member of the family commits:

- Drug related criminal activity; or
- Violent criminal activity; or
- Abuse of alcohol in a way that may interfere with the health or safety of themselves or other residents or may interfere with the rights of other tenants to peaceful enjoyment of the premises.

To deny or terminate assistance for illegal use or possession for personal use of a controlled substance, or for abusing alcohol, such use or possession must have occurred within one year before the date the AA provides the notice of denial or termination of assistance for this reason.

The AA may not terminate assistance for past use of drugs by a rehabilitated user who has not used drugs in the last year. The AA may not terminate assistance for prior alcohol abuse by an individual who has not abused alcohol in such a way to be a danger to himself or others in the last year.

The AA may deny assistance for an addict who currently uses or possesses drugs.

The AA may deny assistance for a person who currently abuses alcohol in such a way to be a danger to himself or others. However, prior to denying assistance due to alcohol abuse the AA must be careful to determine that there is reasonable cause to believe that:

- A member of the family abuses alcohol in a way that may interfere with the health or safety of the other residents or their right to peaceful enjoyment of the premises; or
- A member of the family has a pattern of abuse of alcohol that may interfere with the health or safety of the other residents or their right to peaceful enjoyment of the premises.

The AA may not deny assistance for an addict who is recovering, or has recovered from an addiction. The AA may require a family member who has engaged in the illegal use of drugs or abused alcohol in a way to be a danger to themselves or others, to submit evidence of participation in, or successful completion of, a treatment program as a condition of being allowed to reside in the unit.

There is no time limit on denial or termination of assistance for violent criminal activity.

#### Convictions and Evictions for Drug -Related and Violent Criminal Activities

An AA may deny or terminate assistance if the AA obtains information that:

- An applicant has been convicted or evicted for drug related activity or a violent criminal activity; or,

- A participant is convicted or evicted for drug related activity or a violent criminal activity.

Proof of conviction or eviction is evidenced by written documentation from a court of law, district attorney's office, or other agencies or sources that have legitimate access to this information.

### Preponderance of Evidence

HUD regulations do not require that the AA establish beyond a doubt the guilt of an applicant or participant prior to taking steps to deny or terminate assistance. The AA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in criminal activity, regardless of whether the family member has been arrested or convicted (on or off the site).

*Each AA may determine, on a case-by-case basis, when to deny or terminate assistance when there is no conviction or eviction for drug related or violent criminal activity. If the agency can obtain written documentation that a preponderance of evidence exists that a family member(s) is involved in criminal activity the AA may deny or terminate assistance. Written documentation may include but is not limited to police reports, arrests/disturbance reports, neighborhood complaints that indicate that a Section 8 tenant is trafficking a controlled substance from his unit, etc.*

### 11.2.1 Limitation on AA Authority

The AA's authority to deny or terminate assistance is limited to criminal activity by family members.

An owner may evict the assisted family for criminal activity on or near the premises by any member of the household or a guest or another person under the tenant's control. To the extent that the criminal activity is a serious or repeated violation of the assisted lease the AA may terminate assistance.

### 11.3 AAR RESPONSE TO ALLEGED CRIMINAL ACTIVITY

All AAs must respond to drug and criminal activity information in a uniform and objective manner and except where a preponderance of evidence suggests otherwise, give the family the benefit of the doubt, particularly when a conviction or eviction has not been obtained.

No one individual at the AA may have sole discretion to initiate denial or termination proceedings. VHD recommends a two-tiered approach that requires the review and concurrence of a number of personnel before any notification steps are taken.

Each AA will designate a staff person in a supervisory capacity to whom program staff will report all drug related and/or violent criminal activity of applicants or participants. The designee will determine if the information presented is relevant to the applicant's eligibility or program participant's ongoing assistance based upon VHDA's drug policy and HUD regulations.

The designee will review the information and either make a recommendation to deny or terminate, or determine that the information is insufficient to make such recommendation. The designee will issue a written recommendation to the appropriate program representative that gives specific reasons for the decision and identifies whether it is based on a conviction and/or eviction, or on a preponderance of evidence. The program representative is responsible for informing the family of its denial or termination of assistance in writing, citing the reasons for the decision, and informing the family of its right to appeal the decision.

The designee will also provide training and guidance to staff on how to obtain documentation from the police, the courts, and district attorney offices to substantiate allegations of family involvement in illegal activities.

The AA shall have discretion to consider all of the circumstances in each case to determine which family members have abused illegal drugs or alcohol in a way to be a danger to themselves or others. In appropriate cases, the AA may permit the other or remaining family member to receive assistance. In such cases, the AA will impose a condition that the family members determined to have engaged in the proscribed activities not occupy the assisted unit.

#### 11.4 AA POLICY AND PROCEDURE

*Each AA is responsible for developing its own written administrative policy that operationalizes VHDA's Drug and Criminal Activity policy — HUD's regulations related to drug abuse and criminal activity. The policy must address all of the following points:*

1. What action the AA will take when information is obtained from an anonymous tips, landlord and/or neighborhood complaints, housing inspectors' reports, local official complaints, newspaper reports, etc.
2. How the AA will appropriately intervene when it obtains information about a family's drug or criminal activity. For example, a warning may be appropriate when an anonymous tip has been received versus a notice to terminate for a documented conviction.
3. Designate staff to coordinate AA efforts to respond to, investigate, and obtain documentation pertaining to a family's involvement in drug related or violent criminal activity.
4. Develop and maintain a list to identify and track families the AA denies or terminates due to drug related and/or violent criminal activity. Limit access to the list to specific staff.

5. Ensure that privacy rights are not violated.

### **11.5 OPPORTUNITY TO DISPUTE**

(DRAFT—Regulations currently under review)

Per 24 CFR Parts 5 et al, under certain circumstances, AAs must provide an “opportunity to dispute” criminal record information that is relevant to applicant screening, lease enforcement or eviction. The AA must notify the household of the proposed action to be based on the information and must provide the subject of the record and applicant or tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information. This notification and opportunity must be provided before a denial of admission, eviction or lease enforcement action on the basis of such information. The AA must provide the notification in writing and must allow the subject of the record and/or applicant or tenant 10 calendar days from the date of the notification in which to dispute the information.

## 12. Informal Hearings and Reviews (24CFR982.554 and 982.555)

### 12.1 GENERAL REQUIREMENTS

The term appeal, as used herein, refers to both informal reviews and informal hearings. The terms review and hearing are used only when necessary to distinguish between the two.

Applicants and participants are provided an opportunity to present objection to certain AA decisions through informal reviews and hearings. Depending on the decision she/he objects to, an individual may be entitled to either a review or hearing. Generally reviews are for decisions pertaining to applicants while hearings are for decisions pertaining to participants.

*Informal hearing provisions for the denial or termination of assistance on the basis of ineligible immigration status is contained in 24CFR5.514.*

If a decision may be appealed, the AA must give the family prompt written notice. The notice must state:

1. The reasons for the decision.
2. That if the family does not agree with the decision, it may request an appeal.
3. The procedure for the family to request an appeal.
4. The deadline for the family to request an appeal.

AAs conduct their own informal reviews for applicants. Each AA must establish a reasonable process for objections to be received and considered through the review process. This process must allow for someone at the AA to conduct the review other than the person whom made the decision to reject the application from the Section 8 program. The person who conducts the review is called the Review Officer.

VHDAMultifamily Programs Officers conduct informal hearings for an AA unless an AA has been given approval to conduct their own hearings. If an AA is approved to conduct their own hearings, they must establish a reasonable process for objections to be received and considered through the hearing process. This process must allow for someone at the AA to conduct the hearing other than the person whom made the decision to terminate assistance. The person who conducts the hearing is called the Hearing Officer.

Once the appeal is scheduled, the family will have one opportunity to reschedule if it cannot attend by submitting a written request prior to the scheduled hearing date postmarked no later than 48 hours prior to the scheduled time. Extenuating circumstances will be considered. Any extensions granted by VHDA or an AA for submitting additional materials relative to the appeal should be limited in duration.

When the aggrieved party notifies VHDA that they cannot attend the appeal, VHDA should offer the appeal to be conducted either by mail or by telephone. For an incarcerated individual, VHDA

should offer the appeal by mail or by proxy or by telephone. If the incarcerated individual elects by proxy, the AA/VHDA must receive a notarized written statement from the incarcerated individual designating another individual to serve as their proxy. The person could be a family member or relative, caseworker, member of the clergy, attorney, or another person designated by the person in prison. The obligation to provide an incarcerated individual the opportunity for an appeal shall be considered to be met if VHDA provides the participant with an opportunity to send a designated proxy to the hearing or to conduct the appeal by mail. VHDA is not required to conduct the appeal at the site or to provide more than one extension of the hearing date.

