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(exp. 02/28/2006)

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

PHA Plans

5 Year Plan for Fiscal Years 2004 - 2008
Annual Plan for Fiscal Year 2004

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

PHA Plan
Agency Identification

PHA Name: Springfield Metropolitan Housing Authority

PHA Number: OH021

PHA Fiscal Year Beginning: 10/2004

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)

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

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

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

5-YEAR PLAN
PHA FISCAL YEARS 2004 - 2008
[24 CFR Part 903.5]

A. Mission

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

☐ The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

☒ The PHA's mission is: To provide decent, safe and sanitary affordable housing and to promote among the residents we service economic independence, pride in the community, self-sufficiency, self-worth, upward mobility and their participation in the economic and political system of the Springfield and Clark County.

B. Goals

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

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

☒ PHA Goal: Expand the supply of assisted housing
Objectives:
- X Apply for additional rental vouchers:
- X Reduce public housing vacancies: By half over 3 years to < 30.
- X Leverage private or other public funds to create additional housing opportunities
- X Acquire or build units or developments
- ☐ Other (list below)

☒ PHA Goal: Improve the quality of assisted housing
Objectives:
- X Improve public housing management: (PHAS score) by 10% next year
- X Improve voucher management: (SEMAP score) by 5% next year
- X Increase customer satisfaction: All scores over 80% by next year

- ☒ Concentrate on efforts to improve specific management functions:
  Unit turn around(reduce to 45 days next year), emergency work order follow-up (100% done within 24 hours), economic self-sufficiency(develop programs and meet goals next year), rent reasonableness databases in the Housing Choice Voucher Program(populate complete database and use information)
- ☒ Renovate or modernize public housing units: All units not subject to Demo/Dispo
- ☒ Demolish or dispose of obsolete public housing: (Not yet designated)
  Scattered site units older than 1978 and far too costly to maintain; elderly units no longer meeting the demographic needs of our clients.
- ☒ Provide replacement public housing:
- ☒ Provide replacement vouchers:
- ☐ Other: (list below)

☒ PHA Goal: Increase assisted housing choices
Objectives:

- ☒ Provide voucher mobility counseling: At each briefing session
- ☒ Conduct outreach efforts to potential voucher landlords 3 times per year
- ☒ Increase voucher payment standards by maintaining 110% of FMR
- ☒ Implement voucher homeownership program: Design and implement program this year.
- ☒ Implement public housing or other homeownership programs:
- ☐ Implement public housing site-based waiting lists:
- ☐ Convert public housing to vouchers:
- ☐ Other: (list below)

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

☒ PHA Goal: Provide an improved living environment
Objectives:

- ☒ Implement measures to de-concentrate poverty by bringing higher income public housing households into lower income developments:
- ☒ Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
- ☒ Implement public housing security improvements:
  Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- ☐ Other: (list below)

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

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

Objectives:

- ☒ Increase the number and percentage of employed persons in assisted families: Analyze and develop strategies this year. Implement next year.
- ☐ 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. Document need and design strategies accordingly for this year. Implement next year.
- ☐ Other: (list below)

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

☒ 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: Target advertisements to achieve fair housing goals.
- ☐ Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
- ☐ Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
- ☐ Other: (list below)

Other PHA Goals and Objectives: (list below)

Develop risk management methods in property management and employment practices to avoid potential litigation situations. Resolve existing cases this year and incur no additional cases.

Annual PHA Plan
PHA Fiscal Year 2004
[24 CFR Part 903.7]

i. Annual Plan Type:
Select which type of Annual Plan the PHA will submit.

☒ **Standard Plan**

Streamlined Plan:

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

ii. Executive Summary of the Annual PHA Plan
[24 CFR Part 903.7 9 (r)]
Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

The Springfield Metropolitan Housing Authority (SMHA) is improving operations, infrastructure, and customer service and planning for future needs. Project-based management, a preventative maintenance program, and improvements in the skills of professional staff will be continued during the next year to provide higher levels of service to our residents and to the community. An extensive assessment of facilities, local market demands, and financial requirements has been completed and resulting in a comprehensive master plan that will be implemented over the next 5-10 years.

iii. Annual Plan Table of Contents
[24 CFR Part 903.7 9 (r)]
Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

Table of Contents

	Page #
Annual Plan	
ii. Executive Summary	1
iii. Table of Contents	1
1. Housing Needs	5
2. Financial Resources	10
3. Policies on Eligibility, Selection and Admissions	12
4. Rent Determination Policies	21
5. Operations and Management Policies	25

6. Grievance Procedures 26
7. Capital Improvement Needs 27
8. Demolition and Disposition 29
9. Designation of Housing 32
10. Conversions of Public Housing 34
11.Homeownership 35
12. Community Service Programs 37
13. Crime and Safety 39
14. Pets (Inactive for January 1 PHAs) 41
15. Civil Rights Certifications (included with PHA Plan Certifications) 41
16. Audit 42
17. Asset Management 42
18. Other Information 42

Attachments

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

Required Attachments:

☒ Admissions Policy for Deconcentration (Included in ACOP) (A) **(oh021a01)**
☒ Deconcentration and Income Mixing (B) **(oh021b01)**
☒ FY 2004 Capital Fund Program Annual Statement (E) **(oh021e01)**
☐ Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)
☒ Annual Statement/Performance & Evaluation Report. (E) Consists of:
Part I Summary, Part II Supporting Pages, & Part III Implementation Schedule for:
Capital Grant 501-01 (2001) **(oh021f01) (oh021g01)**
Capital Grant 501-02 (2002) **(oh021f01) (oh021g01)**
Capital Grant 501-03 (2003) **(oh021f01) (oh021g01)**
Capital Grant 502-03 (2003) **(oh021f01) (oh021g01)**

☒ Capital Fund Program 5-year Action Plan Consists of: Part I Summary, Part II Supporting Pages (E) Filename: **(oh021e01)**

Optional Attachments:

X PHA Management Organizational Chart (D) **(oh021d01)**
☒ FY 2004 Capital Fund Program 5 Year Action Plan (E) **(oh021e01)**
Comments of Resident Advisory Board or Boards
☒ Other (List below, providing each attachment name)
(A) Admissions and Continued Occupancy Policy (ACOP) **(oh021a01)**
(C) Administrative Plan **(oh021c01)**
(F) Voluntary Conversion Analysis **(oh021h01)**
(G) Section 8 Homeownership Capacity Statement **(oh021i01)**
(H) REAC Resident Survey Follow-up Plan **(oh021j01)**

Supporting Documents Available for Review

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

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

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Applicable Plan Component**
XX	Section 8 rent determination (payment standard) policies X check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
XX	Public housing grievance procedures X check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
XX	Section 8 informal review and hearing procedures X check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
XX	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
NA	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
XX	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
NA	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
XX	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
XX	Policies governing any Section 8 Homeownership program X check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
XX	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
XX	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
XX	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
XX	The most recent fiscal year audit of the PHA conducted	Annual Plan: Annual Audit

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Applicable Plan Component**
	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	
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

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

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

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	2,882	5	5	5	N/A	5	N/A
Income >30% but <=50% of AMI	1,478	3	4	3	N/A	3	N/A
Income >50% but <80% of AMI	2,540	2	2	2	N/A	2	N/A
Elderly	1,062*	2	1	1	N/A	1	N/A
Families with Disabilities	33	5	5	5	5	5	N/A
White/Non-hispanic	5,280	1	N/A	N/A	N/A	N/A	N/A
Black/Non-hispanic	1,576	1	N/A	N/A	N/A	N/A	N/A
Hispanic	393	1	N/A	N/A	N/A	N/A	N/A
Asian	1,002	1	N/A	N/A	N/A	N/A	N/A

*Information provided taken from pages 31 & 32 of the Consolidated Plan and represents rental households only. N/A = Not available

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

☒ Consolidated Plan of the Jurisdiction/s
Indicate year: 2000-2004
☐ U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
☐ American Housing Survey data
Indicate year:
☐ Other housing market study
Indicate year:
☐ Other sources: (list and indicate year of information)

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

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

Housing Needs of Families on the Waiting List						
Waiting list type: (select one) ☒ Section 8 tenant-based assistance ☒ Public Housing ☐ Combined Section 8 and Public Housing ☐ Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/sub-jurisdiction:						
	# of families		% of total families		Annual Turnover	
	Public Housing	Section 8	Public Housing	Section 8	Public Housing	Section 8
Waiting list total	324	1076			216	18%
Extremely low income <=30% AMI	308	1028	95%	95.53%		
Very low income (>30% but <=50% AMI)	5	42	1%	3.9%		
Low income (>50% but <80% AMI)	0	5	0%	.46%		
Families with children	310	741	96%	69%		

Housing Needs of Families on the Waiting List					
Elderly families	14	335	4%	31%	
Families with Disabilities	30	113	9%	11%	
White/Non-Hispanic	200	667	62%	61.98%	
Black/Non-Hispanic	58	398	19%	36.98%	
Hispanic-Non-Black	3	9	1%	1%	
Race/ethnicity Other	0	7	N/A	.65%	
Characteristics by Bedroom Size (Public Housing Only)					
1BR	105		32%		
2 BR	192		59%		
3 BR	13		4%		
4 BR	14		4%		
5 BR	0		N/A		
5+ BR	0		N/A		
Is the waiting list closed (select one)? XX No ☐ Yes If yes: How long has it been closed (# of months)? Does the PHA expect to reopen the list in the PHA Plan year? ☐ No ☐ Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? ☐ No ☐ Yes					

C. Strategy for Addressing Needs

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

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

We have selected this strategy as a way to properly market the units and by having available what the community needs. Advertising the units is the one way to inform the community of what we have to offer. Curb appeal is the first thing that attracts a person to a property. Once we have housed a resident we must provide good customer service.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

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

Select all that apply

☐ Employ effective maintenance and management policies to minimize the number of public housing units off-line
☒ Reduce turnover time for vacated public housing units
☒ Reduce time to renovate public housing units
Seek replacement of public housing units lost to the inventory through mixed finance development
☐ Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
☒ Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
☐ Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
☒ Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
☐ Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
☒ Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
☐ Other (list below)

Strategy 2: Increase the number of affordable housing units by:
Select all that apply

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

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

Strategy 1: Target available assistance to families at or below 30 % of AMI
Select all that apply

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

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

Strategy 1: Target available assistance to families at or below 50% of AMI
Select all that apply

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

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:
Select all that apply

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

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:
Select all that apply

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

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

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

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

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

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

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

(2) Reasons for Selecting Strategies

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

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

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

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

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
1. **Federal Grants (FY 2003 grants)**		
a) Public Housing Operating Fund	2,171,675	

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
b) Public Housing Capital Fund	1,241,104	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	5,616,865	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants	44,277	
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
2. Prior Year Federal Grants (unobligated funds only) (list below)		
501-03 as of 5/31/2004	40,000	
502-03 as of 5/31/2004	77,000	
3. Public Housing Dwelling Rental Income	1,170,000	
4. Other income (list below)		
4. Non-federal sources (list below)		
Total resources	9,899,779	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

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

(1) Eligibility

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

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

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

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

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

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

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

(2)Waiting List Organization

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

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

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

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

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

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

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

3. ☒ Yes ☐ No: May families be on more than one list simultaneously
If yes, how many lists? Section 8/ Public Housing

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
☒ PHA main administrative office
☐ All PHA development management offices
☐ Management offices at developments with site-based waiting lists
☐ At the development to which they would like to apply
☐ Other (list below)

(3) Assignment

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

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

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

(4) Admissions Preferences

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

b. Transfer policies:
In what circumstances will transfers take precedence over new admissions? (list below)

☒ Emergencies
☐ Over-housed
☐ Under-housed
☐ Medical justification
☒ Administrative reasons determined by the PHA (e.g., to permit modernization work)
☐ Resident choice: (state circumstances below)
☒ Other: (list below) For every 2 new admissions SMHA will transfer 1 family that is over/under-housed or has medical justifications.

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

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

Former Federal preferences:

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

Other preferences (select all that apply)

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

Other preference(s) (list below)

3 Date and Time

4. Relationship of preferences to income targeting requirements:

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

(5) Occupancy

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

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

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

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

(6) De-concentration and Income Mixing

a. ☒ Yes ☐ No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote de-concentration 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 de-concentration 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 de-concentration of poverty or income mixing goals at targeted developments
If selected, list targeted developments below:

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

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

d. ☐ Yes ☒ No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for de-concentration 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 de-concentration 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: 21-1 Lincoln Park and 21-6 Woodford0

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)
☒ Not applicable: results of analysis did not indicate a need for such efforts
☐ List (any applicable) developments below:

B. Section 8

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

(1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)
☒ Criminal or drug-related activity only to the extent required by law or regulation
☐ Criminal and drug-related activity, more extensively than required by law or regulation
☐ More general screening than criminal and drug-related activity (list factors below)
☐ Other (list below)

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

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

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

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

☒ Criminal or drug-related activity
☐ Other (describe below)

(2) Waiting List Organization

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)
☒ None
☐ Federal public housing
☐ Federal moderate rehabilitation
☐ Federal project-based certificate program
☐ Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)
☒ PHA main administrative office
☐ Other (list below)

(3) Search Time

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

If yes, state circumstances below:
30-day extension when documented difficulty in locating a suitable unit

(4) Admissions Preferences

a. Income targeting

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

b. Preferences
1. ☒ Yes ☐ No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

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

Former Federal preferences

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

Other preferences (select all that apply)

☐ Working families and those unable to work because of age or disability
☒ Veterans and veterans' families
☐ Residents who live and/or work in your jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs
☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes
☒ Other preference(s) (list below) Families who are working, elderly or disabled paying more than 40% of their income for rent and utilities. Women who are recovering from drug or alcohol abuse and who have successfully completed a drug or alcohol rehabilitation program so they can be reunited with their families.

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

1 Date & 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
1 Veterans and veterans' families
☐ Residents who live and/or work in your jurisdiction
☐ Those enrolled currently in educational, training, or upward mobility programs

☐ Households that contribute to meeting income goals (broad range of incomes)
☐ Households that contribute to meeting income requirements (targeting)
☐ Those previously enrolled in educational, training, or upward mobility programs
☐ Victims of reprisals or hate crimes

Other preference(s) (list below)
Same as preferences on previous page.

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)
☒ Date and time of application
☐ Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)
☐ This preference has previously been reviewed and approved by HUD
☐ The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)
☐ The PHA applies preferences within income tiers
☒ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)
☒ The Section 8 Administrative Plan
☒ Briefing sessions and written materials
☐ Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?
☒ Through published notices
☐ Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

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

(1) Income Based Rent Policies

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

a. Use of discretionary policies: (select one)

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

---or---

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

b. Minimum Rent

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

☐ $0
☒ $1-$25
☐ $26-$50

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

3. If yes to question 2, list these policies below**:**
SEE ATTACHED ACOP pages 71-73 (oh021a01)

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

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

Minimum Rents and Earned Income Disregard **SEE ATTACHEDACOP page 70 (oh021a01)**

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

SEE ATTACHED ACOP pages 70-90 (oh021a01)

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

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

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

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

e. Ceiling rents

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

☒ Yes for all developments
☐ Yes but only for some developments
☐ No

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

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

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

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

f. Rent re-determinations:

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

☐ Never
☐ At family option
☐ Any time the family experiences an income increase
☒ Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold) $50.00 monthly aggregate
☐ Other (list below)

g. ☐ Yes X 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) 95th Percentile Rents

B. Section 8 Tenant-Based Assistance

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

(1) Payment Standards

Describe the voucher payment standards and policies.