## **12.2 WHEN DECISIONS ARE EFFECTIVE**

All decisions regarding denial or termination of assistance are effective at the completion of the appeal process.

## **12.3 INFORMAL REVIEWS**

An informal review is required when an AA denies an applicant:

- Preference status; or
- Admission to the Section 8 program.

An applicant must be given an opportunity to present written or oral objections to a Review Officer at the AA.

The AA must notify the family in writing within 14 days of a hearing or a family's submitting written objections to an AA decision to deny a preference or program admission. The AA

will notify the applicant of its final decision after the informal review, including a brief statement of the reasons for the final decision.

An informal review is NOT required for decisions concerning:

- Discretionary administrative determinations by the AA;
- General policy issues or class grievances;
- A determination of the family unit size under the AA's subsidy standards;
- An AA determination to deny an extension or suspension of a subsidy's term; or when a subsidy expires;
- An AA determination to deny a RTA or to reject a proposed lease;
- An AA determination that a unit does not comply with HQS; or,
- An AA determination that the unit does not meet HUD's or VHDA's HQS because of the family size or composition.

## 12.4 INFORMAL HEARINGS

An informal hearing must be offered to participants to consider whether certain AA decisions relating to the individual circumstances of the family are in accordance with the law, HUD regulations and AA policies. These hearings are conducted by a VHDAMultifamily Program Officer unless the AA has been given approval to conduct their own hearings.

For decisions regarding termination of assistance, VHDAMust give the opportunity for an informal hearing before the AA terminates housing assistance payments for the family.

### 12.4.1 Informal hearing required

An informal hearing must be offered when the AA makes a determination:

- That a family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the AA subsidy standards, or the AA determination to deny the family's request for an exception from the standards.
- To terminate assistance because of the family's action or failure to act.
- To terminate assistance because the family has been absent from the assisted unit for longer than the maximum period permitted under AA policy.
- Of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- Of the appropriate utility allowance (if any) for tenant-paid utilities from the AA utility allowances schedule.
- Of the family unit size under the AA subsidy standards.

### 12.4.2 Informal hearing not required

*An informal hearing is NOT required for decisions concerning:*

- General policy issues or class grievances;
- Establishment of the AA schedule of utility allowances;
- An AA determination to deny an extension or suspension of a subsidy's term; or
- An AA determination to deny a RTA;
- An AA determination that an assisted unit does not comply with HQS; (However, the AA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family);
- An AA determination that the unit does not comply with HQS because of the family size;

- A determination by the AA to exercise or not to exercise any right or remedy against the owner under a HAP contract;

### 12.4.3 Procedure for informal hearing

This procedure must be followed by the VHDA Multifamily Programs Officer when conducting an informal hearing.

#### 12.4.3.1 Notice requirement

Upon making any decision for which an informal hearing must be offered the family must be given a prompt written notice of the decision along with information on their right to appeal the decision. The notice must contain the following information:

- A brief statement of the reasons for the decision.
- The reasons involved in the AA's decision.
- The date the decision is effective.
- The family's right to an informal hearing, or other available remedy.
- How the family can request a hearing.
- What period the family has to request a hearing (usually 10 calendar days from the date of mailing).

A family that requests an informal hearing shall receive adequate notice of the time and place of the informal hearing. The notice shall contain:

- A brief, but specific, statement of the reasons the informal hearing is being held.
- A statement indicating that VHDA's decisions shall be based upon the evidence presented at the informal hearing, and that a family must bring to the hearing all documents on which it will rely and all witnesses who can offer relevant testimony;
- A statement regarding the family's right to be represented by legal counsel at the hearing at its own expense.
- A discussion of discovery rights - the opportunity for both VHDA and family to examine documents before the hearing.
- Notification that the hearing will be conducted by a representative of VHDA or their designee.

VHDA must schedule the hearing in a reasonably expeditious manner, usually within 5 working days from receipt of the request. -7

Reasonable notice of the time and date of the hearing must be given to all parties concerned (3 working days before the hearing). -5

#### **12.4.3.2 Discovery**

The family must be given the opportunity to examine before the hearing any AA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at its own expense. The AA may require that copies be made at the AA's office at a reasonable per copy fee set by the AA. If the AA does not make the documents available for examination on request of the family, VHDA may not rely on the document at the hearing.

VHDA must be given the opportunity to examine before the hearing any family documents that are directly relevant to the hearing. VHDA must be allowed to copy any such document at its own expense. If the family does not make the document available for examination on request of VHDA, the family may not rely on the document at the hearing.

For decisions regarding termination of assistance, a representative of VHDA or their designee must conduct the hearing prior to terminating assistance. The family may request one postponement of no more than a week after the original scheduled hearing date. More than a week may be granted in exceptional circumstances, particularly as an accommodation for a person with a disability.

#### ***The AA may implement the following changes prior to a hearing:***

- Changes in Total Family Contribution or Tenant Rent to Owner.
- Denial of a new voucher for a family that wants to move.
- Unit sized determinations for a family that wants to move.

#### **12.4.3.3 Other persons affected**

Any person who can demonstrate that she/he may be substantially and specifically affected by the proceeding may be allowed to participate in the hearing, in whole or in part, or may be allowed to present evidence, either orally or in writing. It is not VHDA's or the AA's responsibility to determine if there may be anyone who meets this criterion. However, if someone, such as an owner, learns of the hearing on his/her own, and claims to have a vested interest in the outcome of the hearing, VHDA must determine if the person qualifies under this section. This claim must be made prior to the hearing so that VHDA has a sample opportunity to consider the claim.

#### **12.4.3.4 During the hearing**

All parties should be notified of all persons who will be attending the hearing.

At its own expense, the family may be represented by a lawyer or other representative at the hearing.

#### **12.4.3.5 Evidence**

***Both the family and the staff person(s) whom made the decision being appealed may present evidence to VHDA's Multifamily Program Officer. Each party may call witnesses, cross-examine witnesses, and submit rebuttal evidence. The Hearing Officer may consider only information presented at the hearing. The Program Officer may not request additional information that is not presented as evidence at the hearing.***

At the beginning of the hearing, the Hearing Officer shall state the date and time, and list the alleged reasons for the decision being appealed. The Hearing Officer may change the order of witnesses; however, the recommended order of presenting is as follows:

- The family
- The staff person whom made the original decision (or recommendation)
- The staff person's supervisor, if involved
- Rebuttal by family

The AA and the family must be given the opportunity to present relevant evidence, and question any witnesses. Evidence may be oral testimony or written documents. If the AA is relying on documents from the family's file, those documents must be presented as evidence at the informal hearing. At the conclusion of the hearing, each party shall be given the opportunity to make copies of the other party's written evidence. At the informal hearing the hearing officer need not observe the rules of evidence observed by courts. Evidence may be admitted if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.

Rules of privilege recognized by law shall be observed.

At the conclusion of the informal hearing, VHDA may hold the hearing open for a specific period of time for the purpose of receiving further documents. If the documents are not submitted by the specified time, VHDA may issue a decision.

#### **12.4.3.6 Issuance of decision**

The Hearing Officer must issue a written decision within 14 working days of the hearing. The decision must be based only upon the evidence presented at the hearing.

All parties shall be notified in writing of the final decision. VHDA will send a copy of the decision to the AA. If the family is represented by counsel, VHDA is only obligated to send notification to counsel. The notices shall state the reasons for the decision, including a determination of each issue of fact or law necessary to the decision.

Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

Copies of all decisions overturned by the Hearing Officer due to mitigating circumstances will be provided to the AA.

**12.4.3.7 Effect of decision**

VHDA is not bound by a hearing decision:

- Concerning a matter for which VHDA is not required to provide an opportunity for an informal hearing under this section, or
- One that otherwise exceeds the authority of the person conducting the hearing under the VHDA hearing procedures; or
- If it is contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law.

*If VHDA determines that it is not bound by a hearing decision, the AA must promptly notify the family of the determination, and of the reasons for the determination.*

### **13.R REASONABLE ACCOMMODATION & MITIGATING CIRCUMSTANCES (24CFR8)**

Reasonable accommodation is intended to provide persons with disabilities equal opportunity to participate in the Section 8 housing program through the modification of policies and procedures.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term “person with disabilities” means individual with handicap as defined in 24 CFR 8.3(b). 4

Mitigating circumstances are verifiable facts that overcome or outweigh negative information.

#### **13.1 REASONABLE ACCOMMODATION**

*A reasonable accommodation is made in response to individual requests from a qualified person with disabilities. In general, the person with disabilities will suggest an accommodation that he believes to be effective, and the AA will determine whether the requested accommodation is reasonable from its viewpoint. The AA may also suggest other accommodations that are less burdensome to the AA. The AA may ask the applicant/participant to verify through a qualified source that this condition warrants the accommodation requested.*

##### **13.1.1 Authority**

Neither VHDA nor its AA have the authority to waive federal regulations in response to a request for a reasonable accommodation. A request for a reasonable accommodation that cannot be granted by the AA will be forwarded to HUD. All requests must be accompanied by appropriate verification as required by the AA or VHDA, and by HUD.