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

☐ At or above 90% but below100% 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 sub-market
☐ 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 sub-market
☒ To increase housing options for families
☐ Other (list below)

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

☒ Annually
☐ Other (list below)

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

☒ Success rates of assisted families
☒ Rent burdens of assisted families
☐ Other (list below)

(2) Minimum Rent

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

☐ $0
☒ $1-$25
☐ $26-$50

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

See Attached Administrative Plan, page 43 (oh021c01)

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

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

A. PHA Management Structure

Describe the PHA's management structure and organization.

(select one)

☒ An organization chart showing the PHA's management structure and organization is attached. **(oh021d01)**

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

B. HUD Programs Under PHA Management

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

Program Name	**Units or Families Served at Year Beginning Oct. 2004**	**Expected Turnover**
Public Housing	782	18 per month
Section 8 Vouchers	1073	18%
Section 8 Certificates		
Section 8 Mod Rehab		
Special Purpose Section 8 Certificates/Vouchers (list individually)	50 Mainstream 200 Non-elderly disability Vouchers – still leasing up	2% 10%
Public Housing Drug Elimination Program (PHDEP)		
Family Self-Sufficiency		
Other Federal Programs (list individually)		

C. Management and Maintenance Policies

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

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

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

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

A. Public Housing

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

   If yes, list additions to federal requirements below:

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

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

B. Section 8 Tenant-Based Assistance

1. ☐ Yes ☒ No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing

procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

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

☒ PHA main administrative office

☐ Other (list below)

7. Capital Improvement Needs

[24 CFR Part 903.7 9 (g)]

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

A. Capital Fund Activities

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

(1) Capital Fund Program Annual Statement

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

Select one:

☒ The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachments (E) filenames: **(oh021f01, oh021g01)**

-or-

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

(2) Optional 5-Year Action Plan

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

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

b. If yes to question a, select one:

☒ The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (E) filename: **(oh021e01)**

-or-

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

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

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

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

b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)

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

☒ Yes ☐ No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year? SMHA plans to apply for funds within the time frame of this five-year plan.
If yes, list development name/s below: Lincoln Park, Woodford, Cole Manor, and scattered sites.

☒ Yes ☐ No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? SMHA plans to

initiate mixed-finance development activities for public housing within the time frame of this five-year plan.
If yes, list developments or activities below: Lincoln Park, Woodford, Cole Manor, and scattered sites

☒ Yes ☐ No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?
If yes, list developments or activities below:
There is a potential for demolition or disposition of Lincoln Park and other public housing units based on non-viability. This is a strategic issue for the Board of Commissioners and action is expected within the timeframe of this five year plan.

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]
Applicability of component 8: Section 8 only PHAs are not required to complete this section.

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

2. Activity Description

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

Demolition/Disposition Activity Description
1a. Development name: Lincoln Park 1b. Development (project) number: OH16P021-001
2. Activity type: Demolition X Disposition X
3. Application status (select one) Approved ☐ Submitted, pending approval ☐

Planned application X
4. Date application approved, submitted, or planned for submission: (30/09/04)
5. Number of units affected: 15 units – 25 units 6. Coverage of action (select one) X Part of the development ☐ Total development
7. Timeline for activity: The disposition of up to 15 units in Lincoln Park is contingent upon the approval of the Continuum of Care application in conjunction with a cooperative agreement. The demolition of other units may be proposed for de-concentration. a. Actual or projected start date of activity: Undetermined b. Projected end date of activity: Undetermined

Demolition/Disposition Activity Description
1a. Development name: Woodford 1b. Development (project) number: OH16P021-006
2. Activity type: Demolition ☐ Disposition ☒
3. Application status (select one) Approved ☐ Submitted, pending approval ☐ Planned application ☒
4. Date application approved, submitted, or planned for submission: (30/09/04)
5. Number of units affected: 15- 25 units 6. Coverage of action (select one) X Part of the development ☐ Total development
7. Timeline for activity: The disposition of up to 15 units in Woodford is contingent upon the approval of the Continuum of Care application in conjunction with a cooperative agreement. a. Actual or projected start date of activity: Undetermined b. Projected end date of activity: Undetermined

Demolition/Disposition Activity Description
1a. Development name: Scattered Sites 1b. Development (project) number: OH16P021-011
2. Activity type: Demolition ☒ Disposition
3. Application status (select one) Approved ☐ Submitted, pending approval ☐

Planned application ☒
4. Date application approved, submitted, or planned for submission: (30/09/04)
5. Number of units affected: 1-3 units 6. Coverage of action (select one) ☒ Part of the development ☐ Total development
7. Timeline for activity: The demolition of scattered site units is contingent upon the completion of various impact studies (environmental, etc.) and the application process. a. Actual or projected start date of activity: Undetermined b. Projected end date of activity: Undetermined

Demolition/Disposition Activity Description
1a. Development name: Scattered Sites 1b. Development (project) number: OH16P021-013
2. Activity type: Demolition ☒ Disposition
3. Application status (select one) Approved ☐ Submitted, pending approval ☐ Planned application ☒
4. Date application approved, submitted, or planned for submission: (30/09/04)
5. Number of units affected: 1-3 units 6. Coverage of action (select one) ☒ Part of the development ☐ Total development
7. Timeline for activity: The demolition of scattered site units is contingent upon the completion of various impact studies (environmental, etc.) and the application process. a. Actual or projected start date of activity: Undetermined b. Projected end date of activity: Undetermined

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

[24 CFR Part 903.7 9 (i)]

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

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

2. Activity Description

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

Designation of Public Housing Activity Description
1a. Development name: Grayhill Homes 1b. Development (project) number: OH 16P 021-003
2. Designation type: Occupancy by only the elderly ☒ Occupancy by families with disabilities ☐ Occupancy by only elderly families and families with disabilities ☐
3. Application status (select one) Approved; included in the PHA's Designation Plan ☒ Submitted, pending approval ☐ Planned application ☐
4. Date this designation approved, submitted, or planned for submission: (08/2003)
5. If approved, will this designation constitute a (select one) ☐ New Designation Plan ☐ Revision of a previously-approved Designation Plan?
6. Number of units affected: 105 7. Coverage of action (select one) ☐ Part of the development

☒ Total development

Designation of Public Housing Activity Description
1a. Development name: Robert C. Henry Homes 1b. Development (project) number: OH 16P 021-008
2. Designation type: Occupancy by only the elderly ☒ Occupancy by families with disabilities ☐ Occupancy by only elderly families and families with disabilities ☐
3. Application status (select one) Approved; included in the PHA's Designation Plan ☒ Submitted, pending approval ☐ Planned application ☐
4. Date this designation approved, submitted, or planned for submission: (08/2003)
5. If approved, will this designation constitute a (select one) ☐ New Designation Plan ☐ Revision of a previously-approved Designation Plan?
6. Number of units affected: 50 7. Coverage of action (select one) ☐ Part of the development ☒ Total development

Designation of Public Housing Activity Description
1a. Development name: Hugh Taylor Apartments 1b. Development (project) number: OH 16P 021-005
2. Designation type: Occupancy by only the elderly ☒ Occupancy by families with disabilities ☐ Occupancy by only elderly families and families with disabilities ☐
3. Application status (select one) Approved; included in the PHA's Designation Plan ☒ Submitted, pending approval ☐ Planned application ☐
4. Date this designation approved, submitted, or planned for submission: (08/2003)
5. If approved, will this designation constitute a (select one) ☐ New Designation Plan ☐ Revision of a previously-approved Designation Plan?
6. Number of units affected: 100 7. Coverage of action (select one) ☐ Part of the development

☒ Total development

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

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

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

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

2. Activity Description

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

Conversion of Public Housing Activity Description
1a. Development name: 1b. Development (project) number:
2. What is the status of the required assessment? ☐ Assessment underway ☐ Assessment results submitted to HUD ☐ Assessment results approved by HUD (if marked, proceed to next question) ☐ Other (explain below)
3. ☐ Yes ☐ 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) ☐ Conversion Plan in development ☐ Conversion Plan submitted to HUD on: (DD/MM/YYYY) ☐ Conversion Plan approved by HUD on: (DD/MM/YYYY) ☐ 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) ☐ Units addressed in a pending or approved demolition application (date

submitted or approved:

☐ Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved:)

☐ Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved:)

☐ Requirements no longer applicable: vacancy rates are less than 10 percent

☐ Requirements no longer applicable: site now has less than 300 units

☐ Other: (describe below)

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

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

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

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

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

2. Activity Description

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

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name:

1b. Development (project) number:
2. Federal Program authority: ☐ HOPE I ☐ 5(h) ☐ Turnkey III ☐ Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) ☐ Approved; included in the PHA's Homeownership Plan/Program ☐ Submitted, pending approval ☐ 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) ☐ Part of the development ☐ Total development

B. Section 8 Tenant Based Assistance

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

2. Program Description:

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

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

If yes, list criteria below:

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (l)]

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

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

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

If yes, what was the date that agreement was signed? 10/10/01

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

☒ Client referrals
☒ Information sharing regarding mutual clients (for rent determinations and otherwise)
☐ Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
☐ Jointly administer programs
☒ Partner to administer a HUD Welfare-to-Work voucher program
☐ Joint administration of other demonstration program
☒ Other (describe) Youth training program, building trades:
Intake Specialist works 4 hours for one day per week at the local TANF agency accepting applications.

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

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

☐ Public housing rent determination policies
☐ Public housing admissions policies
☒ Section 8 admissions policies
☐ Preference in admission to section 8 for certain public housing families
☐ Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA

☐ Preference/eligibility for public housing homeownership option participation
☒ Preference/eligibility for section 8 homeownership option participation
☐ Other policies (list below)

b. Economic and Social self-sufficiency programs

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

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
Family Self-Sufficiency	50	Specific criteria	PHA Main Office	Section 8 Participant

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2004 Estimate)	Actual Number of Participants (As of: 5/04/04)
Public Housing	0	
Section 8	74	51

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

C. Welfare Benefit Reductions

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

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

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

SMHA will administer the Community Service Requirements. SMHA will provide, for eligible residents, a list of agencies to perform community service. SMHA will provide all necessary paperwork i.e. Revised Lease Agreement, Non Compliance Notices, Exemption Status Forms, Agreement to Cure, Verification of Compliance and Community Service Policy.

13. PHA Safety and Crime Prevention Measures

[24 CFR Part 903.7 9 (m)]

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

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

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

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

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

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

3. Which developments are most affected? (list below)
Lincoln Park and Woodford.

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

1. List the crime prevention activities the PHA has undertaken or plans to undertake: (select all that apply)
☒ Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
☐ Crime Prevention Through Environmental Design
☒ Activities targeted to at-risk youth, adults, or seniors
☐ Volunteer Resident Patrol/Block Watchers Program
☐ Other (describe below)

2. Which developments are most affected? (list below)
Lincoln Park and Woodford.

C. Coordination between PHA and the police

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

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

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

D. Additional information as required by PHDEP/PHDEP Plan

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

☒ Yes ☐ No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
☐ Yes ☒ No: Has the PHA included the PHDEP Plan for FY 2004 in this PHA Plan? **PHDEP eliminated by HUD.**
☐ Yes ☒ No: This PHDEP Plan is an Attachment. (Attachment Filename:)

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

SEE ATTACHED ACOP pages 132-138 (oh021a02)

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

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

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

1. ☒ Yes ☐ No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U S.C. 1437c(h))? (If no, skip to component 17.)
2. ☒ Yes ☐ No: Was the most recent fiscal audit submitted to HUD? FY 2003
3. ☒ Yes ☐ No: Were there any findings as the result of that audit?
4. ☐ Yes ☒ No: If there were any findings, do any remain unresolved? If yes, how many unresolved findings remain?____
5. ☐ Yes ☐ No: Have responses to any unresolved findings been submitted to HUD? If not, when are they due (state below)?

17. PHA Asset Management

[24 CFR Part 903.7 9 (q)]

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

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

2. What types of asset management activities will the PHA undertake? (select all that apply)

☐ Not applicable
☐ Private management
☐ Development-based accounting
☒ Comprehensive stock assessment
☐ Other: (list below)

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

18. Other Information

[24 CFR Part 903.7 9 (r)]

RAB Board Members

Terry Lindsay, Lincoln Park
Linda Ellison, Cole Manor
Jan Ayers, Grayhill
Bart Laywell, Hugh Taylor

Lois Smith, Robert C. Henry

A. Resident Advisory Board Recommendations

1. Yes ☒ No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s? Hearing to be held July 20, 2004 and if comments are received this answer will be changed to yes. No comments were received.

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

☐ Attached at Attachment (File name)

☐ Provided below:

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

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

☐ 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

Mr. Bart Laywell is the newest member of the SMHA Board of Commissioners. Mr. Laywell is a resident of Hugh Taylor with full voting rights. He was placed on the Board of Commission in August, 2001.

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

2. ☐ Yes ☒ No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

- A flyer was sent to all residents
- Any interested residents sent resumes to the Executive Director
- The Executive Director interviewed candidates and narrowed the selection to 2 or 3 people and referred these names to The City of Springfield's Board of Commissioners

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) Appointed by the electing City Official

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) Appointed by the electing City Official

C. Statement of Consistency with the Consolidated Plan

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

1. Consolidated Plan jurisdiction: City of Springfield, Ohio

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

☒ 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)
Working cooperatively with SMHA on common goals.

☐ Other: (list below)

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

Working cooperatively with SMHA on common goals.

D. Other Information Required by HUD

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

Definition of Substantial Deviation and Significant Amendment or Modification:

The following will be considered "substantial deviation" and significant amendment" to the PHA Plan.

- Any change with regard to demolition or disposition, designation, homeownership programs or conversions activities; and
- Any changes in Policy.

Any significant amendment or substantial deviation/modification to PHA Plan is subject to the same requirements as the original PHA Plan (including timeframes).