*As a reasonable accommodation, an AA may approve an exception payment standard that is higher than that normally used, but still at or below 110% of the FMR, as a reasonable accommodation for a family containing a person with a documented disability. To grant a payment standard above 110% of the FMR as a reasonable accommodation for a family with a person with a disability, the AA must send a request through VHDA to obtain HUD approval.*

##### **13.1.2 Obligation**

The AA's obligation is to make an accommodation which is effective (i.e. one which overcomes barriers to equal access and facilitates the use of the housing program) provided that the accommodation also is reasonable (i.e. does not cause an undue burden or cause a fundamental alteration in the nature of the housing program).

A reasonable accommodation is unique to the needs of the person as a result of his disability; therefore, each requires an individualized assessment. Requests for reasonable accommodation must be considered by the AA on a case-by-case basis. An AA must accept and analyze all requests for reasonable accommodation. An AA must respond in writing to all applicants/participants requesting a reasonable accommodation.

Generally, the AA's obligation to consider, and where reasonable, grant accommodation to a participant with disabilities ends when program participation terminates.

Each AA must have written procedures for processing and evaluating reasonable accommodation requests.

Information on the availability of the AA's reasonable accommodation procedures will be posted in the AA office and will be provided at application intake, at applicant briefings, with notices of rejection, program violation or termination, and at other times as the AA deems appropriate. If an applicant or participant asserts that a previous failure to comply with the essential tenancy or program obligations is a result of a disability, it is up to the applicant/participant to propose a reasonable accommodation, which if implemented, would result in compliance with essential program provisions. The AA may require verification that the proposed accommodation would allow the participant to comply with the essential program requirements. However, the AA cannot require such actions as a condition of initial or continued program participation.

Reasonable accommodation decisions will be made by the AA in a timely manner; and, will be documented in writing, and, if applicable, in another format accessible to the requester. An AA must agree to communicate with a representative of the family, including a family relations worker, social worker, and other community worker. An agreement to make accommodations will include terms, conditions and performance expectations for all parties, and, if appropriate a schedule.

### **13.1.3 Reinstatement & provisions for resumption of assistance**

If a participant who has not been informed of the AA's reasonable accommodation policy has been terminated from the program or left the program for reasons related to a recognized disability as of the effective date of this plan, she/he may be reinstated under the following circumstances:

- Not more than one year has passed from the effective date of the termination; and
- She/he is able to provide verification of his or her ability to comply with the essential program requirement(s) which was the cause for the termination; and,
- The AA has a subsidy available to issue.

It must be established by the family that the previous unacceptable behavior (which must be defined specifically) did, in fact, occur because of the disability, and that in the future, the family could reasonably be expected to be program compliant because of a change in circumstances.

The AA may require the former participant to verify that:

- He or she has or has a disability;
- The problems were caused by the disability; and,
- Present treatment, or reasonable accommodation, can reasonably be expected to prevent recurrence of the problem.

#### **13.1.4 Illustrative Examples of Reasonable Accommodations**

If part of the poor tenant history of a applicant, or former participant with disabilities relate to failure to comply with treatment, the AA may properly inquire about the reasonable expectation that the applicant will comply with current treatment.

For example, it may be an appropriate accommodation to delay or cancel termination proceeding. If a reasonable accommodation request is pending, the program termination could be stayed until a decision is made. If the program violation is subject to cure, the participant cures the violation, and a reasonable accommodation makes certain that the violation will not be repeated, the program termination could be canceled. The simple provision of a second chance in the absence of any action to cure the violation or prevent recurrence, is not likely to be an appropriate accommodation.

If an applicant or former participant is being (re) admitted by virtue of a reasonable accommodation, the AA may not make continued receipt of the treatment, care or assistance a requirement of continued program participation. Once an applicant is (re) admitted, the standard for remaining in occupancy is program compliance.

For example: A relative arranges for a disabled family member to receive weekly housekeeping services. The AA determines that this is a reasonable accommodation and reinstates the family. The AA may not make continued receipt of the housekeeping services a requirement of continued program participation. If the housekeeping services should stop after six months, the AA may not terminate the family from the program provided they are able to maintain their tenancy and comply with all program requirements.

An example of a reasonable accommodation to ensure program compliance is that a copy of all AA notices to be sent to the family will also be sent to a responsible third-party designated by the family.

The AA may automatically reinstate applicants with disabilities who fail to respond within the reasonable time frame to inquiries to update the waiting list, but only for reasons that are related to their disability.

## 13.2 MITIGATING CIRCUMSTANCES

Mitigating circumstances are verifiable facts that overcome or outweigh negative information. Mitigating circumstances can apply to all families, not just to families with disabilities.

*Considering mitigating circumstances for a family with disabilities is a reasonable accommodation, and thus a requirement.*

### 13.2.1 Effect of denial or termination of assistance

An AA has discretion to consider mitigating factors presented by the family when deciding whether or not to deny or terminate assistance. Should the AA decide not to deny or terminate a family's assistance due to mitigating circumstances, the AA must document this fact in the family's file and attach any documentation to support this decision.

It is not the AA's responsibility to inquire as to whether there were mitigating circumstances. However, if the family claims mitigating circumstances it is up to the AA to determine whether it believes the circumstances are valid. The family must provide documentation that establishes the validity of the claim. The AA is the final judge of what constitutes adequate and credible documentation.

Mitigating factors can be, but are not limited to, considering the seriousness of an offense, the extent of participation by other family members, and the effect that the denial or termination may have on the household. The AA has discretion to determine an appropriate remedy, and may permit the remaining members of a household to continue to receive assistance and may impose a condition that the offending household member(s) will not reside in the unit. A signed statement to that effect can be required by the AA.

In accordance with the Housing Opportunity Program Extension Act of 1996, an AA may require that the family member(s) involved in the illegal use of a controlled substance or abuse of alcohol submit evidence of: 1) successful completion of a supervised drug or alcohol rehabilitation program; 2) successful rehabilitation by other means; or, 3) current participation in a supervised drug or alcohol rehabilitation program, as a condition of being allowed to begin or continue participation in the Section 8 program.

Mitigating circumstances may exist such that the AA believes that granting assistance to an applicant is warranted even though the applicant meets one of the criteria for denying assistance. For example, in the case of criminal activity, where the family member that caused the problem is no longer part of the household.

In cases where a family was evicted or had its assistance terminated by another administering agency, the AA must do its own investigation into the cause, how long ago it occurred, and whether the family composition is the same before determining whether to deny or terminate assistance to that family. For example, it may not be appropriate to deny assistance to a family

that was evicted from public housing for damage to the unit where the damage was done by a family member who no longer resides with the household.

There are limited instances in which a family owes money and the AA may exercise discretion when determining eligibility. For instance, if a family owes a small amount to another PHA and that PHA is refusing to execute a repayment agreement despite good faith efforts by the family to do so, the family could be determined to be eligible.

The AA may automatically reinstate applicants on the waiting list if the agency reasonably believes that extenuating circumstances interfered with the ability of the applicant to keep his or her waiting list information current.

VHD requires that families give the AA at least a calendar month written notice before moving to a new unit. This requirement may be waived in certain instances, if it is determined that the family was unable to provide the proper notice due to factors beyond its control, such as cases of domestic abuse, and some evictions.

### **13.2.2 Domestic violence as a mitigating circumstance**

There is no question that domestic violence can be a mitigating factor in a family's failure to comply with any program requirement. If the claim of domestic violence is sufficiently documented the AA must weigh all the circumstances of the case and determine whether the mitigating facts outweigh the family's failure to comply with program requirements.

**14. Encouraging participation by owners of suitable units located outside areas of low income or minority concentration.\* (24CFR982.5 4**

Periodically, AA's will perform outreach to encourage owner participation by hosting regional conferences and training programs with local rental housing associations, Boards of Realtors, local owners, and other civic, charitable and neighborhood organizations and other community groups that may have an interest in providing housing for low income families. Typically, the AA will make a presentation on any subsidy programs it operates within its jurisdiction. Program benefits and requirements will be explained and participants will have an opportunity to ask questions. AA staff should be available for presentations to local rental housing associations, community groups, Realtors, and other interested groups upon request. It is the responsibility of the AA staff to be able to describe the Section 8 program in a clear and comprehensive manner and to be able to detail the advantages to owners who choose to participate in the program. This is particularly important to the AA's efforts to attract owners with units located outside areas of minority concentration.

At any time, information packets for new, current, and prospective landlords must be available upon request from each AA.