Attachments

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

Attachment A:	Admissions and Continued Occupancy Policy
Attachment B:	Deconcentration and Income Mixing
Attachment C:	Administrative Plan
Attachment D:	PHA Management Organizational Chart
Attachment E:	Capital Plan, CGP Annual Statement/Performance Evaluation Reports, and Five-Year Action Plan Capital Fund Program Implementation Schedule
Attachment F:	Voluntary Conversion Analysis
Attachment G:	Section 8 Homeownership Capacity Statement
Attachment H:	REAC Resident Survey Follow-up Plan
Attachment I:	Certifications and Approvals (signed originals will be mailed to HUD Cleveland, Ohio office)

SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

ADMISSIONS & CONTINUED OCCUPANCY POLICY

FOR THE

CONVENTIONAL HOUSING PROGRAM

Approved by the HA Board of Commissioners:	July 20, 2004
Submitted to HUD:	July 21, 2004

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PROGRAM INTEGRITY ADDENDUM

A. CRITERIA FOR INVESTIGATION OF SUSPECTED FRAUD AND ABUSE 10
Addendum-2
B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD
Addendum-3……..11
C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD
Addendum-4……..11
D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD
Addendum-5……..12
E. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD
Addendum-
6…….……13
F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY
SMHA Addendum-7……14
G. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW
Addendum-7 14
H. EVALUATION OF THE FINDINGS .....
Addendum7……....14
I. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED
Addendum- 8…...……..14

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

A. HOUSING AUTHORITY MISSION STATEMENT 18
B. LOCAL OBJECTIVES.....18
C. PURPOSE OF THE POLICY 19
D. FAIR HOUSING POLICY 19
E. SERVICE AND ACCOMMODATIONS POLICY 21
F. TRANSLATION OF DOCUMENTS.....23
G. LANGUAGE ASSISTANCE 24
H. PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) OBJECTIVES.....24
I. FAMILY OUTREACH.....24
J. PRIVACY RIGHTS.....24
K. POSTING OF REQUIRED INFORMATION.....25
L. TERMINOLOGY 26

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Chapter 2

ELIGIBILITY FOR ADMISSION

A. QUALIFICATION FOR ADMISSION 27
B. FAMILY COMPOSITION 28
C. MANDATORY SOCIAL SECURITY NUMBERS 31
D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS 31
E. OTHER ELIGIBILITY CRITERIA 32
F. DENIAL OF ADMISSION FOR DRUG-RELATED AND/OR OTHER CRIMINAL ACTIVITY 34
G. SCREENING FOR SUITABILITY 39
H. HEARINGS 46

Chapter 3

APPLYING FOR ADMISSION

A. HOW TO APPLY 46
B. COMPLETION OF A FULL APPLICATION 47
C. PROCESSING APPLICATIONS 48
D. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY 49

Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN

A. MANAGEMENT OF THE WAITING LIST 50
B. WAITING LIST PREFERENCES 53
C. ORDER OF SELECTION FOR GENERAL OCCUPANCY (FAMILY) DEVELOPMENTS 56
D. ORDER OF SELECTION FOR MIXED POPULATION DEVELOPMENTS 56
E. VERIFICATION OF PREFERENCE QUALIFICATION 57
F. PREFERENCE DENIAL 57
G. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS 58
H. INCOME TARGETING 58
I. UNITS DESIGNATED FOR THE ELDERLY 59
J. UNITS DESIGNATED FOR THE DISABLED 60
K. DECONCENTRATION OF POVERTY AND INCOME-MIXING 59
L. PROMOTION OF INTEGRATION 62

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M. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST 62
N. REMOVAL FROM WAITING LIST AND PURGING.....62
O. OFFER OF ACCESSIBLE UNITS.....63
P. PLAN FOR UNIT OFFERS 63
Q. CHANGES PRIOR TO UNIT OFFER..... 64
R. APPLICANT STATUS AFTER FINAL UNIT OFFER.....64
S. TIME-LIMIT FOR ACCEPTANCE OF UNIT 64
T. REFUSAL OF OFFER 65

Chapter 5

OCCUPANCY GUIDELINES

A. DETERMINING UNIT SIZE 66
B. EXCEPTIONS TO OCCUPANCY STANDARDS 67
C. INCENTIVES TO ATTRACT HIGHER INCOME FAMILIES TO LOWER INCOME DEVELOPMENTS 69
D. ACCESSIBLE UNITS 69
E. FAMILY MOVES 69

Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT

A. MINIMUM RENT 70
B. INCOME AND ALLOWANCES.....73
C. TRAINING INCOME EXCLUSIONS 74
D. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS 78
E. INDIVIDUAL SAVINGS ACCOUNTS 81
F. TRAINING PROGRAMS FUNDED BY HUD 81
G. WAGES FROM EMPLOYMENT WITHING THE PHA OR RESIDENT ORGANIZATION.....81
H. AVERAGING INCOME 81
I. MINIMUM INCOME.....82
J. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME.....82
K. REGULAR CONTRIBUTIONS AND GIFTS 82
L. ALIMONY AND CHILD SUPPORT.....83
M. LUMP-SUM RECEIPTS 83
N. CONTRIBUTIONS TO RETIREMENT FUNDS- ASSETS 85
O. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE 85
P. CHILD CARE EXPENSES 85
Q. MEDICAL EXPENSES..... 86
R. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES 86
S. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

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.....87
T. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS 88
U. EXCESS UTILITY PAYMENTS.....89
V. CEILING RENTS 89
W. FAMILY CHOICE IN RENTS.....89

Chapter 7

VERIFICATION PROCEDURES

A. METHODS OF VERIFICATION AND TIME ALLOWED.....91
B. RELEASE OF INFORMATION 93
C. COMPUTER MATCHING 93
D. ITEMS TO BE VERIFIED 95
E. VERIFICATION OF INCOME 96
F. INCOME FROM ASSETS 103
G. VERIFICATION OF ASSETS 104
H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME.....105
I. VERIFYING NON-FINANCIAL FACTORS 107
J. VERIFICATION OF SUITABILITY FOR ADMISSION 112
K. VERIFICATION OF WAITING LIST PREFERENCES.....113

Chapter 8

TRANSFER POLICY

A. GENERAL STATEMENT 115
B. ELIGIBILITY FOR TRANSFER 116
C. PRIORITY OF TRANSFERS 117
D. MOVING COSTS.....118
E. SECURITY DEPOSITS 119
F. PROCESSING TRANSFERS 119
G. TRANSFER REQUEST PROCEDURE 119
H. RENT ADJUSTMENTS OF TRANSFERRED RESIDENTS.....120
I. REEXAMINATION DATE.....120

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Chapter 9

LEASING

A. LEASE ORIENTATION 121
B. LEASE REQUIREMENTS 121
C. EXECUTION OF LEASE 121
D. ADDITIONS TO THE LEASE 122
E. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES 124
F. UTILITY SERVICES 125
G. SECURITY DEPOSITS 125
H. RENT PAYMENTS 126
I. FEES AND NONPAYMENT PENALTIES 126
J. SCHEDULES OF SPECIAL CHARGES 127
K. MODIFICATIONS TO THE LEASE 127
L. CANCELLATION OF THE LEASE 127
M. INSPECTIONS OF PUBLIC HOUSING UNITS 127

Chapter 10

PET POLICY – ELDERLY/DISABLED PROJECTS

A. MANAGEMENT APPROVAL OF PETS 132
B. STANDARDS FOR PETS 133
C. PETS TEMPORARILY ON THE PREMISES 134
D. DESIGNATION OF PET/NO PET AREAS 135
E. ADDITIONAL FEES AND DEPOSITS FOR PETS 135
F. ALTERATIONS TO UNIT 135
G. PET WASTE REMOVAL CHARGE 136
H. PET AREA RESTRICTIONS 136
I. NOISE 136
J. CLEANLINESS REQUIREMENTS 136
K. PET CARE 137
L. RESPONSIBLE PARTIES 137
M. INSPECTIONS 137
N. PET RULE VIOLATION NOTICE 137
O. NOTICE FOR PET REMOVAL 138
P. TERMINATION OF TENANCY 138
Q. PET REMOVAL 138
R. EMERGENCIES 138

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Chapter 11

PET POLICY – FAMILY PROJECTS

A. ANIMALS THAT ASSIST, SUPPORT OR PROVIDE SERVICE TO PERSONS WITH DISABILITIES 139
B. STANDARDS FOR PETS 140
C. REGISTRATION OF PETS 141
D. PET AGREEMENT 142
E. DESIGNATION OF PET-FREE AREAS 144
F. PETS TEMPORARILY ON THE PREMISES 144
G. DEPOSITS FOR PETS 144
H. ADDITIONAL PET FEES 145
I. PET WASTE REMOVAL CHARGE 146
J. PET AREA RESTRICTIONS 146
K. CLEANLINESS REQUIREMENTS 146
L. PET CARE 146
M. RESPONSIBLE PARTIES 146
N. INSPECTIONS 147
O. PET RULE VIOLATION NOTICE 147
P. NOTICE FOR PET REMOVAL 147
Q. TERMINATION OF TENANCY 148
R. PET REMOVAL 148
S. EMERGENCIES 148

Chapter 12

REEXAMINATIONS

A. ELIGIBILITY FOR CONTINUED OCCUPANCY 149
B. ANNUAL REEXAMINATION 149
C. REPORTING INTERIM CHANGES 153
D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS 154
E. OTHER INTERIM REPORTING ISSUES 156
F. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS) 156
G. REPORTING OF CHANGES IN FAMILY COMPOSITION 157
H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT 162
I. CHANGES IN UNIT SIZE 162
J. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES 163

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Chapter 13

LEASE TERMINATIONS

A. TERMINATION BY TENANT 164
B. TERMINATION BY SMHA 164
C. NOTIFICATION REQUIREMENTS 165
D. RECORD KEEPING 167
E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS 168

Chapter 14

COMPLAINTS, GRIEVANCES AND APPEALS

A. COMPLAINTS 168
B. APPEALS BY APPLICANTS 169
C. APPEALS BY TENANTS 169
D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NONCITIZENS" 170
E. GRIEVANCE PROCEDURES 171

Chapter 15

FAMILY DEBTS TO THE PHA

A. PAYMENT AGREEMENT FOR FAMILIES 176
B. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION 178
C. WRITING OFF DEBTS 178

Chapter 16

COMMUNITY SERVICE

A. REQUIREMENT 179
B. EXEMPTIONS 179
C. DEFINITION OF ECONOMIC SELF-SUFFICIENCY PROGRAM 180
D. ANNUAL DETERMINATIONS 181
E. NONCOMPLIANCE 181

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F. PHA RESPONSIBILITY 182
G. PHA IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENT 182

GLOSSARY

I. TERMS USED IN DETERMINING RENT 183
II. GLOSSARY OF HOUSING TERMS 189
III. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE 199

Addendum

I. CHAPTER 7 – VERIFICATION PROCEDURES (pg 91) – Addendum 1……201

II. FAMILY CHOICE IN RENTS-FLAT RENTS (pg 89)- Addendum 2……...202

III. ESTABLISHED FLAT RENT FOR THE PUBLIC HOUSING UNITS……203

IV. FLAT RENT POLICY…….....204

V. FLAT RENTS……..206

VI. REINSTATEMENT OF COMMUNITY SERVICE POLICY – Addendum 3...208

VII. RESOLUTION # 1309: COMMUNITY SERVICE POLICY……209

VII. COMMUNITY SERVICE POLICY……210

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PROGRAM INTEGRITY ADDENDUM

INTRODUCTION

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental subsidy than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families

are either totally ineligible, or are receiving benefits that exceed their legal entitlement. The PHA is committed to assure that the proper level of benefits is paid to all tenants, and that housing resources reach only income-eligible families so that program integrity can be maintained.

Springfield Metropolitan Housing Authority (SMHA) will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the Springfield Metropolitan Housing Authority's policies for the prevention, detection and investigation of program abuse and tenant fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will SMHA undertake an inquiry or an audit of a tenant family arbitrarily. SMHA's expectation is that tenant families will comply with HUD requirements, provisions of the lease, and other program rules. SMHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, SMHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor tenants' lease obligations for compliance and, when indicators of possible abuse come to SMHA' s attention, to investigate such claims.

SMHA will initiate an investigation of a tenant family only in the event of one or more of the following circumstances:

> Referrals, Complaints, or Tips. SMHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a tenant family is in non-compliance with, or otherwise violating the lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the tenant file.
>
> Internal File Review. A follow-up wll be made if SMHA staff discovers (as a function of a [re]certification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the SMHA's

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knowledge of the family, or is discrepant with statements made by the family.

Verification or Documentation. A follow-up will be made if SMHA receives independent verification or documentation which conflicts with representations in the tenant file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The management and occupancy staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and tenant families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by tenant families.

Things You Should Know. This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify SMHA's expectations for cooperation and compliance.

Program Orientation Session. Mandatory orientation sessions will be conducted by the Site Manager for all prospective tenants either prior to or upon execution of the lease. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.

Resident Counseling. SMHA will routinely provide tenant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and explanation of Forms. Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.

Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse

Tenant Certification. All family representatives will be required to sign a "Tenant Certification" form, as contained in HUD's Tenant Integrity Program Manual.

C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

SMHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

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Quality Control File Reviews. Prior to initial certification, and at the completion of all subsequent recertifications, each tenant file will be reviewed. Such reviews shall include, but are not limited to:

Changes in reported Social Security Numbers or dates of birth.

Authenticity of file Documents.

Ratio between reported income and expenditures.

Review of signatures for consistency with previously signed file documents.

Observation. SMHA Management and Occupancy Staff (to include maintenance personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

Public Record Bulletins may be reviewed by Management and Staff.

State Wage Data Record Keepers. Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits

Credit Bureau Inquiries. Credit Bureau inquiries may be made (with proper authorization by the tenant) in the following circumstances:

At the time of final eligibility determination

When an allegation is received by SMHA wherein unreported income sources are disclosed.

When a tenant's expenditures exceed his/her reported income, and no plausible explanation is given.

D. PHA's HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

SMHA's staff will encourage all tenant families to report suspected abuse to the Property Manager's**.** All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the tenant file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The SMHA will not follow up on allegations which are vague or otherwise non-specific. The will only review allegations which contain one or more independently verifiable facts.

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File Review. An internal file review will be conducted to determine:

If the subject of the allegation is a tenant of SMHA and, if so, to determine whether or not the information reported has been previously disclosed by the family.

It will then be determined if SMHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Property Manager will initiate an investigation to determine if the allegation is true or false.

E. HOW PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If SMHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, SMHA will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries. In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity which conflicts with the reported income of the family.

Verification of Credit. In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to SMHA's review.

Other Agencies. Investigators, case workers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, SMHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements,

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voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members. SMHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate SMHA office. A high standard of courtesy and professionalism will be maintained by the SMHA Staff Person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY SMHA

Documents and other evidence obtained by SMHA during the course of an investigation will be considered "work product" and will either be kept in the tenant file, or in a separate "work file." In either case, the tenant file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among SMHA Staff unless they are involved in the process, or have information which may assist in the investigation.

G. CONCLUSION OF PHA's INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

H. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, SMHA will review the facts to determine:

- The type of violation. (Procedural, non-compliance, fraud)
- Whether the violation was intentional or unintentional
- What amount of money (if any) is owed by the tenant
- Is the family eligible for continued occupancy

I. ACTION PROEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, SMHA will propose the most appropriate remedy based upon the type and severity of the violation.

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Procedural Non-compliance

This category applies when the tenant "fails to" observe a procedure or requirement of SMHA , but does not misrepresent a material fact, and there is no retroactive rent owed by the family. Examples of non-compliance violations are:

- Failure to appear at a pre-scheduled appointment
- Failure to return verification in time period specified by SMHA

Warning Notice to the Family. In such cases a notice will be sent to the family which contains the following:

A description of the non-compliance and the procedure, policy or obligation which was violated.

The date by which the violation must be corrected, or the procedure complied with.

The action which will be taken by SMHA if the procedure or obligation is not complied with by the date specified by SMHA.

The consequences of repeated (similar) violations.

Procedural Non-compliance - Retroactive Rent

When the tenant owes money to SMHA for failure to report changes in income or assets, SMHA will issue a Notification of Underpaid Rent. This Notice will contain the following:

- A description of the violation and the date(s).
- Any amounts owed to SMHA.
- A 10 day response period.

The right to disagree and to request an informal hearing with instructions for the request of such hearing.

Tenant Fails to Comply with SMHA's Notice. If the Tenant fails to comply with the SMHA's notice, and a material provision of the lease has been violated, SMHA will initiate termination of tenancy.

Tenant Complies with SMHA's Notice. When a tenant complies SMHA's notice, the staff person responsible will meet with him/her to discuss and explain the obligation or lease provision which was violated. The staff person will complete a Tenant Counseling Report, give one copy to the

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family and retain a copy in the tenant file.

Intentional Misrepresentations

When a tenant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an underpayment of rent by the tenant, SMHA will evaluate whether or not:

the tenant had knowledge that his/her actions were wrong, and

that the tenant willfully violated the lease or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the tenant was made aware of program requirements and prohibitions. The tenant's signature on various certification, briefing certificate, Personal Declaration and *Things You Should Know* are adequate to establish knowledge of wrong-doing.

The tenant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- An admission by the tenant of the misrepresentation
- That the act was done repeatedly
- If a false name or Social Security Number was used
- If there were admissions to others of the illegal action or omission
- That the tenant omitted material facts which were known to them (e.g., employment of self or other household member)
- That the tenant falsified, forged or altered documents
- That the tenant uttered and certified to statements at a rent (re)determination which were later independently verified to be false

The Tenant Conference for Serious Violations and Misrepresentations

When SMHA has established that material misrepresentation(s) have occurred, a Tenant Conference will be scheduled with the family representative and SMHA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by SMHA. The purpose of such conference is to review the information and evidence obtained by SMHA with the tenant, and to provide the tenant an opportunity to explain any document findings which conflict with representations in the tenant file. Any documents or mitigating circumstances presented by the tenant will be taken into consideration by SMHA . The

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tenant will be given 10 working days to furnish any mitigating evidence.

A secondary purpose of the Tenant Conference is to assist SMHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the SMHA will consider:

- The duration of the violation and number of false statements
- The tenant's ability to understand the rules
- The tenant's willingness to cooperate, and to accept responsibility for his/her action
- The amount of money involved
- The tenant's past history
- Whether or not criminal intent has been established
- The number of false statements

Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, SMHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Criminal Prosecution: If SMHA has established criminal intent, and the case meets the criteria for prosecution, SMHA may:

Refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

Administrative Remedies: SMHA may:

Terminate tenancy and demand payment of restitution in full.

Terminate tenancy and execute an administrative repayment agreement in accordance with the SMHA's Repayment Policy.

Permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with SMHA's repayment policy.

Notification to Tenant of Proposed Action

SMHA will notify the tenant of the proposed action no later than 10 working days after the tenant conference by certified mail.

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Public Housing Program was created by the U.S. Housing Act of 1937.

Administration of the Public Housing Program and the functions and responsibilities of the Springfield Metropolitan Housing Authority (SMHA) staff shall be in compliance with SMHA's Personnel Policy, any union agreements and this Admissions and Continued Occupancy Policy. The administration of SMHA's housing program will also meet the requirements of the Department of Housing and Urban Development. Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 CFR, Parts 1, 5, 8, 100 and 900-966 (Code of Federal Regulations).

A. HOUSING AUTHORITY MISSION STATEMENT

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

B. LOCAL OBJECTIVES

This Admissions and Continued Occupancy Plan for the Public Housing Program is designed to demonstrate that SMHA is managing its program in a manner that reflects its commitment to improving the quality of housing available to its public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, this Admissions and Continued Occupancy Policy is designed to achieve the following objectives:

1) To provide improved living conditions for very low and low income families while maintaining their rent payments at an affordable level.

2) To operate a socially and financially sound public housing agency that provides decent, safe, and sanitary housing within a drug free, suitable living environment for tenants and their families.

3) To avoid concentrations of economically and socially deprived families in any one or all of SMHA's public housing developments.

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4) To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood, or create a danger to SMHA employees.

5) To attempt to house a tenant body in each development that is composed of families with a broad range of incomes and rent-paying abilities that are representative of the range of incomes of low-income families in SMHA's jurisdiction.

6) To provide opportunities for upward mobility for families who desire to achieve self-sufficiency.

7) To facilitate the judicious management of SMHA inventory, and the efficient management of the SMHA staff.

8) To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conducted without regard to race, color, religion, creed, sex, national origin, handicap or familial status.

C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to establish guidelines for the Springfield Metropolitan Housing Authority (SMHA) staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and SMHA.

The SMHA Board of Commissioners must approve the original policy and any changes. Required portions of this Plan will be provided to HUD.

D. FAIR HOUSING POLICY

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

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development
- Act of 1974 and the Fair Housing Amendments Act of 1988)

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- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise
- Section 504 and the Fair Housing Amendments govern)

Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

SMHA will not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status**,** or sexual orientation in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under SMHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout SMHA's office in such a manner as to be easily readable from a wheelchair. To further its commitment to full compliance with applicable Civil Rights laws, SMHA will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during the resident orientation session.

SMHA has accessible units for persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

The SMHA shall not, on account of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs
- Provide housing that is different from that provided to others
- Subject a person to segregation or disparate treatment
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program

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- Treat a person differently in determining eligibility or other requirements for admission

- Deny a person access to the same level of services

The SMHA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, elderly families with pets).

E. SERVICE AND ACCOMMODATIONS POLICY

It is the policy of the Springfield Metropolitan Housing Authority to provide courteous and efficient service to all applicants for housing assistance. In that regard, SMHA will endeavor to accommodate persons with disabilities, as well as those persons with language and literacy barriers.

This policy is applicable to all situations described in this Admissions and Continued Occupancy Policy when a family initiates contact with SMHA, when SMHA initiates contact with a family including when a family applies, and when SMHA schedules or reschedules appointments of any kind.

It is the policy of the Springfield Metropolitan Housing Authority to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

SMHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on SMHA forms and letters to all families, and all requests will be verified so that SMHA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

With respect to an individual, the term "disability," as defined by the 1990 Act means:

> A physical or mental impairment that substantially limits one or more of the major life activities of an individual; or
>
> A record of such impairment, or
>
> Being regarded as having such impairment.

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Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for SMHA, meaning an action requiring "significant difficulty or expense."

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

> The nature and cost of the accommodation needed;
>
> The overall current financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and
>
> The number of persons currently employed at such facility, the number of families likely currently to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

Verification of a Request for Accommodation

All requests for accommodation or modification of a unit will be verified with a reliable, knowledgeable, professional.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

SMHA will require verification from a knowledgeable professional when a request for a home visit recertification is submitted.

Reasonable Accommodation

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

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

Application Process

For purposes of this section, the Springfield Metropolitan Housing Authority will make the following types of accommodations to persons with disabilities to facilitate the application process:

> Permitting the submission of applications or certification forms via mail.

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Permitting an authorized designee to participate in the application or certification process.

Recertification by Mail

SMHA will permit the family to submit annual and interim recertification forms through the mail, when SMHA has determined that the request is necessary as a reasonable accommodation.

The mail-in packet will include notice to the family of SMHA's deadline for returning the completed forms to SMHA.

If there is more than one adult member in the household, but only one is disabled, recertifications will not be processed through the mail. In such cases, the able adult family members come in for the appointment and then take the necessary forms home to the member with a disability for completion and signature.

Home Visits

When requested and where the need for reasonable accommodation has been established, SMHA will conduct home visits for residents in order to conduct annual and interim recertifications.

Requests for home visit recertifications must be received by SMHA at least 7 days before the scheduled appointment date in order for the request to be considered.

SMHA will not consider home visit recertifications that are requested after the scheduled appointment has been missed.

Other Accommodations

SMHA utilizes organizations that provide assistance for hearing- and sight-impaired persons when needed.

Families will be offered an accessible unit, upon request by the family, when an accessible unit is available.

SMHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities**.**

F. TRANSLATION OF DOCUMENTS

In determining whether it is feasible to translate documents into other languages, SMHA will consider the following factors:

- Number of families in Springfield who do not speak English and speak the other language

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- Estimated cost to SMHA per client of translation of English written documents into the other language

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

G. LANGUAGE ASSISTANCE

The Springfield Metropolitan Housing Authority will provide readers to assist persons with literacy barriers in completing the application and certification process.

H. PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) OBJECTIVES [24 CFR 901 & 902]

SMHA is continuously assessing its program and consistently strives to make improvements. SMHA acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. SMHA intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and procedures of this program are established so that the standards set forth by PHAS are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

I. FAMILY OUTREACH

SMHA will publicize and disseminate information to make known the availability of housing units and housing-related services for very low income families on a regular basis.

SMHA will communicate the status of housing availability to other service providers in the community. SMHA will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

When SMHA's waiting list is open, SMHA will periodically publicize the availability and nature of housing assistance for very low income and low income families in a newspaper of general circulation, including local minority publications and other suitable means.

To reach persons who cannot read the newspapers, SMHA will distribute fact sheets to the broadcast media and utilize public service announcements.

J. PRIVACY RIGHTS

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

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

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

SMHA's practices and procedures are designed to safeguard the privacy of applicants and tenants.

Files will never be left unattended or placed in common areas.

SMHA's staff will not discuss or access family information contained in files unless there is a business reason to do so. Staff will be required to disclose whether s/he has relatives living in Public Housing. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

K. POSTING OF REQUIRED INFORMATION

SMHA will maintain a bulletin board in a conspicuous area of the central office that will contain:

Statement of policies and procedures governing Admissions and Continued Occupancy Policy (ACOP) or a notice of where the policy is available

- A copy of SMHA's PHA Annual Plan.
- Information on application taking
- Directory of SMHA's housing sites including names, address of offices and office hours at each facility.
- Income limits for Admission
- Current schedule of routine maintenance charges
- A copy of the lease
- SMHA's grievance procedures
- A Fair Housing Poster
- An Equal Opportunity in Employment poster

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- Required public notices

Site developments will maintain a bulletin board in a conspicuous place, which will contain:

- Tenant Selection policies (960.202 and 960.203)
- Information on application taking
- Income limits for admission
- Current schedule of maintenance charges
- Copy of lease
- SMHA's grievance procedures
- Fair Housing poster
- Equal Opportunity in Employment poster

L. TERMINOLOGY

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

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

"Tenant" is used to refer to participants in terms of their relation as a lessee to the PHA as the landlord.

"Landlord" refers to SMHA.

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

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

See Glossary for other terminology.

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Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 960, Subpart B]

INTRODUCTION

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

A. QUALIFICATION FOR ADMISSION

It is SMHA's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

Is a family as defined in this Chapter;

Heads a household where at least one member of the household is either a citizen or eligible non-citizen. (24 CFR Part 5, Subpart E).

Has an Annual Income at the time of admission that does not exceed the low income limit for occupancy established by HUD and posted separately in SMHA offices.

Provides a Social Security number for all family members.

Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy.

Those who do not maintain another residence in addition to a SMHA unit.

Those whose members have not committed fraud in connection with any Federal Housing Assistance program.

Those whose members have not been evicted from Public Housing, Indian Housing, Section 23, or any Section 8 program because of criminal and /or Drug-related criminal activity for a three-year period beginning the date of the eviction.

Those who have not been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the

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public housing project are denied for life.

Timing for the Verification of Qualifying Factors

The qualifying factors of eligibility will be verified when the family is placed on the waiting list.

B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A Family may be a single person or a group of persons. A group of persons is defined by SMHA as two or more persons who intend to share residency, whose income and resources are available to meet the family's needs, and who will live together in SMHA housing.

Elderly, disabled, and displaced families are defined by HUD in CFR 5.403.

The term **"Family"** also includes, but is not limited to:

A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.

a) Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

An **elderly family,** which is:

a) A family whose head, spouse, or sole member is a person who is at least 62 years of age.

b) Two or more persons who are at least 62 years of age living together; or

c) One or more persons who are at least 62 years of age living with one or more live-in aides.

A **near elderly family,** which is:

a) A family whose head, spouse, or sole member is a person who is at least 50

years of age but below the age of 62;

b) Two or more persons, who are at least 50 years of age but below the age of 62,

living together; or

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c) One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aids.

A **disabled family,** which is:

a) A family whose head, spouse, or sole member is a person with disabilities;

b) Two or more persons with disabilities living together; or

c) One or more persons with disabilities living with one or more live-in aides.

d) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

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

A **remaining member of a tenant family.**

A **single person** who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family;

Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family;

Two or more near-elderly persons living together, or one or more near-elderly persons living with one or more live-in aides.

The temporary absence of a child from the home due to placement in foster care shall not be considered in determining the family composition and family size.

Head of Household

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

Emancipated minors who qualify under State law will be recognized as head of household if there is a court order recognizing them as an emancipated minor.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an Elderly Family, provided that the person is at least partially responsible for paying the rent. (The elderly or disabled designation can only be used for expense allowance purposes not to obtain designated elderly housing)

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Spouse of Head

Spouse means the husband or wife of the head.

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

Co head

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

Live-in Attendants

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

> Is determined by SMHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
>
> Is not obligated for the support of the person(s), and
>
> Would not be living in the unit except to provide care for the person(s).

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

> Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
>
> Live-in aides are not subject to Noncitizen Rule requirements.
>
> Live-in aides may not be considered as a remaining member of the tenant family.

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

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

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

Verification of the need for a live-in aide must include the hours the care will be

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provided.

After SMHA approves the addition of a live-in aide on behalf of a resident, the resident must submit a specific live-in aide's name and information for approval by SMHA [within 30 calendar days of SMHA's notification].

> If the 30 calendar days expire, the resident will have to resubmit an application for approval of a live-in aide.

A specific live-in aide may only reside in the unit with the approval of the SMHA. SMHA shall make the live-in aide subject to the agency's normal screening criteria.

If the live-in aide or their family members participate in drug-related or criminal activity, SMHA will rescind the aide's right to occupy the unit. When the agency takes such action against the live-in aide, the aide is not entitled to the grievance hearing process of the agency.

SMHA has the right to disapprove a request for a live-in aide based on the "Other Eligibility Criteria" described in this Chapter.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216]

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

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

If a member does not have a Social Security Number they must sign a certification stating that they do not have one. The certification shall:

- state the individual's name,
- state that the individual has not been issued a Social Security Number;
- state that the individual will disclose the Social Security Number, if they obtain one at a later date;
- be signed and dated.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In October 1998 Congress passed the Quality Housing and Work Responsibility Act of 1998. As a result, SMHA may no longer elect to "opt out" of the Non-citizens rule. SMHA must immediately begin to apply the provisions of section 214 of the HCDA of

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1980.

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

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

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their income-based assistance (TTP) will be pro-rated and that they may request a hearing if they contest this determination. If such a family chooses flat rent, the flat rent will not be pro-rated if the flat rent is greater than the Public Housing Maximum Rent. If the Public Housing Maximum Rent is greater than the flat rent, and the family chooses flat rent, the flat rent will be pro-rated.

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

Noncitizen students defined by HUD in the noncitizen regulations are not eligible for assistance.

SMHA will establish and verify eligibility no later than the date of the family’s annual reexamination following October 21, 1998.

No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and past behavior the ability:

- to pay rent and other charges as required by the lease in a timely manner;
- to care for and avoid damaging the unit and common areas;

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- to use facilities, appliances and equipment in a reasonable way;
- to create no health or safety hazards, and to report maintenance needs in a timely manner;
- not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
- not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off the PHA premises;
- not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed," on the premises of assisted housing;
- not to contain a household member subject to lifetime sex offender registration requirement under a State Sex offender registration program;
- to comply with necessary and reasonable rules and program requirements of HUD and the PHA; and,
- to comply with local health and safety codes.

Denial of Admission for Previous Debts to This or Any Other PHA

Applicants with a previous debts to SMHA or any other PHA will be permitted to execute a Payment Agreement at the time of preapplication, but 100% of the debt must be paid prior to offer of a unit.

If a Payment Agreement falls into arrears while the family is on the waiting list, as defined in this policy, the family will be required to pay the balance in full prior to admission.

Either spouse is responsible for the entire debt incurred as a previous SMHA tenant. Children of the head or spouse who had incurred a debt to SMHA will not be held responsible for the parent's previous debt.