VHDA provides each AA with advertising and outreach materials with the expectation that each AA will utilize these resources in an efficient manner. If an AA wants to utilize outreach materials other than those provided by VHDA, they must apply for and receive VHDA approval. The requests for approval must include cost estimates for the proposed advertising and a description of where the AA plans to use the proposed ad.

Each AA covers urban, suburban, and/or rural communities and outreach activity must extend throughout their jurisdiction. If an AA has been allocated vouchers in support of a Family Self Sufficiency or Family Unification program, or for families moving from welfare to work, the AA may have specific outreach requirements as directed by its Action Plan.

Each AA must develop a specific, localized plan for outreach to owners and be able to document all outreach efforts. Specifically, each AA must conduct its outreach efforts to meet the requirements of its Equal Opportunity Housing Plan.

**15. Assisting a Family that Claims Housing Discrimination\*** (24CFR8 and 982.54)

*Participation in the Section 8 program requires compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act Amendments of 1988, Executive Order 11063, Equal Opportunity in Housing Act of 1962, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975; and any other related rules, regulations or requirements.*

The Civil Rights Act of 1968 and its amendments establish a national standard for providing fair and equal opportunity to housing for all. No person shall be subjected to discrimination because of race, color, creed, religion, national origin, age, and familial status.

Each AA will provide all applicants with the HUD brochure "Fair Housing – It's Your Right" explaining rights under fair housing law. The brochure must be included in the information packet given to each applicant at the initial briefing and to each participant attending a briefing before moving to a new unit.

If a family believes it has been or is about to be discriminated against or otherwise harmed by illegal acts constituting discrimination, the family should contact the AA. The AA must provide the following assistance.

- Assist the family in completing the Housing Discrimination Complaint form - HUD-903/ HUD903A.
- Forward the completed form to the VHDA representative assigned to the AA's jurisdiction.
- Advise the family it will be contacted by HUD, and that it may seek legal remedies on its own.

The family may choose to contact HUD directly with their claim of discrimination.

*When administering preferences in the selection of applicants from the waiting list, an AA must be careful not to violate any Federal, state or local fair housing laws.*

## 16. Inspection Requirements (24CFR982SubpartI)

These VHDA inspection requirements include and are supplemental to HUD's Housing Quality Standards for the Section 8 Housing Choice Voucher program, Moderate Rehabilitation program, Project Based Certificate program, and any associated programs administered by VHDA.

As described in HUD's Housing Inspection Manual,

"The HUD Housing Quality Standards are a basic 'floor' or minimum standard that applies across the country to units on the Section 8 Existing Housing Program. In areas with relatively higher quality housing available, PHAs will be able to adopt a higher standard".

In an effort to improve upon and raise the quality of housing occupied by program participants, VHDA has selected to require more than that included in HUD regulations.

***The following statement must be included with all Inspection Reports:***

"This inspection has been performed to determine compliance under the HUD \VHDA Section 8 Program. While some of the inspection requirements may be similar or identical to provisions of local codes, this inspection does not certify compliance with said codes. In all instances, it is the owner's responsibility to maintain property to meet all applicable state and local codes and a tenant's right to request an inspection by the local Code Enforcement Agency."
---

***Known violations and continued non-conformance with state and local codes will be a factor in the AA's determination of rent reasonableness and the scheduling of more frequent re-inspections, consistent with VHDA's effort to raise the quality of housing occupied by program participants.***

Non-compliance with the HUD Housing Quality Standards and/or the VHDA inspection requirements and/or repeated and regular non-compliance is grounds for:

- Rejecting the unit at initial inspection for the program;
- Suspending subsidy;
- Terminating the HAP contract with the owner; or
- Termination of tenant participation in the program.

### **VHDA Inspection Requirements**

VHDA has established these general requirements that exceed the standard HQS requirements.

- All improvements made through the Section 8 Moderate Rehabilitation Program must be maintained so long as any tenant receives assistance in the unit.

- VHD requires owner to remedy cracking, chipping, scaling, peeling or loose paint regardless of lead content. Agents and owners should note, however, that this VHD requirement will not satisfy the new lead based paint regulations. For defective paint surfaces in post-1978 housing, VHD requires owner to remedy cracking, chipping, scaling, peeling or loose paint. For defective paint surfaces in pre-1978 housing, owners must comply with all applicable HUD and EPA lead-based paint requirements (see Policy 728).
- All manufactured homes must have “under-skirting” around the base of the manufactured home.
- In any unit where a wood or coal stove is the primary source of heat, a statement must be signed by the owner and the head of the household certifying that the stove was properly installed and has been inspected regularly at least as required by local housing codes. The statement must also certify that the chimney is cleaned at least annually.
- In Prince William County and in the City of Manassas, there must be one smoke detector near each bedroom.
- In Lee County, all units without air-conditioning must have screens in all windows and all windows designed to be opened must be fully operational.
- In Pulaski County, all operational windows must be equipped with screens, all defective parts of windows, storm windows and screens be replaced so that the window is fully operational and, all units that have had existing storm doors and screen doors are required to maintain the doors in operable condition.

#### **16.1 HUD’S HOUSING QUALITY STANDARDS (24CFR982.401)**

##### ***HUD’s Housing Quality Standards (HQS) consist of the following:***

- Performance requirements that describe a HA’s responsibilities in ensuring that all housing assisted through the Housing Choice Voucher program meet HUD standards.
- Acceptability criteria that describe the specific standards a unit must comply with in order to meet HUD’s standards.
- HUD approved variations to the established standards based on local conditions and the availability of suitable housing in the local housing market.

HUD’s HQS establish criteria for assessing the following aspects of a unit:

- Sanitary facilities;

- Food preparation and refuse disposal;
- Space and security;
- Thermal environment;
- Illumination and electricity;
- Structure and materials;
- Interior air quality;
- Water supply;
- Existence of lead based paint;
- Access;
- Site and neighborhood;
- Sanitary condition; and
- Smoke detectors; and
- Lead-based Paint.

For the specific standards applied in each of these areas, see the VHDA *Operations Manual* and HUD's *Inspection Manual*.

### **16.2 THE INITIAL INSPECTION**

The AA conducts the initial inspection in order to determine that the unit chosen by the tenant meets HUD's housing quality standards and any additional standards implemented by the AA based on local housing conditions. The inspector for the AA also collects the information necessary to complete a rent reasonableness determination based on the rent level proposed by the landlord and the amenities and condition of the unit.

If the inspector finds that the unit violates HUD's HQS, or any additional criteria implemented by the VHDA or the AA, the inspector provides the landlord with a notice of improvements to be completed before the unit can be approved for the Housing Choice Voucher program. The AA must not sign a HAP contract until all required repairs are completed. If the landlord does not complete the improvements within the prescribed period of time, the tenant must find another unit in order to receive housing assistance.

Through a rent reasonableness determination, the inspector determines if the rent proposed by the landlord is acceptable based on current market conditions. If the inspector determines that the rent proposed by the landlord is too high, and the landlord is unwilling to lower the rent to an acceptable level, the tenant must find another unit in order to receive housing assistance.

### **16.3 ANNUAL HQSI INSPECTIONS**

The AA must inspect the dwelling unit within 12 months of the last inspection and complete the inspection form to determine if the owner is maintaining the unit in decent, safe and sanitary condition. The annual inspection is not tied to the annual recertification. The AA may continue

to schedule the inspection between 90 and 120 days prior to the anniversary date of the HAP contract. If at the annual inspection the unit fails to comply with HQS, the AA must notify the landlord of the necessary repairs. A landlord may not continue to receive subsidy for a unit if it is not maintained in accordance with HUD's HQS and any additional standards implemented by the AA based on local housing conditions.

The family must allow the inspector to conduct the inspection during reasonable business hours. The inspector must provide the family with adequate notice, a minimum of 5 business days, of the planned inspection. If the family fails to allow the inspector access to the unit during 2 scheduled inspections, the family will be terminated from the program in accordance with the termination procedures described in chapter 10 of this Administrative Plan.

The inspector must provide the owner with the same notice provided for the family of a scheduled annual inspection. The landlord may be but does not have to be present at the inspection.

If during an annual inspection the unit fails to comply with HQS, the inspector provides the owner with notification of the necessary repairs and the timeframe for completing the repairs. How quickly the repairs must be completed depends on the severity of and the potential hazard associated with the deficiencies found through the inspection.

If the landlord fails to complete the repairs within the prescribed timeframe, the AA must abate the HAP payment and not reinstate payments until the landlord completes the necessary improvements. If the landlord completes the repairs after the AA abates the HAP payment, the AA may reinstate HAP payments. However, the AA *must not* reimburse the landlord for the abated HAP payments missed during the time the unit violated HUD's HQS. If the landlord fails to make the necessary repairs for an extended period of time, the AA must terminate the HAP contract and provide the family with a voucher to move to a new unit.

#### 16.4M MOVE-OUT INSPECTIONS

It is the responsibility of the AA to inspect all units within 5 days after the family moves out, or the HAP contract terminates, or the AA receives notice that the family moved, whichever is earlier. The move-out inspection documents the condition of the unit which may impact the ability of the family to receive assistance in the future.

A move-out inspection is necessary to document any damage claims an owner may file with the AA after the family leaves. An owner may decide to waive the requirement that the AA conduct a move-out inspection. By signing this waiver, the owner is also waiving any right to file any damage claims associated with the vacating family.

### 16.5I INTERIM/COMPLAINT INSPECTIONS

It is the responsibility of the AA to reinspect dwelling units as requested by the owner, family, or an agency or third party. The inspection must take place within a reasonable period of time based on the reported reason for the need for the inspection.

If the AA finds that the unit is not being maintained by the owner in compliance with HUD's HQS, the AA must take immediate action to insure that the deficiencies are corrected.

If during an interim inspection the unit fails to comply with HQS, the inspector provides the owner with notification of the necessary repairs and the timeframe for completing the repairs. How quickly the repairs must be completed depends on the severity of and the potential hazard associated with the deficiencies found through the inspection.

If the landlord fails to complete the repairs within the prescribed timeframe, the AA must abate the HAP payment and not reinstate payments until the landlord completes the necessary improvements. If the landlord completes the repairs after the AA abates the HAP payment, the AA may reinstate HAP payments. However, the AA *must not* reimburse the landlord for the abated HAP payments missed during the time the unit violated HUD's HQS. If the landlord fails to make the necessary repairs for an extended period of time, the AA must terminate the HAP contract and provide the family with a voucher to move to a new unit.

### 16.6Q QUALITY CONTROL INSPECTIONS

The purpose of a quality control inspection is to confirm that each inspector is conducting thorough inspections and to ensure that the HA achieves consistency in its inspections for all units subsidized through the Housing Choice Voucher program.

SEMAP requires that a HA completes quality control inspections based on the size of their Section 8 program. However, VHDA has selected to conduct more quality control inspections than that required by SEMAP in an effort to improve the housing conditions experienced by families participating in the Section 8 program. Annually, VHDA requires that each AA complete quality control inspections on a sample of units equal to 50% of the SEMAP -mandated quality control inspections sample size. The AA -completed quality control inspections are supplementary to the SEMAP -required quality control inspections which are completed by a representative of VHDA.

Due to the nature of the inspections, a quality control inspection must be completed by someone other than the person who conducted the initial, annual, interim or move -out inspection. If there is not another qualified person on staff at a local AA office to conduct quality control inspections, the AA is responsible for making arrangements to have the inspections conducted by another qualified entity, e.g., an inspector from a neighboring locality.

### **16.7C CONDUCTING AN INSPECTION**

Prior to conducting an inspection, AA inspector should be apprised as to the presence of any children under 6 years of age in the unit. If this information is not provided to the inspector by staff, the inspector must ask the family at the time of the inspection and make a note on the Inspection Checklist in the space provided.

The Inspection Checklist must include a section which indicates that the owner has complied with the requirement to provide proper lead related documentation.

Whenever an inspection fails for defective paint the inspection report shall indicate the need for treatment. Owners must not be instructed to scrape defective paint surfaces.

Effective October, 1996 HUD's HQS allows minimal amounts of defective paint to pass the inspection. In order to fail inspection the paint must be loose and noticeably separating. Although HUD's HQS no longer applies to fences, outbuilding, garages, and sheds VHDA requires that these surfaces be included in the inspection.

### **16.8 SMOKE DETECTORS**

HUD's Housing Quality Standard effective October 30, 1992 requires that each dwelling unit be equipped with at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the unit and in the basement. Smoke detectors should be located adjacent to sleeping areas whenever possible.

If the unit is to be occupied by a hearing impaired person, smoke detectors must have an alarm system, designed for hearing impaired persons, in each bedroom occupied by a hearing-impaired person. Each bedroom occupied by a hearing impaired person must have an alarm system connected to the smoke detector installed in the hallway.

### **16.9 TENANT CAUSED VIOLATIONS**

Effective October, 1995 the family is responsible for a breach of HUD's HQS caused by any of the following:

- Failure to pay for tenants supplied utilities;
- Failure to provide and maintain a stove and/or refrigerator if required in accordance with the lease;
- Damage caused by the family or guest to unit or premises beyond ordinary wear and tear.

***In instances where it is not clear or obvious that the violation is tenant caused, the burden of proof is on the owner.***

## 16.10 REPEATED TENANT "NO SHOWS"

*When the tenant is notified of the requirement to make his/her unit available for an inspection, and the tenant repeatedly fails to have someone home to allow the inspector access to the unit, the tenant's failure to allow access to the unit after two "no -shows", where proper advance notice has been given by the AA may result in the tenant's termination from the program, in accordance with the provisions of the tenant's certificate or voucher.*

## 16.11 PROCEDURE TO FOLLOW FOR INCONCLUSIVE INSPECTIONS

*At times the inspector cannot conclude whether an item passes inspection, and must classify an item as inconclusive. The unit does not pass inspection if any item is inconclusive. So long as any item is listed as inconclusive, the AA may not pass the unit or approve a lease or HAP contract.*

## 16.12 VACANT UNITS

*Often times at initial inspection, the unit is vacant and the utilities are turned off. The owner shall be urged to have the utilities turned on for the purpose of inspection, however, in lieu of this, the owner must sign and attest to the good working order of electrical and cooking facilities. Once this is signed and the unit otherwise passes inspection, the lease may begin and HAP payments may be either released or withheld until verification by an on -site reinspection to confirm the good working order of all appliances. The on -site confirmation must be performed no later than 30 days after the lease start date. Failure to comply may result in suspension of the HAP payment termination of the HAP contract.*

### 16.12.1T ENANT SUPPLIES APPLIANCES

*In the case of tenant -supplied appliances such as a refrigerator or stove, the lease may begin the date the unit otherwise passes inspection and HAP payments are released. Verification by an on -site reinspection to confirm the presence and good working order of the appliance must be performed no later than 30 days after the lease start date.*

## 16.13 MARGINAL UNIT POLICY

### 16.13.1 Responding to the Problems of Marginal Units

*HUD defines marginal units to be those that are likely to fall below HQS within a year. VHDA recognizes the problem of maintaining marginal units as listed through the Section 8 Program. It is the policy of VHDA that no AA inspector will approve a unit if it is determined to be marginal as part of an HQS inspection. All features determined marginal must be corrected before the unit can pass an HQS inspection and the AA can approve a lease and execute the HAP contract.*

***Attached at the end of this chapter is a Marginal Unit Checklist. AAs can use this checklist to assist them in their effort to identify marginal units so as to avoid approving any assisted units for the Section 8 program.***

#### **16.14 CONDUCTING AN INITIAL INSPECTION WHILE THE UNIT IS STILL OCCUPIED**

Sometimes it is just not possible or practical to wait until a unit is vacant to perform an initial inspection. In these instances, as judged by each AA, VHDA will permit occupied units to be inspected. The following conditions must be met:

- Since the tenant occupancy may have no affiliation with the Section 8 program, it is imperative that the owner/management agent be present during the inspection.
- In order to begin a lease, a complete inspection must be performed. In accordance with HUD's SHQS, all checklist items must be confirmed as pass. No lease can begin on a contingency basis.
- If the occupants' possessions prevent a complete inspection, inaccessible areas must be given a failed rating. It is the owner's responsibility to assure that all areas are accessible in order to complete the inspection.
- If necessary, an inspection may be performed while the unit is still occupied. If the unit passes there inspection, a lease may begin as soon as possible. Bear in mind this will depend on the tenant's ability to take occupancy.
- Once a lease has begun or the unit has become vacant a complete inspection must be performed again in no more than 30 days in order to confirm that the previous tenant left the unit without damage which would cause the unit to fail.