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F. DENIAL OF ADMISSION FOR DRUG-RELATED AND/OR OTHER CRIMINAL ACTIVITY

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the Springfield Metropolitan Housing Authority to fully endorse and implement a policy that is designed to:

- Help create and maintain a safe and drug-free community
- Keep our program participants free from threats to their personal and family safety
- Support parental efforts to instill values of personal responsibility and hard work
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or against other legally protected groups, and not to violate right to privacy.

To the maximum extent possible, SMHA will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy will be posted on the SMHA's bulletin board and copies made readily available to applicants and tenants upon request.

HUD Definitions

"Drug-related criminal activity" is the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug-related criminal activity means *on or off the* premises, *not just on or near the* premises.

"Covered person" means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

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"Criminal activity" includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the PHA.

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

"Guest" for purposes of this Chapter, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

"Household" means the family and PHA-approved live-in aide.

"Other person under the tenant's control," for the purposes of the definition of "covered person," means that the person, although not staying as a guest (as defined above) in the unit is, or was at the time of the activity in question, on the premises (as defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

"Premises" means the building or complex or development in which the public housing dwelling unit is located, including common areas and grounds.

"Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Screening for Drug Abuse and Other Criminal Activity

In an effort to prevent drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents, SMHA will endeavor to screen applicants as thoroughly and fairly as possible.

Initial screening will be limited to routine inquiries of the family and any other information provided to SMHA regarding this matter. The inquiries will be standardized and directed to all applicants by inclusion in the application form.

If as a result of the standardized inquiry, or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal or violent criminal activity, SMHA will conduct closer inquiry to determine whether the family should be denied admission.

Use of Law Enforcement Records

SMHA will check criminal history for all applicants who are __18_ years of age to determine whether any member of the family has engaged in violent or drug-related

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criminal activity**.**

SMHA will check criminal history for all applicants who are _18_ years of age to determine whether any member of the family is subject to a lifetime sex offender registration requirement.

Verification of any past activity will be done prior to final eligibility and will include a check of conviction records.

Standard for Violation

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

SMHA will not waive this requirement.

2. One (1) conviction over the last ten (10) years for any of the following:

a. Illegal manufacture, sale, or distribution of a controlled substance ;

b. Any act of violence or threat of violence, including the possession of illegal firearms, and aggravated assaults.

3. One (1) conviction over the last five (5) years for use or possession of a controlled substance.

4. Two or more arrests over the last three (3) years for any of the above.

SMHA will deny participation in the program to applicants where SMHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where SMHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

SMHA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 12 months.

In evaluating evidence of negative past behavior, SMHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

SMHA will waive the requirement regarding drug-related criminal activity if:

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The person demonstrates successful completion of a credible rehabilitation program approved by SMHA; or

The person demonstrates consistent participation in professional rehabilitation for two of the past three years; or

The individual involved in drug-related criminal activity is no longer in the household because the person is incarcerated.

SMHA may permit eligibility for occupancy and impose conditions that the involved family member(s) does not reside in the unit. SMHA will consider evidence that the person is no longer in the household such as [divorce decree/incarceration/death/copy of a new lease with the owner's telephone number and address/or other substantiating evidence].

Permanent Denial of Admission

SMHA will permanently deny admission to public housing persons convicted of murder or manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds. SMHA will not waive this requirement.

Prohibition on Persons Subject to Lifetime Sex Offender Registration Requirement

No family member may be subject to a lifetime sex offender registration requirement. This provision will not be waived. SMHA shall perform necessary criminal history background checks in the State where the housing is located and in any other States where household members are known to have resided.

Other Criminal Activity

For the purposes of this policy, this is construed to mean that a member of the current family has been arrested or convicted of any criminal or drug-related criminal activity within the past 10 years from the date of the occurance.

HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

Applicants and/or their household members who have been convicted of criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness, or child abuse, and are required by law to register as a sex offender will be prohibited from participation in the public housing program.

No family member may have engaged in or threatened abusive or violent behavior toward

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SMHA personnel within the past 3 years.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last 3 years.

Even if a person has served time in jail and has now been released on probation, that person cannot be admitted into public housing unless a year has passed since the completion of probation.

If the only sentence was probation, a year must have elapsed, without incident, since completion of probation, in order to be considered eligible for public housing.

A person who is released from jail with no probation requirement would have to operate on the outside for one year with no further evidence of the prohibited activities in order to be considered eligible for admission.

A person who has been convicted of any crime involving bodily injury would not be considered for admission until a year has passed since full repaying of the social debt, including probation.

Evidence

SMHA must have evidence of the violation.

"Preponderance of evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

> Preponderance of evidence is not be determined by the number of witnesses, but by the greater weight of all evidence.

"Credible evidence" may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by SMHA inspectors and/or investigators, and evidence gathered from the SMHA Security Officers.

SMHA may pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

SMHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

Al criminal reports, while needed by the Intake Specialist for screening for criminal

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behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

If the family is determined eligible for initial or continued assistance, SMHA's copy of the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made.

SMHA will document in the family's file that the family was denied admission or the tenancy was terminated due to findings in the Criminal History Report.

Disclosure of Criminal Records to Family

Before SMHA takes any adverse action based on a criminal conviction record, the applicant will be provided with a copy of the criminal record and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal hearing. Tenants may contest such records at the grievance hearing or court hearing in the case of evictions.

Hearings

(See Chapter titled "Complaints, Grievances and Appeals.")

If information is revealed that would cause SMHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to SMHA's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

G. SCREENING FOR SUITABILITY [24 CFR 960.203, 960.204, 960.205]

In developing its admission policies, the aim of SMHA to attain a tenant body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and families with serious social problems. Therefore, it is the policy of SMHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

SMHA will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers will be subject to third party verification.

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An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance that they can demonstrate that they have or will have at the time of admission. (24 CFR 8.3, Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by SMHA.

SMHA does not permit a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is under 18 and, under Ohio law, does not have the legal capacity to enter into a legally binding contract.

As a part of the final eligibility determination, SMHA will screen each applicant household to assess their suitability as renters.

SMHA will complete a rental history check on all applicants.

SMHA will complete a credit check on all applicants**.**

SMHA shall rely upon sources of information, which may include, but not be limited to, SMHA's records, personal interviews with the applicant or tenant, previous landlord references, employers, family social workers, parole officers, criminal and court records, clinics, physicians or the police department, and home visits for persons who have had negative landlord reference(s) for poor housekeeping habits.

This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare.

Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy, and whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project.

SMHA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

- The applicant's past performance in meeting financial obligations, especially rent.

- Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at

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present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.

- Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
- Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
- Any history of initiating threats or behaving in a manner indicating an intent to assault employees or other tenants.
- Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by SMHA. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

- Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare. [24CFR 960.203(c)]
- Adversely affect the physical environment or financial stability of the project. [24CFR 960.203(c)]
- Violate the terms and conditions of the lease. [24CFR 960.203(c)].
- Require services from SMHA staff that would alter the fundamental nature of SMHA's program. [24 CFR 8.3]

Rent Paying Habits

SMHA will examine any Housing Authority records from a prior tenancy, and will request written references from the applicant's current landlord and may request written references from former landlords for up to the past _5_ years.

Based upon these verifications, SMHA will determine if the applicant was chronically late with rent payments, was evicted at any time during the past __5__ years for nonpayment of rent, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

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SMHA will undertake a balancing test that will consider: (1) amount of former rent; (2) loss of employment; (3) death or divorce from primary support; (4) illness or other circumstances beyond applicant's control. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent with a local ordinance (i.e. rent in an escrow account); or had a poor rent paying history clearly related to an excessive rent relative to their income (using 40% of their gross income as a guide,) and responsible efforts were made by the family to resolve the nonpayment problem.

Screening Applicants Who Claim Mitigating Circumstances

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into SMHA's, screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, SMHA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. SMHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

Examples of Mitigating Circumstances

Evidence of successful rehabilitation;

Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by SMHA;

Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. SMHA will consider such circumstances in light of:

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The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and

The applicant's overall performance with respect to all the screening requirements.

Qualified and Unqualified Applicants

Information that has been verified by SMHA will be analyzed and a determination will be made with respect to:

- The eligibility of the applicant as a *family;*
- The eligibility of the applicant with respect to income limits for admission;
- The eligibility of the applicant with respect to citizenship or eligible immigration *status*;
- Any local preference to which the family is entitled

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and SMHA procedures, except for a pending SMHA hearing.

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. SMHA shall provide applicants an opportunity for an informal hearing (see Chapter titled "Complaints, Grievances, and Appeals").

SMHA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by SMHA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by SMHA, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of SMHA shall document any pertinent information received relative to the following:

Criminal Activity - includes the activities listed in the definition of criminal activity in this Chapter.

Pattern of Violent Behavior - includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy of neighbors.

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Pattern of Drug Use - includes a determination by SMHA that the applicant has exhibited a pattern of illegal use of a controlled substance which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Drug-Related Criminal Activity - includes a determination by SMHA that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance.

Pattern of Alcohol Abuse - includes a determination by SMHA that the applicant's pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

Initiating Threats - or behaving in a manner indicating an intent to assault employees or other tenants.

Abandonment of a Public Housing Unit - without advising SMHA officials so that staff may secure the unit and protect its property from vandalism.

Non-Payment of Rightful Obligations - including rent and/or utilities and other charges owed to SMHA [or any other PHA].

Intentionally Falsifying an Application for Leasing - including uttering or otherwise providing false information about family income and size, using an alias on the application for housing, or making any other material false statement or omission intended to mislead.

Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior - consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility; which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant's inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.

Grossly Unsanitary or Hazardous Housekeeping - includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in halls; or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors.

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Destruction of Property from previous rentals**.**

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects.

SMHA may waive the policies prohibiting admission in these circumstances if the person demonstrates to SMHA's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and has successfully completed a supervised drug or alcohol rehabilitation program.

Prohibited Criteria for Denial of Admission

Applicants will NOT be rejected because they:

- Have no income;
- Are not employed;
- Do not participate in a job training program;
- Will not apply for various welfare or benefit programs;
- Have children;
- Have children born out of wedlock;
- Are on welfare;
- Are students.

Resident Participation in the Screening Process

It is SMHA's policy to encourage resident participation in the applicant intake and screening process. SMHA recognizes that screening is only part of the occupancy cycle, and for SMHA-resident partnership to be effective, work is required both before and after admission. Given this policy SMHA, in conjunction with its resident leaders, proposes the following areas of involvement:

Applicant pre-occupancy orientation. Attendance at pre-occupancy orientation is a requirement of the screening process. SMHA and its residents will develop the agenda for this orientation to include such issues as rent, house rules, lease provisions, security, social services and utilities.

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H. HEARINGS

If information is revealed that would cause SMHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to SMHA's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

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

A. HOW TO APPLY

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

Persons with disabilities may call SMHA to receive an application through the mail or make other arrangements to complete their preapplication.

Applications will be accepted at a central location for all waiting lists.

The application process will involve one phase.

1. The first is the "initial" application for admission. This first phase is to determine the family's eligibility for, and placement on, the waiting list.

   The application will be dated, time-stamped, and referred to SMHA's office where tenant selection and assignment is processed.

2. The second phase is the "final determination of eligibility for admission". When the family reaches the top of the waiting list SMHA ensures that verification of all HUD and SMHA eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

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B. COMPLETION OF A FULL APPLICATION

The application will contain questions designed to obtain the following information:

- Names of head and spouse
- Names of adult members and age of all members
- Number of family members (used to estimate bedroom size needed)
- Street address and phone numbers
- Mailing address (if PO Box or other permanent address)
- Annual income
- Source(s) of income received by household members to determine preference qualification
- Sufficient additional information to determine preference qualification
- Information regarding request for reasonable accommodation or for accessible unit
- Social Security Numbers
- Race/ethnicity
- Arrests/Convictions for Drug Related or Violent Criminal Activity
- Previous addresses
- Names and addresses of current and previous landlords
- Emergency contact person and address
- Questions regarding previous participation in HUD programs

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

Whenever the family claims a preference.

If a preference cannot be verified, said applicant will be returned to their proper place on the waiting list and preference removed.

The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.

These documents will be used for verification only if third party verification cannot be obtained**.**

The full application will be communicated as requested as an accommodation to a person with a disability.

Requirement to Attend Interview

SMHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information that has been provided by the family, and to ensure

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that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other SMHA services or programs, which may be available.

All adult family members must attend the interview and sign the housing application. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

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

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

All adult members, and head of household and spouse regardless of age, must sign form HUD-9886, "Release of Information," the declarations and consents related to citizenship/immigration status and any other documents required by SMHA. Applicants will be required to sign specific verification forms for information that is not covered by the HUD-9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and releases as required by SMHA.

Information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences**,** eligibility and rent calculation.

If SMHA determines at or after the interview that additional information or document(s) are needed, SMHA will request the document(s) or information in writing. The family will be given 5 working days to supply the information.

If the information is not supplied in this time period, SMHA will provide the family a notification of denial for assistance. (See Chapter on Complaints, Grievances and Appeals.)

C. PROCESSING APPLICATIONS

As families approach the top of the waiting list, the following items will be verified to determine qualification for admission to SMHA's housing:

- Preference verification
- Family composition and type (elderly/non elderly)
- Annual Income

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- Assets and Asset Income
- Deductions from Annual Income
- Social Security Numbers of all family members
- Information used in applicant screening
- Citizenship or eligible immigration status
- Criminal History Report

D. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, SMHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by SMHA, and the tenant suitability determination (see Chapter on Eligibility for Admission).

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

The household is not actually eligible for a unit offer until this final determination has been made, even though they may have been preliminarily determined eligible and may have been listed on the waiting list.

Any time after final eligibility determination, applicants must report changes in family status, including income, family composition, and address, in writing, within 3 days of the change. If the family did not report the change within the required time frame, the family will be determined ineligible and offered an opportunity for informal hearing**.**

Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN

[24 CFR 960.203, 960.204, 960.205, 960.206]

INTRODUCTION

It is SMHA's policy that each applicant shall be assigned an appropriate place on a jurisdiction-wide waiting list

Applicants will be listed in sequence based upon:

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- Date and time the application is received,
- Size and type of unit they require,
- Factors of preference or priority

In filling an actual or expected vacancy, SMHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of accomplishing deconcentration of poverty and income-mixing objectives. SMHA will offer the unit until it is accepted. This Chapter describes the SMHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

SMHA's Objectives

SMHA policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is SMHA's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

By maintaining an accurate waiting list, SMHA will be able to perform the activities, which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on SMHA's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.

A. MANAGEMENT OF THE WAITING LIST

SMHA will administer its waiting list as required by 24 CFR Part 5, Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file.
- All applicants in the pool will be maintained in order of preference and/ or in order of date and time of application receipt.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income eligibility requirements as established by HUD.

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Opening and Closing the Waiting Lists

SMHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of SMHA to house an applicant in an appropriate unit within a reasonable period of time.

When SMHA opens the waiting list, SMHA will advertise through public notice in the following newspapers, minority publications and media entities. location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media including:

To reach persons with disabilities, SMHA will provide separate notice to local organizations representing the interests and needs of the disabled**.**

The notice will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken.
- A brief description of the program.

A statement that Section 8 participants must submit a separate application if they want to apply for Public Housing.

Limitations, if any, on who may apply.

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

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

When Application Taking is Suspended

SMHA may suspend the acceptance of applications if there are enough local Preference holders to fill anticipated openings for the next 12 months.