#### **16.15 SANCTIONS**

***HUD reserves the right to impose administrative fees and sanctions on any HA which receives greater than 20% audit failure rate on HUD audits. If any AA is sanctioned by HUD, VHDA will withhold the designated amount of money from the AA, and will use the money to satisfy the HUD sanction. VHDA also reserves the right to impose administrative fees and sanctions on any AA maintaining consistently poor results on VHDA inspections (that is greater than 25% unit failure); that fail to follow the required inspection format established by VHDA; or consistently fail to respond to VHDA audit findings in a timely manner. VHDA will provide prior notice to any AA being considered for VHDA -imposed sanctions, and will provide a prescribed period of time in which the AA can demonstrate improved performance.***

**16.16 ADDITIONS AND AMENDMENTS**

*Additional VHDA inspection requirements, HUD's Housing Quality Standards, and amendments to this plan may be added from time to time. Further, modifications to existing VHDA Housing Quality Requirements may be made from time to time. Any additional unusual circumstances should be referred to VHDA in order that VHDA and the AA can work together to make the most reasonable determination on how to resolve such matters.*

FACTORS WHICH CONTRIBUTE TO MARGINAL UNIT CONDITIONS				
Name of Family	Phone No.	Tenant I.D. No.		
Inspector			Date of Inspection	
Unit Grade:				
Address and Unit #	City	County	State	Zip
Name of Owner or Agent	Phone No.	Address of Owner or Agent		

Date

*HUD defines marginal unit to be those that are likely to fall below Housing Quality Standards within a year. It is the policy of VHDA that no AA/local inspector will approve a unit if it is determined to be marginal as part of an HQS inspection. All features determined marginal must be corrected before the unit can pass an HQS inspection and the AA can approve a lease and execute the HAP contract. AA can use this checklist to assist them in their effort to identify marginal units so as to avoid approving any assisted units for the Section 8 program.*

**EXTERIOR AND COMMON AREAS**

Dirty, rundown, poorly maintained exterior, common areas, or basement. Presence of garbage, litter, debris, trash, abandoned vehicles, appliances, construction debris, foul odor.  
 Comments: \_\_\_\_\_

Exterior – constant recurrence of chipping and peeling paint or siding repairs.  
 Comments: \_\_\_\_\_

Common halls need paint, holes in walls or ceilings, water damage, unkeyed plaster  
 Comments: \_\_\_\_\_

Poorly maintained common area lighting.  
 Comments: \_\_\_\_\_

Evidence of public loitering and/or vandalism in/around building. Tenant may provide documentation regarding neighborhood break-ins, drug activity, broken windows, etc.  
 Comments: \_\_\_\_\_

Abandoned dwellings/hazardous vacant lots adjacent to building  
 Comments: \_\_\_\_\_

Rotting or damaged porches, decks, stairs, or rails in need of constant repair.  
 Comments: \_\_\_\_\_

Ongoing evidence of chronic infestation of rodents/mice/insects.  
 Comments: \_\_\_\_\_

Other chronic exterior or common area conditions.  
 Comments: \_\_\_\_\_

APPLIANCES AND SERVICES

Heating system maintenance/cleaning.

Comments: \_\_\_\_\_

Minimal electrical service for Family's needs. Recommend additional outlets.

Comments: \_\_\_\_\_

Recommend update kitchen/bath facilities: stove/ridge/sink/countertops.

Comments: \_\_\_\_\_

Other chronic electrical, plumbing, or heating conditions.

Comments: \_\_\_\_\_

GENERAL INTERIOR CONDITION

Unit in need of paint, wall paper peeling, holes, unkeyed plaster, water damage to walls and ceilings, loose and missing ceiling tiles.

Comments: \_\_\_\_\_

Poor floor condition; defective paint, worn and dirty carpeting or linoleum, splintering hardwood floors.

Comments: \_\_\_\_\_

Broken or missing cabinets, drawers, or closet doors.

Comments: \_\_\_\_\_

Security: door jamb and lock in poor condition; cracked or damaged. Lock has been relocated many times. Additional security/locks recommended.

Comments: \_\_\_\_\_

Windows in poor condition; in constant need of repair. Loose or missing putty, rotting frames, poorly weatherized, broken sash cords, difficult to open or close. Recommend additional screens or storm windows.

Comments: \_\_\_\_\_

Fire exit marginally adequate or inappropriate for family.

Comments: \_\_\_\_\_

Other chronic general interior conditions.

Comments: \_\_\_\_\_

Outstanding documented health or building code violations.

Comments: \_\_\_\_\_

Marginal Inspection Results \_\_\_\_\_

\_\_\_\_\_ Date

## **17. HQS Compliance (24CFR982.406)**

### **17.1 Determining the Severity of the Violation(s)**

Each unit must pass inspection once a year, at least 30 days before the anniversary date of the lease. At any other time, inspections can occur at the request of the tenant or owner, or as a result of unit audit inspections performed by the AA, VHDA, HUD or their representatives. There are four types of violations that could be discovered during a unit inspection.

#### **17.1.1 Serious HQS Violations**

Violations that present an immediate threat to the family's health or safety and must be corrected within twenty-four hours.

#### **17.1.2 Other HQS Violations**

Violations that could affect the family's health or safety if not corrected within a reasonable amount of time, or other violations that do not affect the health or safety.

#### **17.1.3 New HQS Violations**

Violations cited at re-inspections after the initial, failed annual, or other inspection. The new fail item(s) must be treated as a separate failed inspection, with all the ensuing remedies or sanctions, without impacting the prescribed course of action in progress.

It is extremely important that the AA communicate to the owner that any new violations noted at each re-inspection must be cited. The AA must make every effort to ensure that initial inspections are thorough, to minimize the possibility of finding new HQS violations upon re-inspection.

#### **17.1.4 Other Deficiencies**

Other deficiencies are those that are not HQS violations; are not life threatening; and, do not affect the family's health & safety. These deficiencies should be corrected at some reasonable future date or they could easily deteriorate into more serious violations. Other deficiencies should always be noted to help avoid security deposit claim issues that may arise when the family vacates.

### **17.2 COURSE OF ACTION WHEN VIOLATIONS ARE DISCOVERED**

This section addresses violations the owner is responsible for correcting. Treatment of tenant caused HQS violations is addressed in section 11.1.1.2. An owner is not required to correct tenant caused HQS violations caused by any of the following:

- Failure to pay for tenant -supplied utilities;
- Failure to provide and maintain tenant -supplied appliances;
- Damage caused by family or guest to unit or premises (beyond ordinary wear & tear).

These procedures must be followed by the AA at any time staff discover that one or more HQS are not being met. When a unit is out of compliance several key factors should be collectively considered to determine an appropriate course of action:

- Severity of the violations;
- Number of violations;
- Length of time violations remain outstanding;
- Owner's or tenant's good faith effort to make repairs;
- Past repair history of owner; and,
- Whether the non-compliance is tenant -caused.

### 17.2.1 Serious Violations

The AA must contact owner or agent by phone and inform him/her of need to make the repairs within 24 hours. The phone call must be followed with a written notice. If the AA is unable to contact the owner or agent by phone or in person, written notice must be sent by certified mail.

If during an HQS inspection of a unit, the unit fails to comply with HQS, the inspector must provide the owner with notification of the necessary repairs and the timeframe for completing the repairs. Any cited life -threatening HQS deficiencies must be corrected and re-inspected within 24 hours from the inspection and all other cited HQS deficiencies must be corrected and re-inspected within no more than 30 calendar days from the inspection or any HA -approved extension. If HQS deficiencies are not corrected and re-inspected timely, the Administrative Agent must contact the VHDAM Multifamily Programs Officer to abate or terminate the housing assistance payment beginning no later than the first of the month following the specified correction period, or for family -caused defects, take prompt and vigorous action to enforce the family obligations.

The AA must re -inspect the unit on the day following the 24-hour correction period. On -site re -inspection is the only acceptable verification that the unit is in compliance with HQS.

If the violations have not been corrected satisfactorily, the owner and family should be notified that the HAP payment will terminate immediately, i.e., as of the date of the re -inspection. The notice will state that the HAP payment will resume only after repairs have been satisfactorily corrected; and that the HAP payment will be pro -rated based on the number of days the unit is in compliance beginning with the date of a subsequent satisfactory re -inspection. If the unit is in compliance upon re -inspection and the owner can document an earlier repair completion date, the HAP payment may resume as of that actual compliance date.

When termination of HAP payment occurs, the family should be immediately advised:

- To seek competent legal counsel relative to continued payment of its rent share.

- (AA must not attempt to provide legal advice to tenants.)
- That the AA may have to terminate the HAP contract and if the HAP contract is terminated, the AA will issue the family a new subsidy and provide the family with a list of available units on file at the AA.
  - That the family may assume responsibility for the full rent amount and lease the unit in question without further assistance by the AA.

If the repairs are completed on or before the next HAP payment date, the payments should be reduced by the per diem amount of the rent that reflects that period of time in which the unit was not in compliance.

If repairs are not completed before the next HAP payment check is to be mailed, no payment may be sent to the owner. When the owner indicates that repairs have been completed and the inspector can verify this, a pro-rated share of the subsidy may be paid from the date the inspector approved the unit.