The waiting list may not be closed if it would have a discriminatory effect inconsistent

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with applicable civil rights laws.

During the period when the waiting list is closed, SMHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next 24 months. SMHA will give at least 15 days' notice prior to closing the list. When the period for accepting applications is over, SMHA will add the new applicants to the list by:

> Unit size, local preferences priority, and/or date and time of application receipt.

SMHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, SMHA will advise families of their responsibility to notify SMHA when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and SMHA decides to open the waiting list, SMHA will publicly announce the opening.

Any reopening of the list is done in accordance with the HUD requirements.

Limits on Who May Apply

When the waiting list is open,

> Any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application.
>
> If there are sufficient applications from elderly, disabled, homeless, and displaced singles, applications will not be accepted from other singles.

When the application is submitted to SMHA:

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

Multiple Families in Same Household

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

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B. WAITING LIST PREFERENCES

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet SMHA's Selection Criteria as defined in this policy.

SMHA's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, SMHA will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by SMHA to verify their preference.

Among applicants with equal preference status, the waiting list will be organized by date and time.

Local Preferences

Local preferences will be used to select among applicants on the waiting list. Public notice with opportunity for public comment will be held before SMHA adopts any more local preference.

The notice will be distributed following the same guidelines as those used for opening or closing the waiting list.

SMHA uses the following Local Preferences:

- Date and time of receipt of a completed application.
- Veteran preference: state law definition.
- Involuntarily displaced.
- Homeless families as defined by HUD guidelines
- Rent Burden
- Elevated blood level

Treatment of Single Applicants

All families with children, elderly families and disabled families will have an admission preference over "Other Singles".

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Singles Preference

Definition of Singles Preference: Single applicants who are elderly, disabled, homeless or displaced will be given a selection priority over all "Other Single" applicants regardless of preference status.

"Other Singles" denotes a one-person household in which the individual member is neither elderly, disabled, homeless or displaced by government action. Such applicants will be placed on the waiting list in accordance with their preferences, but cannot be selected for assistance before any elderly, disabled, homeless or displaced one-person family regardless of local preferences.

Descriptions of these Preferences and "definitional options" (or sub-categories) follow.

Involuntary Displacement Preference

Families are considered to be involuntarily displaced if they are required to vacate housing as a result of one of the following situations.

1. A disaster (fire, flood, earthquake, etc.) that has caused the unit to be uninhabitable.

2. Federal, state or local government action related to code enforcement, public improvement or development.

3. Action by a housing owner which is beyond an applicant's ability to control, and which occurs despite the applicant's having met all previous conditions of occupancy, and is other than a rent increase.

If the owner is an immediate family relative and there has been no previous rental agreement and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced.

For purposes of this definitional element, reasons for an applicant's having to vacate a housing unit include, but are not limited to:

- Conversion of an applicant's housing unit to non-rental or non-residential use;
- Closure of an applicant's housing unit for rehabilitation or non-residential use;
- Notice to an applicant that s/he must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy;

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- Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or

- Any other legally authorized act that results, or will result, in the withdrawal by the owner of the unit or structure from the rental market.

4. To avoid reprisals because the family provided information on criminal activities to a law enforcement agency and, after a threat assessment, the law enforcement agency recommends rehousing the family to avoid or reduce risk of violence against the family.

The family must be part of a Witness Protection Program, or the HUD Office or law enforcement agency must have informed SMHA that the family is part of a similar program.

SMHA will take precautions to ensure that the new location of the family is concealed in cases of witness protection.

Definition of Standard Replacement Housing

In order to receive the displacement preference, applicants who have been displaced must not be living in "standard, permanent replacement housing."

Standard replacement housing is defined as housing that is decent, safe and sanitary, that is adequate for the family size according to local code, and that the family is occupying pursuant to a written or oral lease or occupancy agreement.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and (in the case of Victims of Domestic Violence) housing occupied by the individual who engages in such violence. It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress.

Homeless Families

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

Lack a fixed, regular and adequate nighttime residence; AND

Have a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations (including welfare hotels, congregate shelters and transitional housing), or an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not ordinarily used as a sleeping accommodation for human beings.

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Rent Burden Preference

Families paying more than 40% of their income for rent and utilities for at least 90 days will receive this preference.

For purposes of this preference, "Family Income" is Gross Monthly Income as defined in the regulations.

"Rent" is defined as the actual amount due under a lease or occupancy agreement calculated on a monthly basis, plus the monthly amount of tenant-supplied utilities which can be either:

> The average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of at least the past 3 months.

An applicant family may choose which method to use to calculate utility expenses. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in Family Income. The applicant must show that they actually paid the utility bills, regardless of whose name the service is under.

> To qualify for the Rent Burden preference, the applicant must pay rent directly to the landlord or agent.
>
> Members of a cooperative are "renters" for the purposes of qualifying for the preference. In this case, "Rent" would mean the charges under the occupancy agreement.

C. ORDER OF SELECTION FOR GENERAL OCCUPANCY (FAMILY) DEVELOPMENTS

SMHA has established the following local admissions preferences for general occupancy (family) developments:

> Date and time of receipt of a completed application, and list other local preferences**.**
>
> SMHA has established the following system to apply local preferences:
>
> Local preferences will be weighted with the Homeless Preference having the highest priority.

D. ORDER OF SELECTION FOR MIXED POPULATION DEVELOPMENTS

A mixed population project is a public housing project, or portion of a project that was reserved for elderly families and disabled families at its inception (and has retained that

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character).

In accordance with the 1992 Housing Act, elderly families whose head spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property. All local preferences will be applied.

SMHA has established the following local admissions preferences for Mixed Population developments. Per HUD regulations, equal preference must be given to Elderly Families and Disabled Families:

First Priority: Elderly families or disabled families

E. VERIFICATION OF PREFERENCE QUALIFICATION

The family may be placed on the waiting list upon their certification that they qualify for a preference. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify SMHA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly-claimed preference.

F. PREFERENCE DENIAL

If SMHA denies a preference, the applicant will be placed on the waiting list without benefit of the preference.

SMHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting. The applicant will have 10 working days to request the meeting in writing. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

Any applicant who falsifies documents or makes false statements in order to qualify for any preference will be removed from the waiting list with notification to the family.

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G. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS

Before applying its preference system, SMHA will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, deconcentration or income mixing, income targeting, or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

SMHA's Deconcentration Policy, as described in the PHA Plan, may include skipping of families on the waiting list in order to bring families above the established income range into developments below the established income range, and to bring families below the established income range into developments above the established income range.

H. INCOME TARGETING

SMHA will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of SMHA's jurisdiction.

Hereafter families whose incomes do not exceed 30% of area median income will be referred to as "extremely low-income families."

SMHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that admissions of extremely low income families to the SMHA's voucher program during a fiscal year exceeds the 75 percent minimum targeting requirement for the SMHA's Section 8 Voucher Program. This fungibility provision discretion by SMHA is also reflected in the SMHA's Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low income families by the lowest of the following amounts:

> The number of units equal to 10 percent of the number of newly available vouchers in the fiscal year; or
>
> The number of public housing units that 1) are in public housing projects located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

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The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of SMHA's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause SMHA's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

Fungibility shall only be utilized if SMHA is anticipated to fall short of its 40% goal for new admissions to public housing.

Low Income Family Admissions

SMHA will fill admit only families whose incomes do not exceed 80% of the HUD approved area median income

I. UNITS DESIGNATED FOR THE ELDERLY

In accordance with the 1992 Housing Act, elderly families with a head, spouse or sole member at least 62 years of age will receive a preference for admission to such units or buildings covered by a HUD-approved Allocation Plan, except for the units, which are accessible, which may be offered to persons with disabilities.

SMHA will take the following action when processing families for developments designated for the elderly:

> When there are insufficient elderly families who wish to reside in a development, near-elderly families (head or spouse ages 50-61) receive a preference for this type of unit.
>
> When there are insufficient elderly or near-elderly families who wish to reside in a development, and units are ready for leasing more than 60 days, all other family types are eligible for such units.
>
> Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features.

Procedure to Be Used When There Are Insufficient Applicants on the List

Where SMHA anticipates that there are insufficient elderly or near-elderly families on the waiting list for these units SMHA will notify local senior service centers and local media sources aimed at the elderly to recruit elderly families for the waiting list for these projects.

J. UNITS DESIGNATED FOR THE DISABLED

In accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are covered by a HUD-approved

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Allocation Plan.

SMHA has units designed for persons with mobility, sight and hearing impairments (referred to as accessibility units). These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

Preference for occupancy of these units will be given to families with disabled family members who require the modifications or facilities provided in the units.

K. DECONCENTRATION OF POVERTY AND INCOME-MIXING

SMH's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Nothing in the deconcentration policy relieves SMHA of the obligation to meet the income targeting requirement.

Gross annual income is used for income limits at admission and for income-mixing purposes.

Deconcentration and Income-Mixing Goals

SMHA's deconcentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families", will be to admit families above SMHA's Established Income Range (EIR) to developments below the EIR, and families below SMHA's EIR to developments above the EIR.

Deconcentration applies to transfer families as well as applicant families.

SMHA has covered developments (general occupancy, family developments) subject to the deconcentration requirement. These covered developments are described in the PHA Plan.

Project Designation Methodology

Annually, SMHA will determine on an annual basis the average income of all families residing in general occupancy developments

SMHA will then determine the average income of all families residing in each general occupancy development.

SMHA will then determine whether each general occupancy development falls above, within or below the Established Income Range (EIR).

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The EIR is 85 percent to 115 percent (inclusive of 85 percent and 115 percent) of the PHA-wide average income for general occupancy developments.

SMHA will then determine whether or not developments outside the EIR are consistent with local goals and strategies in the PHA Plan. Any deconcentration policy as needed is described in the PHA Plan.

Deconcentration Policy

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a general occupancy development above or below the EIR is not explained or justified in the PHA Plan, SMHA shall list these covered developments in the PHA Annual Plan.

SMHA shall adhere to the following policies for deconcentration of poverty and income mixing in applicable developments:

Skipping a family on the waiting list or transfer list to reach another family in an effort to further the goals of SMHA's deconcentration policy:

If a unit becomes available at a development below the EIR, the first eligible family on the waiting list [or transfer list] with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list [or transfer list] with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list [or transfer list] with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list [or transfer list] in preference order regardless of income.

If a unit becomes available at a development above the EIR, the first eligible family on the waiting list [or transfer list] with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list [or transfer list] with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list [or transfer list] with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list [or transfer list] in preference order regardless of income.

Skipping of families for deconcentration purposes will be applied uniformly to all families.

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A family has the sole discretion whether to accept an offer of a unit made under SMHA's deconcentration policy. SMHA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under SMHA's deconcentration policy. However, SMHA shall uniformly limit the number of offers received by applicants [and transfer families], described in this Chapter.

SMHA shall target investment and capital improvements toward covered developments below the EIR to encourage applicant families whose income is above the EIR to accept units in those developments. These incentives are described in the PHA Plan.

Deconcentration Compliance

If, at annual review, the average incomes at all general occupancy developments are within the Established Income Range, SMHA will be considered to be in compliance with the deconcentration requirement.

L. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, SMHA shall affirmatively further fair housing to reduce racial and national origin concentrations.

SMHA shall not require any specific income or racial quotas for any development or developments.

SMHA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for. purposes of segregating populations.

M. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

SMHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the SMHA must offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, SMHA must offer to place the family on the public housing waiting list.

N. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least annually by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within 3 working, days s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the

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applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply within the proscribed period.

O. OFFER OF ACCESSIBLE UNITS

SMHA has units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, SMHA will offer such units:

> First, to a current occupant of another unit of the same development, or other public housing developments under SMHA's control, who has a disability that requires the special features of the vacant unit.
>
> Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, SMHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

SMHA will make modifications to the unit in keeping with the Section 504 Transition Plan as the need arises and until the agency determines that an adequate number of units have been rehabilitated in numbers sufficient to evidence compliance with the Plan. After such point in time, SMHA may approve the family's plan to make physical modifications at the family's expense and consistent with the terms of the Authority's 504 Plan as it relates to tenant modifications.

See "Leasing" chapter.

P. PLAN FOR UNIT OFFERS

The PHA plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, or national origin is:

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Plan "B". (2 offer plan). Under this plan, SMHA will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. Plan B is based on the distribution of vacancies. If a suitable unit is available in:

> The applicant will be offered a suitable unit in that location. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

SMHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

Q. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between removal from the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable (See Chapter on Complaints, Grievances, and Appeals)

R. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offer SMHA will:

- Remove the applicant's name from the waiting list.
- Removal from the waiting list means:
- The applicant must reapply.
- The applicant must wait 6 months before reapplying for the public housing program.

S. TIME LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offer within 3 working days of the date the offer is made. Offers made over the telephone will be confirmed by letter. If unable to contact an applicant by telephone, SMHA will send a letter.

Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for *"good cause,"* the applicant will not be placed at the bottom of the waiting list.

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Examples of *"good cause"* reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

> An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]
>
> The family demonstrates to SMHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.

A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.

Applicants With a Change in Family Size or Status

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. SMHA shall not lease a unit to a family whose occupancy will overcrowd or underutilize the unit.

The family will take the appropriate place on the waiting list and/or in the selection pool according to the date they first applied.

T. REFUSAL OF OFFER

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

If the unit offered is refused for other reasons, SMHA will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.

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Chapter 5

OCCUPANCY GUIDELINES

INTRODUCTION

The Occupancy Guidelines are established by SMHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. This Chapter explains the Occupancy Guidelines used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the occupancy guidelines.

A. DETERMINING UNIT SIZE

SMHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. SMHA's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

For occupancy standards, an adult is a person 18 years or older or an emancipated minor.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

> One bedroom will generally be assigned for every two family members. SMHA will consider factors such as family characteristics including sex, age, or relationship, the number of bedrooms and size of sleeping areas or bedrooms and the overall size of the dwelling unit. Consideration will also be given for medical reasons and the presence of a live-in aide.
>
> Generally SMHA will assign one bedroom to two people within the following guidelines:
>
> Adults of different generations, persons of the opposite sex (other than spouses), and unrelated adults will not be required to share a bedroom.
>
> Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 5 years of age).
>
> Foster children will be included in determining unit size only if they will be in the unit for more than 12 months.
>
> Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.
>
> Space will not be provided for a family member who will be absent most of the

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time, such as a member who is away in the military.

Single person families shall be allocated zero or one bedroom.

The living room will not be used as a bedroom except for purposes of reasonable accommodation or at the request of the family.

GUIDELINES FOR DETERMINING BEDROOM SIZE

Bedroom Size	Persons in Household: (Minimum #)	Persons in Household: (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10

B. EXCEPTIONS TO OCCUPANCY STANDARDS

SMHA will grant exceptions from the guidelines in cases where it is the family's request or SMHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

Applicants may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to local codes). The family must agree not to request a transfer until their family composition changes and they have occupied the unit for 2 years.

At SMHA's discretion the family may be offered a unit smaller than the preferred unit size, based on SMHA's occupancy standards, if in doing so the family has an opportunity to be housed earlier, or live in a preferred project.

For a three person family that includes two adults and an infant, SMHA may allow the family to lease a one bedroom unit in a desired general occupancy project.

However, SMHA will not lease a one bedroom unit to a three person family that includes two adults and an adolescent or teenager.

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In cases such as those above, a family that voluntarily accepts a unit that is smaller than what the family is eligible for will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least 2 years.

SMHA may offer a family a unit that is larger than required by SMHA's occupancy standards, if the waiting list is short of families large enough to fill the vacancy.

In all cases, where the family requests an exception to the general occupancy standards, SMHA will evaluate the relationship and ages of all family members and the overall size of the unit.

The family may request to be placed on a larger bedroom size waiting list than indicated by SMHA's occupancy guidelines. The request must explain the need or justification for a larger bedroom size, and must be verified by SMHA before the family is placed on the larger bedroom size list. SMHA will consider these requests:

Person with Disability

SMHA will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified and meets requirements in the Service and Accommodations Policy section of Chapter 1.

Other Circumstances

Circumstances may dictate a larger size than the occupancy standards permit when:

Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. Requests for a larger bedroom due to medical equipment must be verified by a doctor.

Requests based on health related reasons must be verified by a knowledgeable licensed professional.

SMHA will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

All members of the family residing in the unit must be approved by SMHA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform SMHA within 30 days.

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To avoid vacancies, SMHA may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is a suitable smaller unit available. This requirement is a provision of the lease.

C. INCENTIVES TO ATTRACT HIGHER INCOME FAMILIES TO LOWER INCOME DEVELOPMENTS

See Chapter on Tenant Selection and Assignment.

In order to attract higher income families to lower income developments, the following specialized occupancy standards will be applied to families above the Established Income Range willing to move into developments below the Established Income Range, as described in the PHA Plan:

Occupancy guidelines of one child per bedroom.

D. ACCESSIBLE UNITS

SMHA has units designed for persons with mobility, sight and hearing impairments. These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

Preference for occupancy of these units will be given to families with disabled family members who require the modifications or facilities provided in the units.

No non-mobility-impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible.

E. FAMILY MOVES

When a change in the circumstances of a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not currently covered in this policy, the case should be taken to the supervisor who will make determination after review of the situation, the individual circumstances, and the verification provided.

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Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT

[24 CFR 5.609, 5.611, 5.613, 5.615, 5.628, 5.630]

INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the regulations.

This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. However, the Quality Housing and Work Responsibility Act now gives SMHAs broader flexibility. SMHA's policies in this Chapter address those areas that allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. MINIMUM RENT

The minimum rent for SMHA is $25.00. The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.

The Total Tenant Payment is the greater of:

- 30% of the adjusted monthly income
- 10% of the monthly income
- The Minimum rent as established by SMHA

The Total Tenant Payment does not include charges for excess utility consumption or other charges.

SMHA recognizes that in some instances even the minimum rent may create a financial hardship for families. SMHA will review all relevant circumstances brought to the SMHA's attention regarding financial hardship as it applies to minimum rent. The following section states the SMHA's procedures and policies in regard to minimum rent financial hardship as set forth by the QHWRA**.**

SMHA Procedures for Notification to Families of Hardship Exemptions

SMHA will notify all participant families subject to a minimum rent of their right to request a minimum rent hardship exemption under the law.

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SMHA will notify all families at the annual recertification appointment of their right to request a minimum rent hardship exemption.

SMHA will notify all families at time of lease-up of their right to request a minimum rent hardship exemption.

The Property Manager will document in the family's file that the family has been notified of their right to request a minimum rent hardship exemption.

SMHA notification will advise the family that hardship exemption determinations are subject to SMHA grievance procedures.

SMHA will review all tenant requests for exemption from the minimum rent due to financial hardships.

All requests for minimum rent exemption are required to be in writing.

Exemptions to Minimum Rent

SMHA will immediately grant the minimum rent exemption to all families who request it.

The Minimum Rent will be suspended until SMHA determines whether the hardship is:

- Covered by statute
- Temporary or long term

If SMHA determines that the minimum rent is not covered by statute, SMHA will impose a minimum rent including payment for minimum rent from the time of suspension.

SMHA will use its standard verification procedures to verify circumstances that have resulted in financial hardship, such as loss of employment, death in the family, etc.

HUD Criteria for Hardship Exemption

In order for a family to qualify for a hardship exemption the family's circumstances must fall into one of the following criteria:

> The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;
>
> The family would be evicted as a result of the imposition of the minimum rent requirement;
>
> The income of the family has decreased because of changed circumstances, including:

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- Loss of employment
- Death in the family
- Other circumstances as determined by the SMHA or HUD

SMHA Policy Regarding Hardship Exemption

For purposes of providing the hardship exemption to minimum rent in a fair and consistent manner, SMHA has established policy regarding the above-mentioned HUD criteria.

> defined as loss of employment, including layoff and termination.
>
> defined as being laid off or terminated through no fault of the employee. Loss of employment does not, for the purposes of exemption to minimum rent, include voluntarily quitting employment.

"Death in the family." Family, for the purposes of exemption to minimum rent, includes head of house or spouse.

Financial Hardship Exemption Only Applies to Waiving the Minimum TTP

The financial hardship exemption only applies to the payment of minimum rent (minimum TTP). The exemption does not apply to the other elements used to calculate the Total Tenant Payment. When the family is granted the financial hardship exemption, the family's TTP shall be the greater of:

- 30 percent of monthly adjusted income
- 10 percent of monthly income

Temporary Hardship

If SMHA determines that the hardship is temporary (less than 90 days), a minimum rent will be imposed, including back payment from time of suspension, but the family will not be evicted for nonpayment of rent during the 90 day period commencing on the date of the family's request for exemption.

Repayment Agreements for Temporary Hardship

SMHA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period.

If the family owes SMHA money for rent arrears incurred during the minimum rent period, SMHA will calculate the total amount owed and divide it by 9 to arrive at a reasonable payment increment that will be added to the family's regular monthly rent

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payment. The family will be required to pay the increased amount until the arrears are paid in full.

If the family goes into default on the repayment agreement for back rent incurred during a minimum rent period, SMHA will reevaluate the family's ability to pay the increased rent amount and:

> Determine whether the family has the means to meet the obligation and, if so determined, initiate eviction proceedings for nonpayment of rent; or
>
> Determine that the repayment agreement is a financial hardship to the family and if so restructure the existing repayment agreement.

SMHA's policies regarding repayment agreements are further discussed in the chapter entitled "Family Debts to SMHA."

Retroactive Determination

SMHA will reimburse the family for minimum rent charges that took effect after October 21, 1998 that qualified for one of the mandatory exemptions.

If the family is owed a retroactive payment, SMHA will offset the family's future rent payments by the amount in which SMHA owes the family.

B. INCOME AND ALLOWANCES

Income: The types of money that are to be used as income for purposes of calculating the TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is documented. (See Income Inclusions and Income Exclusions in the Glossary of Terms of this policy.)

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 960.201)

Adjusted Income is defined as the Annual income minus any HUD allowable deductions.

Permissive Deductions

SMHA does not adopt any additional permissive deductions to annual income of tenants.

SMHA has established the following Memorandum of Understanding with local TANF agencies:

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The Intake Specialist works at the department of Job and Family services every Monday for 4 hours. During this time they are available to accept applications for housing and answer questions anyone has about the application process.

Allowable Deductions

HUD has five allowable deductions from Annual Income:

1. Dependent allowance: $480 each for family members (other than the head or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.

2. "Elderly" allowance: $400 per household for families whose head or spouse is 62 or over or disabled.

3. Allowable medical expenses for all family members are deducted for elderly and disabled families.

4. Childcare expenses for children under 13 are deducted when child care is necessary to allow an adult family member to work, actively seek work, or attend school (including vocational training).

5. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

C. TRAINING INCOME EXCLUSIONS [24 CFR 5.609(c)]

SMHA believes that training income exclusions are an important factor in helping public housing participants move from welfare and dependence to greater self-sufficiency.

SMHA will share information regarding new policies governing training income derived from qualifying employment training programs with applicants, participants and local social service providers. SMHA's objective is to encourage families to move toward self-sufficiency by excluding from their annual income certain amounts earned through participation in various qualifying training programs. These training programs are aimed at offering the resident gainful employment skills. The exclusion of training income, in the calculation of annual income, is meant to be an incentive. It is SMHA's hope that welfare agencies will adopt or modify their programs so that welfare recipients living in Public Housing will receive the maximum benefits from these income exclusions.

In order to be eligible for the exclusion the resident must actually receive training under the provisions of the program. For purposes of this exclusion, it is not enough for the resident to merely be enrolled.

There are two types of training programs that are eligible for one or more types of income exclusion.

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1. Training Income Exclusions in Accordance with 24 CFR 5.609(c)(8)(v)

The first type of training program is in accordance with 24 CFR 5.609 (c) (8)(v) and has features that allow the training income of assisted housing residents to be excluded only while the resident is actively enrolled in the training program.

A training program qualifying under 24 CFR 5.609 (c)(8)(v) is defined as one with goals and objectives designed to lead to a higher level of proficiency, and one which enhances the individual's ability to obtain employment. The training program may have performance standards to measure proficiency. Training may include, but is not limited to:

Classroom training in a specific occupational skill;

On-the-job training with wages subsidized by the program, or

Basic education.

For this purpose Annual Income does not include the following:

Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs.

2. Training Income Exclusions prior to September 30, 1999

This training program is specific to public housing residents only and the regulation requires it to include specific features. This training program offers public housing residents the exclusion of incremental income while in the training program and for 18 months following the start of their first job.

SMHA will determine that this training program has all five components required by HUD. It must:

- be a program providing employment training and supportive services;
- be authorized by a Federal, State or local law;
- be funded by the Federal, State or local government;
- be operated or administered by a public agency; and
- have as its objective to assist participants in acquiring employment skills.

A qualifying job-training program may be one that is established by the government but implemented by a private company for and on behalf of the government.

In addition, to qualify as a 5.609 (c)(13) program, the employment training program must offer the resident at least one of the following supportive services:

- child care

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- transportation
- personal welfare counseling (family/parental development counseling, parenting skills training for adult and teenage parents, substance/alcohol abuse treatment and counseling, self-development counseling)
- health care services (including outreach and referrals)
- youth leadership skills; youth mentoring

For purposes of the 5.609 (c) (13) exclusion and public housing particularly, Annual Income does not include the following:

> Incremental earnings and benefits resulting to any family member from participation in a program providing employment training and supportive services in accordance with the Family Support Act or any comparable Federal, State, or local law during the exclusion period.

Exclusion Period

The exclusion period is defined as the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program, provided the training program is not funded by public housing assistance under the 1937 Housing Act.

Where applicable, the 18-month exclusion period runs continuously from the date the first job begins. If the resident switches to a second job during the 18-month period the exclusion continues.

If the resident has a break in employment during the 18-month exclusion, any other income the person has during the break will be counted.

A person admitted into public housing after the completion of a qualifying employment training program, and who began employment while still an applicant and before coming into public housing, is entitled to the 18-month exclusion beginning with the date he/she became employed until the remainder of the 18 months.

If the family member is terminated from employment with good cause, the exclusion period shall end.

Components Applicable to All Training Programs

In either program (24 CFR 5.609 (c) (8)(v) and (c) (13)) and at all times the income to be excluded is the incremental income only.

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"Incremental income" is defined by HUD as the increase between the total amount of welfare and earnings of a family member *prior* to enrollment in the training program and welfare and earnings of the family member *after* enrollment in the training program.

All other amounts, (such as child support and alimony), are treated in the usual manner in determining annual income. Child support, or other income that is not *earnings or benefits,* is not a factor and will not be considered in regard to training income exclusions, regardless of whether they have increased or decreased.

Who is Eligible for the Exclusion

Any member of the resident's family is eligible for the exclusion, provided the individual is enrolled in the qualifying employment training program.

If a family has members who enroll in training programs at different times, the exclusion may be taken at different periods. The rules will be applied individually to each member based on which type of program they are enrolled in.

Verification

Upon verification, residents who are actively enrolled in a qualifying training program will have the incremental income from the training program excluded from their annual income.

Employment Before Completion of Training Program

A resident who has substantially completed a training program in order to accept a job offer will be eligible for the 18-month exclusion of income.

"Substantial completion" of a training program will be completion of 75% of the program.

If a resident has completed that portion of the training program necessary to get a job and continues simultaneously with the training program, the 18-month exclusion period will begin on the date the resident started the new job, not the date they complete the training program.

The resident is not required to get a job that is directly related to the training program to be eligible for the exclusion.

Other Factors to Be Considered

For self-employed residents, SMHA will exclude only the net income of a resident when factoring the earnings.

If a resident has no income the day they enter a training program, but has a history of employment in the past, SMHA will review the resident's wages for the past 18 months

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and average the income. That averaged income will become the resident's base amount for determining incremental earnings. Exception: If the resident has no income and enrolls in a welfare program which requires participants to be enrolled in a job training program, the base pay for that resident will be zero.

If more than six months go by before the resident starts their first job, the earnings from that job will be counted in full.

The resident is required to notify SMHA within 10 working days of enrolling in a qualifying training program.

Residents who have a decrease in income as a result of enrolling in a training program may request an interim examination. SMHA will determine the decrease in incremental income as a result of the training program and adjust the resident's rent accordingly.

Residents who do not notify SMHA within 10 working days of starting a training program, and have a decrease in income, will not have their rent adjusted retroactively.

D. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS

The annual income for qualified families may not be increased as a result of increases in earned income beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A family qualified for the earned income exclusion is a family that occupies a dwelling unit in a public housing project, is paying income-based rent; and

1. Whose annual income increases as a result of employment of a family member who was previously unemployed for one or more years prior to employment;

2. Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

3. Whose annual income increases, as a result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least $500. The qualifying TANF assistance may consist of any amount of monthly income maintenance, and/or at least $500 in such TANF benefits and services as one-time payments, wage subsidies, and transportation assistance.

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The HUD definition of “previously unemployed” includes a person who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

The HUD definition of economic self-sufficiency program is: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Amounts to be excluded are any earned income increases of a family member during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member. The incremental increase in income is calculated by comparing the amount of the family member’s income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

Initial Twelve-Month Exclusion:

During the cumulative 12-month period beginning on the date a member of a qualified family is first employed or the family member first experiences an increase in employment income, SMHA will exclude from annual income any increase in income of the family member as a result of employment over the prior income of that family member.

Second Twelve-Month Phase-in Exclusion:

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, SMHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four-Year Disallowance:

The earned income disallowance is limited to a lifetime 48-month period for each family member. For each family member, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

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If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Applicability to 18-month Training Income Exclusions [formerly found in 24 CFR 5.609(c)(13)]:

If a tenant meets the criteria for the mandatory earned income disallowance as outlined in 24 CFR 960.255, SMHA shall not deny a tenant the disallowance based on receipt of the earlier 18-month exclusion.

Applicability to Child Care and Disability Assistance Expense Deductions:

The amount deducted for child care and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care and disability assistance expense deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation will include:

- Date the increase in earned income was reported by the family
- Name of the family member whose earned income increased
- Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income
- Amount of the increase in earned income (amount to be excluded)
- Date the increase in income is first excluded from annual income
- Date(s) earned income ended and resumed during the initial cumulative 12-month period of exclusion (if any)

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- Date the family member has received a total of 12 months of the initial exclusion
- Date the 12-month phase-in period began
- Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)
- Date the family member has received a total of 12 months of the phase-in exclusion
- Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance)

SMHA will maintain a tracking system to ensure correct application of the earned income disallowance.

Inapplicability to Admission

The earned income disallowance is only applied to determine the annual income of families residing in public housing, and therefore does not apply for purposes of admission (including the determination of income eligibility or any income targeting that may be applicable).