***Depending upon the nature of the serious violation, if repair(s) are not completed promptly, the AA should terminate the HAP contract when it becomes apparent that the owner will not cooperate in making the necessary unit corrections. The AA should not allow more than 10 days for serious HQS violations.***

### 17.2.2 All Other HQS Violations

Immediately upon completion of the inspection, the owner must be provided with written notice outlining the corrective action to be taken and possible penalties for failure to comply. If the owner is present at the inspection any fail items and the necessary corrective actions should be discussed at that time.

The owners should be given a reasonable amount of time to make the necessary repairs, usually 30 days, however, the repairs and reinspection must occur no more than 30 calendar days from the original inspection date unless an HA-approved extension has been documented. During this time, the HAP payment continues without penalty.

The AA must reinspect the unit on, or immediately after, the required completion date. A non-site reinspection is the only acceptable verification of HQS compliance. If work has been completed and the reinspection occurs within the allowed time frame, no further action is necessary and the HAP payment will continue uninterrupted.

HUD regulations allow HA to grant extensions when it is not possible to repair the problem and reinspect the unit within 30 days. The inspector and/or AA should develop a system for monitoring the progress of repairs and assessing the need for an extension. If work is not being completed on a timely basis, the inspector should attempt to determine why. Does the owner have a legitimate need for more time? Is the owner making a good faith effort to meet his obligations, but having difficulty meeting the AA schedule? Are there seasonal considerations? Is the family

cooperating? Depending upon the inspector's assessment of the situation relative to the AA's written policy and required criteria four options are available.

### **17.2.2.1 Options when work is not completed satisfactorily**

#### **17.2.2.1.1 Terminate HAP payment**

The AA will notify the owner, in writing, that:

- The HAP payment will stop effective immediately;
- Payments will not resume until the repairs are completed; and,
- No retroactive payment will be made for the period of time the HAP payment is abated.

*(See discussion of HAP payment termination in part 17.2.1, Serious Violations.)*

#### **17.2.2.1.2 Grant a "no penalty" extension of time to complete repairs**

During the extension period, the HAP payment may either continue uninterrupted OR be withheld until completion of repairs and paid in full retroactively. In either case, the extension should be documented and dated prior to the completion of the original 30 day corrective timeframe.

### **Pay Full HAP payment**

In very limited (AA -predetermined) circumstances, an owner may continue to receive the full subsidy during the course of an approved "No Penalty" extension. At the end of the extension period, if work is not completed, the AA has the following options:

- Terminate the HAP payment; or
- Grant an additional "with penalty" extension; or
- Grant an additional "no penalty" extension; or
- Terminate the HAP contract.

Generally, mitigating circumstances are the only reason for granting an additional no -penalty extension. The Owner must be able to document the mitigating circumstances. The documentation must be attached to the inspection supervisor's approval, and maintained in the family's file.

### **Withhold HAP payment and reimburse in full when all work is completed**

In limited (AA -predetermined) circumstances, the HAP payment may be withheld and paid in full retroactively if the unit is brought into compliance by the repair deadline. At the end of the extension period, if work is not completed, the inspection supervisor must decide whether to:

- Grant an additional "no penalty" extension; or
- Terminate the HAP contract; or,
- Grant an additional "with penalty" extension and withhold and reduce the HAP payment in accordance with section 17.2.2.1.3.

### 17.2.2.1.3 Grant a "with penalty" extension of time to complete repairs

***During a "with penalty" extension period, the HAP payment must be withheld. Upon completion of repairs a partial, retroactive HAP payment will be made to the owner. If the owner does not complete the repairs, the HAP payment will be terminated as described in 17.2.2.1.1 above.***

Generally, the appropriate response to a failed re-inspection is to withhold and reduce the HAP payment during the extension period. The HAP payment reduction may range from 2% to 100%. When the repairs are complete, the AA may make a partial retroactive payment. If the repairs are not completed by the end of the extension period, either the HAP contract will terminate or, if the owner can show cause why additional time is needed, the subsidy will continue to be withheld until the repairs are made.

Withholding a HAP payment during an extension period is a good inducement for an owner to complete the repairs. It demonstrates that the AA is serious about seeing the repairs completed. Instead of rewarding the owner with the full HAP payment during an extension, the HAP payment is withheld and the owner is able to receive a reduced portion only when the repairs are made.

***Sixty days from the date of the initial failed inspection, or approved extension period, if the unit remains in non-compliance, steps should be taken to terminate the HAP contract. The AA must send written notice to both the family and the owner advising them of the date of the contract termination (give an effective date of not more than 30 days from the date of the notice), at which point the family will become a tenant-at-sufferance and the AA will no longer be responsible for the rent. Again, the family needs to be made aware that once the contract is terminated, if it wishes to retain its assistance, it must locate a unit that complies with HQS and VHDA inspection requirements within 120 days of the termination effective date. The family should also be urged to seek legal counsel regarding its rights and responsibilities as a tenant-at-sufferance in a non-compliant unit.***

### 17.2.2.1.4 Terminate the HAP Contract

Although the HAP payment is suspended immediately, a 30-day notice of intent to terminate the HAP contract for non-compliance is recommended to alert the family to the impending condition of being "on the clock". The family must be issued a new subsidy and informed that in order to retain its rental assistance it must locate a new unit that can comply with HQS and VHDA's inspection requirements within 120 days of the contract termination date. The notice must also advise the family to seek legal counsel regarding its rights and responsibilities as a tenant-at-sufferance in a non-compliant unit. Provided that the HAP payment had not been terminated, the owner may receive a partial payment of the withheld subsidy pro-rated from the date of suspension to the effective date of the contract termination.

*The owner and family must be notified, in writing, of the selected course of action and the new repair deadline and re-inspection date, or contract termination date included therein.*

### 17.2.3 New Violations

A violation that is cited for the first time at a re-inspection (regardless of whether it had previously been overlooked by an inspector or had occurred subsequent to the initial failed inspection) does not automatically trigger an extension. The owner and tenant must be notified, in writing, of the new failure item(s), the new failure repair deadline, and the new failure re-inspection date without impacting the progress of the initial failure.

### 17.2.4 Other Unit Defects that are not HQS Violations

There are no sanctions or penalties for these unit defects. These defects should be noted on the inspection form, a hard copy given to both the family and owner for their records. Owners should be encouraged to make the repairs so that they will not turn into violations at a later date. Failure to make these repairs could reduce the reasonable rent approved by the AA.

## 17.3 HQS - UNIT REMAINS IN EXTENDED NON-COMPLIANCE

- When a unit fails inspection, the AA must notify the owner immediately of the time allotted to perform the repairs.
- The unit must be re-inspected to determine if the repairs have been done. On-site re-inspection is the only acceptable means of verification.
- If repairs have not been completed, the procedures outlined in section 17.2 should be followed. The owner must be notified in writing of any action being taken.
- The AA must have an internal review system for cases where the unit has been in extended non-compliance (even if a penalty extension has been granted). The internal review system should allow certain decisions to be examined by someone in the AA not previously involved in the case when non-compliance exceeds three months.
- All HAP suspensions of over three months must be listed on the quarterly report to VHDA.
- When a decision is made to suspend HAP payments, the case must be reviewed on a monthly basis. The monthly review may be done by the person who originally made the decision to suspend the subsidy.
- After three months of a suspended HAP payment, if the repairs have not been completed, the HAP Contract should be terminated. If there are mitigating circumstances, a decision may be made not to terminate the HAP Contract. The decision should be discussed with

a staff person not previously involved in the case, to strategize over future reaction if the suspension will be continued for longer than three months.

- After six months of a suspended HAP payment, the case must be submitted to VHDA for review. A history of the cases should be submitted, including what steps have been taken to review the case internally, and an explanation of why the HAP Contract has not been terminated.
- Whenever the HAP payment is suspended the family must be notified in writing. The notice to the family must state that:
  - a) The HAP payment has been suspended.
  - b) If the owner continues to neglect the repairs, the AA may terminate the HAP Contract.
  - c) If the HAP contract is terminated the AA will cease to be responsible for the contract rent. If the family remains in place after the effective date of the HAP contract termination, it will be as a tenant at-sufferance. The family will be sued for a subsidy and given the maximum amount of time (at least 120 days) to find a new unit. If the family remains in place and the subsidy expires they will lose all rental assistance benefits. The family must move in order to retain its assistance. The family may move prior to the effective date of the contract termination, provided proper notice is given to the owner and the AA.
  - d) The family is advised to seek legal counsel on paying its rent shared during the period of suspension. It is advisable that the family continue to pay rent if it chooses not to consult an attorney.
  - e) If the family pursues a court action against the owner instead of moving, it must notify the AA. If the family chooses not to move because of a pending court action, and subsequently loses in court, the AA should seek VHDA guidance on how to handle the case. If the family prevails in court, VHDA will reinstate the family in the unit in question, not in another unit (provided the unit passes inspection).
  - f) The family remains obligated to give proper notice to both the owner and the AA before moving.
- When a decision is made to terminate a HAP Contract, the family should be issued a new voucher. The effective date of the subsidy should coincide with the effective date of the HAP Contract termination, although the subsidy may be issued prior to the termination date. The family should again be advised to seek legal counsel regarding payment of rent.

An AA may be reluctant to terminate a HAP Contract because of the consequences for the family. While VHDA realizes that termination of the HAP Contract will probably force the

family to move, we should not allow assisted tenants to live in substandard housing indefinitely. If a vacant unit fails inspection, we do not allow a family to live there. Standards for in -place tenants should not be significantly different. Furthermore, it is unfair to tie up a subsidy beyond 120 days if it cannot be utilized according to program requirements.

## 18. Special Programs

VHDA administers a variety of special programs. Applicants for these programs must meet additional, specific, eligibility requirements. The majority of Section 8 related activities for these programs are carried out in accordance with this Administrative Plan and all applicable HUD requirements.

### 18.1 SECTION 8 MODERATE REHABILITATION PROGRAM

The Moderate Rehabilitation program is a spin-off of the Section 8 Voucher program. However, instead of being tied to the tenant, the rental assistance is tied to the property.

After an owner rehabilitates a property through this program, VHDA is responsible for administering the subsidy tied to the property. VHDA must inspect the units on a regular basis, and provide potential applicants for the units if the owner is unable to fill the units within a specified period of time.

Annual income and adjusted income is calculated using the same methodology as in the Section 8 Housing Choice Voucher program. Total family contribution and the HAP payment are calculated using the rules used in the Section 8 Certificate program.

Properties with HAP contracts signed and effective prior to October 1, 1981 use the Section 8 low income limit to determine eligibility program applicants. Properties with HAP contracts effective on or after October 1, 1981 use the Section 8 very low income limit to determine eligibility. In addition, all Moderate Rehab properties must demonstrate that at least 40% of their new admissions are of families with income levels at or below 30% of the median income for their community.

Rents are increased each year using the Annual Adjustment Factor method and are subject to rent reasonableness determinations.

HUD is only signing new subsidy contracts for the Moderate Rehabilitation Program for properties that qualify for the SRO - Single Room Occupancy Program.

***Owners with expiring Moderate Rehab contracts may opt out of the Section 8 program. In these cases, tenants who are still eligible for subsidy receive a Section 8 Housing Choice Voucher.***

### 18.2 PROJECT BASED CERTIFICATE PROGRAM

Under the Project Based Certificate program, VHDA utilizes part of its annual funding for the Section 8 program to subsidize part of all of the units located in a particular property. Thus, instead of being tied to the tenant, the rental assistance is tied to the property. The tenants to

receives subsidy through the PBC program are selected off the VHDA/AA waiting list, just as tenants receiving assistance through a tenant-based voucher. VHDA must inspect the units on a regular basis.

Annual income and adjusted income is calculated using the same methodology as in the Section 8 Housing Choice Voucher program. Total family contribution and the HAP payment are calculated using the rules used in the Section 8 Certificate program.

Owners use the Section 8 very low income limit to determine eligibility. In addition, all properties with a project-based certificate must demonstrate that at least 40% of their new admissions are of families with income levels at or below 30% of the median income for their community.

Rents are increased each year using the Annual Adjustment Factor method and are subject to rent reasonableness determinations. When the HAP contract creating the project-based certificate expires, the owner may opt to no longer participate in the PBC program. In these cases, tenants who are still eligible for subsidy receive a Section 8 Housing Choice Voucher.

### **18.3 FAMILY SELF SUFFICIENCY PROGRAM**

VHDA continues to administer a Family Self Sufficiency Program. Through this program, Section 8 participants establish a plan to achieve self-sufficiency by attending school and job training programs, establishing a savings account, etc. The goal is for these participants to leave the program capable of maintaining meaningful employment sufficient to afford decent housing in the private market.

### **18.4 WELFARE TO WORK PROGRAM**

VHDA administers the Welfare to Work Voucher Program. Each AA is responsible for developing a plan for administering the Welfare to Work program in its jurisdiction. The plan must outline the AA's requirements for program participation, expectations for program success, and procedures and policies for terminating a participant from the program. This plan must be approved by a VHDA Multifamily Programs Officer before an AA issues its first Welfare to Work voucher.

### **18.5 FAMILY UNIFICATION PROGRAM**

VHDA administers the Family Unification Program. Through this program VHDA and participating AAs seek to provide financial assistance to enable vulnerable families to remain together or to reform a family in suitable, decent housing. A participating AA must verify that the family meets the eligibility factors for the Section 8 Housing Choice Voucher program, as well as the specific criteria for the Family Unification Program. See VHDA's specific rules governing the Family Unification Program in the VHDA *Operations Manual*.

## **18.6 MAINSTREAM PROGRAM**

VHDA administers the Mainstream Program. Through this program VHDA and participating AA seek to provide financial assistance to enable vulnerable elderly and disabled applicants to remain in or locate in suitable, decent housing. A participating AA must verify that the family meets the eligibility factors for the Section 8 Housing Choice Voucher program, as well as the specific criteria for the Mainstream Program. See VHDA's specific rules governing the Mainstream Program in the VHDA *Operations Manual*.

## 19. Owner Claims

ONLY OWNERS WITH HAP AGREEMENTS SIGNED BEFORE SEPTEMBER, 1995 MAY SUBMIT CLAIMS TO VHDA/AA TO BE REIMBURSED FOR MONIES OWNED BY RESIDENTS WHO HAVE MOVED OUT. OWNERS WITH PRE-SEPTEMBER 1995 CERTIFICATE CONTRACTS MAY FILE A CLAIM TO COVER SOME VACANCY LOSSES.

### 19.1 Vacancy Claims

#### ~~19.1.1 Voucher Program~~

~~Vacancy claims are not permitted in the voucher program. If a participant moves out in violation of notice requirements in the lease the owner may retain the HAP payment for the month in which the family vacated the unit, but may not receive vacancy payments.~~

#### ~~19.1.2 Certificate Program~~

~~An owner with a pre-9/95 certificate contract may be entitled to vacancy payments if a family moves out in violation of notice requirements in the lease or due to an eviction. The owner may retain the HAP payment for the month in which the family vacated the unit and may claim up to 80% of the contract rent for a vacant period not to exceed one additional month, provided certain conditions are met.~~

~~To claim vacancy loss, the unit must be available for lease and the landlord must:~~

- ~~• Notify the AA within 48 hours upon learning of the vacancy or a prospective vacancy.~~
- ~~• Pursue all possible activities to fill the vacancy.~~

#### ~~19.1.3~~ **19.1.1 Moderate Rehabilitation and Project Based Certificate Program**

An owner may be entitled to vacancy payments if a family moves out in violation of notice requirements in the lease or due to an eviction. The owner may retain the HAP payment for the month in which the family vacated the unit and may claim up to 80% of the contract rent for a vacant period not to exceed one additional month, provided certain conditions are met.

To claim vacancy loss, the unit must be available for lease and the landlord must:

- Notify the AA within 48 hours upon learning of the vacancy or a prospective vacancy.
- Pursue all possible activities to fill the vacancy.

## 19.2 Unpaid Rent and Tenant Damages

### ~~19.2.1 Voucher Program~~

Owners with pre-9/95 voucher contracts may file a claim for unpaid rent and tenant damages for the lesser of the amount owed the owner or one month's Rent to Owner minus the security deposit the owner collected or could have collected. If the owner failed to collect a security deposit the amount an owner may claim is reduced by the amount the owner could have collected but did not collect from the tenant.

Unpaid rent applies only to the tenant's portion of rent while the tenant was in residence under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP contract.

To make a claim for costs associated with tenant damage, the owner must inform the AA that a claim will be made and permit an inspection before any repairs begin. All claims for damages must be supported by the actual bills for materials and labor. The landlord may not bill his or her own labor although the cost of the owner's employees' labor may be included.

To be eligible for payment of unpaid rent or damage claims, the owner must document an effort to collect the amount owed from the tenant.

### ~~19.2.2 Certificate Programs~~

Owners with pre-9/95 certificate contracts may file a claim for unpaid rent and tenant damages for the lesser of the amount owed the owner or two month's Rent to Owner minus the security deposit the owner collected or could have collected. If the owner failed to collect a security deposit the amount an owner may claim is reduced by the amount the owner could have collected but did not collect from the tenant.

### ~~19.2.3~~ **19.2.1 Moderate Rehabilitation and Project Based Certificate Programs**

Owners may file a claim for unpaid rent and tenant damages for the lesser of the amount owed the owner or two month's Rent to Owner minus the security deposit the owner collected or could have collected. If the owner failed to collect a security deposit the amount an owner may claim is reduced by the amount the owner could have collected but did not collect from the tenant.