E. INDIVIDUAL SAVINGS ACCOUNTS

SMHA chooses not to establish a system of individual savings accounts for families who qualify for the disallowance of earned income.

F. TRAINING PROGRAMS FUNDED BY HUD

All training income from a HUD sponsored or funded training program, whether incremental or not, is excluded from the resident's annual income while the resident is in training. Income from a Resident Services training program, which is funded by HUD, is excluded.

G. WAGES FROM EMPLOYMENT WITH THE PHA OR RESIDENT ORGANIZATION

Upon employment with SMHA or officially-recognized Resident Organization, the full amount of employment income received by the person is counted. There is no exclusion of income for wages funded under the 1937 Housing Act Programs, which includes public housing and Section 8.

H. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, SMHA will:

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Average known sources of income that vary to compute an annual income**.**

If there are bonuses or overtime which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third-party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income

I. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every 90 days.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

SMHA will request credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, SMHA will take action to investigate the possibility of fraud or program abuse.

J. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, SMHA will calculate the Total Tenant Payment by:

1. Excluding the income of the person permanently confined to the nursing home and not giving the family deductions for medical expenses of the confined family member.

OR

2. Including the income of the person permanently confined to the nursing home and giving the family the medical deductions allowable on behalf of the person in the nursing home.

K. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(a)(7)]

Regular contributions and gifts received from persons outside the household are counted

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as income for calculation of the Total Tenant Payment.

Any contribution or gift received every 4 months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than $300.00 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter on "Verification Procedures," for further definition.)

If the family's expenses exceed their known income, SMHA will make inquiry of the family about contributions and gifts.

L. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(a)(7)]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, SMHA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount.

SMHA will accept as verification that the family is receiving an amount less than the award if:

- SMHA receives verification from the agency responsible for enforcement or collection.
- The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a copy of the divorce decree.

M. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(4 and 5), (c)(3 and 14)]

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

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

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In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt; SMHA uses a calculation method which calculates retroactively or prospectively depending on the circumstances.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

- The entire lump-sum payment will be added to the annual income at the time of the interim.
- SMHA will determine the percent of the year remaining until the next annual recertification as of the date of the interim (three months would be 25% of the year).
- At the next annual recertification, SMHA will apply the percentage balance (75% in this example) to the lump sum and add it to the rest of the annual income.
- The lump sum will be added in the same way for any interims that occur prior to the next annual recertification.

Retroactive Calculation Methodology

SMHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

SMHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the SMHA.

The family has the choice of paying this "retroactive" amount to SMHA in a lump sum.

At SMHA's option, SMHA may enter into a Repayment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

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N. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

Contributions to company retirement/pension funds are handled as follows:

> While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
>
> After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

O. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

SMHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. SMHA will count the difference between the market value and the actual payment received in calculating total assets. The difference will be included in calculating total assets for two years.

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

SMHA's minimum threshold for counting assets disposed of for less than Fair Market value is $500.00. If the total value of assets disposed of within the two-year period is less than $500.00, they will not be considered an asset.

P. CHILD CARE EXPENSES

Unreimbursed child care expenses for children under 13 may be deducted from annual income if they enable an adult to work, actively seek work, attend school full time, or attend full-time vocational training.

In the case of a child attending private school, only before or after-hours care can be counted as child care expenses.

If a tenant is eligible for the earned income disallowance, the amount of deduction for child care expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, the disregarded or excluded amounts cannot be used in determining the cap for the child care expense deduction.

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

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The abuser in a documented child abuse situation, or

A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Child care expenses must be reasonable. Reasonable is determined by what the average child care rates are in SMHA's jurisdiction.

Allowability of deductions for child care expenses is based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

Q. MEDICAL EXPENSES [24 CFR 5.603]

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

Acupressure, acupuncture and related herbal medicines will not be considered allowable medical expenses.

Chiropractic services will be considered allowable medical expenses.

R. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter titled "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated TTP Calculation for Mixed Families

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Prorated assistance will be calculated by subtracting the Total Tenant Payment from the applicable Maximum Rent for the unit the family occupies to determine the Family Maximum Subsidy. The family's TTP will be calculated by:

Dividing the Family Maximum Subsidy by the number of persons in the family to determine Member Maximum Subsidy.

Multiplying the Member Maximum Subsidy by the number of eligible family members to determine Eligible Subsidy.

Subtracting the amount of Eligible Subsidy from the applicable Maximum Rent for the unit the family occupies to get the family's Revised Total Tenant Payment.

Prorated Flat Rent for Mixed Families

SMHA has no public housing units in which the applicable Maximum Rent is greater than the flat rent. Therefore, if the Mixed Family chooses flat rent, the family will pay the flat rent for the unit.

S. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

SMHA will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

- fraud
- failure to participate in an economic self-sufficiency program
- noncompliance with a work activities requirement

However, SMHA will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment; or
- A situation where a family member has not complied with other welfare agency requirements.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family’s income for rental contribution.

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Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

SMHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

The welfare agency, at the request of SMHA, will inform SMHA of amount and term of specified welfare benefit reduction for the family; reason for the reduction; and subsequent changes in term or amount of reduction.

Cooperation Agreements

SMHA has a unwritten cooperation agreement in place with the local welfare agency that assists SMHA in obtaining the necessary information regarding welfare sanctions.

T. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

If the cost of utilities (excluding telephone) is not included in the Tenant Rent, a utility allowance will be deducted from the total tenant payment. The Utility Allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost of reasonable consumption of utilities in an energy conservative household, *not* on a family's actual consumption.

When the Utility Allowance exceeds the family's Total Tenant Payment, the PHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

Resident-Paid Utilities

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

When the supplier of utilities offers a "budget" or level payment plan, it shall be suggested to the resident to pay his/her bills according to this plan. This protects the resident from large seasonal fluctuations in the cost of utilities and ensures adequate heat in the winter.

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When a resident makes application for utility service in his/her own name, he or she must sign a third party notification agreement so that SMHA will be notified if the resident fails to pay the utility bill.

If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit with resident paid utilities. This may mean that a current resident cannot transfer to a scattered site or that an applicant cannot be admitted to a unit with resident-paid utilities.

Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction**.**

U. EXCESS UTILITY PAYMENTS

Residents in units where SMHA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit. This charge shall be applied as specified in the lease. [24CFR 966.4(b)(2)]

V. CEILING RENTS

Ceiling rents are a function of income-based rent. For all units where ceiling rents are applied, the lower of the total tenant payment or the ceiling rent will be applied. SMHA will ensure that its ceiling rents will be unit based and not applied to certain families or certain categories of families.

SMHA's methodology used to establish ceiling rents is described in the PHA Plan.

W. FAMILY CHOICE IN RENTS

Authority for Family to Select

SMHA shall provide for each family residing in a public housing unit to elect annually whether the rent paid by such family shall be 1) determined based on family income or 2) the flat rent. SMHA may not at any time fail to provide both such rent options for any public housing unit owned, assisted or operated by SMHA.

Allowable Rent Structures

Flat Rents

SMHA has established, for each dwelling unit in public housing, a flat rent amount for the dwelling unit, which:

- Is based on the rental value of the unit, as determined by SMHA

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- Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

- SMHA's methodology used to establish flat rents is described in the PHA Plan and ACOP Addendum 2, pages 195-199.

SMHA shall review the income of families paying flat rent not less than once every three years. Family composition will be reviewed annually for all families, including those paying flat rent.

Income-Based Rents

The monthly Total Tenant Payment amount for a family shall be an amount, as verified by SMHA, that does not exceed the greatest of the following amounts:

- 30 percent of the family's monthly adjusted income;

- 10 percent of the family's monthly income; or

- SMHA's Minimum TTP of $25.00

Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay SMHA's flat rent, SMHA shall immediately provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the flat rent because of financial hardship, including:

- Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment, death in the family, and reduction in or loss of income or other assistance

- An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items

- Such other situations as may be determined by the SMHA

All hardship situations will be verified.

Once a family switches to income-based rent due to hardship, the family must wait until the next annual reexamination to elect whether to pay income-based rent or flat rent.

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Annual Reexamination

Within a reasonable time, in advance of the annual reexamination, the family will be sent a form from SMHA, on which the family will indicate whether they choose flat rent or income-based rent. The form will state what the flat rent would be, and an estimate, based on current information, what the family's income-based rent would be.

If the family indicates they choose flat rent, the family will fill out and return SMHA's form to certify family composition. This form will be retained in the tenant file.

If the family indicates they choose income-based rent, a reexamination appointment will be scheduled according to SMHA's policy.

Chapter 7

VERIFICATION PROCEDURES

[24 CFR, Part 5, Subpart B; 24 CFR 960.259]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by SMHA. Applicants and program tenants must furnish proof of their statements whenever required by SMHA, and the information they provide must be true and complete. The SMHA's verification procedures are designed to meet HUD's requirements and to maintain program integrity. This Chapter explains SMHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. SMHA will ensure that proper authorization for release of information is always obtained from the family before making verification inquiries.

A. METHODS OF VERIFICATION AND TIME ALLOWED

SMHA will verify information through the four methods of verification acceptable to HUD in the following order:

1. **Third-Party Written**: SMHA's first choice is a written third party verification to substantiate claims made by an applicant or resident.
2. **Third-Party Oral**: SMHA may also use telephone verifications.

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3. **Review of Documents**: SMHA will review documents, when relevant, to substantiate the claim of an applicant or resident.

4. **Family Certification**: A notarized family certification will be accepted when no other form of verification is available.

If third party verification is not received directly from the source, SMHA staff will document the file as to why third party verification was impossible to obtain and another method was used (such as reviewing documents families provide.) (See Chapter on Applying for Admission.)

For applicants, verifications may not be more than 90 old at the time of a unit offer. For tenants, they are valid for 90 from date of receipt.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, SMHA will compare the information to any documents provided by the Family. If provided by telephone, SMHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within 3 weeks, SMHA will utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form.SMHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs

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- Computer printouts from the employer
- Other documents noted in this Chapter as acceptable verification
- Faxed documents.

SMHA will not accept photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, SMHA will utilize the third party verification.

Self-certification/Self-declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit self-certification.

Self certification means a notarized statement.

B. RELEASE OF INFORMATION

All adults, and head of house and spouse regardless of age, are required to sign HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

In addition, the family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886.

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of tenancy because it is a family obligation under tenancy to supply any information requested by SMHA or HUD.

C. COMPUTER MATCHING

When SMHA receives notification from HUD that a family has been sent an "income discrepancy" letter, SMHA will:

> Wait 40 days after the date of notification before contacting tenant.
>
> After 40 days following the date of notification, the PHA will contact the tenant by [mail/telephone/mail and telephone/other] asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

SMHA will fully document the contact in the tenant's file, including a copy of the letter to the family.

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When the family provides the required information, SMHA will verify the accuracy of the income information received from the family, review SMHA's interim recertification policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, based on the information.

If the amount of rent owed to SMHA exceeds $3000, SMHA will seek to terminate assistance.

<u>If tenant fails to respond to SMHA</u>:

- SMHA will ask HUD to send a second letter.
- After an additional 40 days, SMHA will ask HUD to send a third letter.
- After an additional 40 days, SMHA will send a letter to the head of household, warning of the consequences if the family fails to contact SMHA within two weeks.

<u>If tenant claims a letter from HUD was not received:</u>

- SMHA will ask HUD to send a second letter with a verified address for the tenant.
- After 40 days, SMHA will contact the tenant family.
- If the tenant family still claims they have not received a letter, SMHA will ask HUD to send a third letter.
- After an additional 40 days, SMHA will set up a meeting with the family to complete IRS forms 4506 and 8821.
- If the tenant family fails to meet with SMHA or will not sign the IRS forms, SMHA will send a warning letter to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with SMHA and/or sign forms

<u>If tenant does receive a discrepancy letter from HUD:</u>

- SMHA will set up a meeting with the family.
- If the family fails to attend the meeting, SMHA will reschedule the meeting.
- If the family fails to attend the second meeting, SMHA will send a termination warning.

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- The family must bring the original HUD discrepancy letter to SMHA

<u>If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter:</u>

- SMHA will ask the tenant to provide documented proof that the tax data is incorrect.
- If the tenant does not provide documented proof, SMHA will obtain proof to verify the Federal tax data using third party verification

D. ITEMS TO BE VERIFIED

- All income notspecifically excluded by the regulations.
- Zero-income status of household.
- Zero income applicants and residents will be required to complete a family expense form at each certification or recertification interview.
- Full-time student status including High School students who are 18 or over.
- Current assets including assets disposed of for less than fair market value in preceding two years.
- Child care expense where it allows an adult family member to be employed, seek employment or to further his/her education.
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow an adult family member to be employed.

Legal Identity

- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members 6 years of age or older or certification that a family member does not have a Social Security Number.
- Preference status, based upon SMHA's preferences.
- Marital status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions.

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E. VERIFICATION OF INCOME

This section defines the methods SMHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include:

1. Employment verification form completed by the employer.
2. Check stubs or earning statements that indicate the employee's gross pay, frequency of pay or year to date earnings.
3. W-2 forms plus income tax return forms.
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

In cases where there are questions about the validity of information provided by the family, SMHA will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplemental Security Income (SSI), Disability Income

Acceptable methods of verification include:

1. Benefit verification form completed by agency providing the benefits
2. Computer report electronically obtained or in hard copy.

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3. Award or benefit notification letters prepared by the providing agency.

Unemployment Compensation

Acceptable methods of verification include:

1. Computer report electronically obtained or in hard copy, stating payment dates and amounts

2. Verification form completed by the unemployment compensation agency.

3. Payment Stubs

Welfare Payments or General Assistance

Acceptable methods of verification include:

1. SMHA verification form completed by payment provider.

2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.

3. Computer-generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

2. A notarized letter from the person paying the support.

3. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

4. If payments are irregular, the family must provide:

- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.

- A welfare Notice of Action showing amounts received by the welfare agency for child support.

- A written statement from an attorney certifying that a collection or enforcement action has been filed.

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Net Income from a Business

In order to verify the net income from a business, SMHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:

    - Schedule C (Small Business)
    - Schedule E (Rental Property Income)
    - Schedule F (Farm Income)

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

2. Audited or unaudited financial statement(s) of the business.

3. Family's notarized statement as to net income realized from the business during previous years.

SMHA may request the documentation identified in #4 above, regardless of the verification used.

Child Care Business

If an applicant/tenant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/tenant is operating a "cash and carry" operation (licensed or not), SMHA will require the applicant/tenant to complete a form for each customer giving: name of person(s) whose child(ren) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

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

Recurring Gifts

The family must furnish a notarized statement that contains the following information:

- The person who provides the gifts
- The value of the gifts

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- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, AFDC, SSI, etc. are not being received by the household.

Full-Time Student Status

Only the first $480 of the earned income of full time students 18 years of age or older, other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is not counted towards family income.

Verification of full time student status includes:

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

Verification of Income Exclusions

SMHA will attempt third party verification of income exclusions wherever possible.

Exclusions from income that must be verified and reported on the 50058 include the following:

Expenditures for business expansion.

Amortization of capital indebtedness as deductions in determining net income of a business.

Withdrawals of cash or assets from a professional or business operation if the withdrawal is a reimbursement for cash or assets invested in the operation by the family.

Allowance for business asset depreciation, based on straight line depreciation, as provided in the Internal Revenue Service (IRS) regulations.

Income from employment of children or foster children under 18 years old.

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Earnings in excess of $480 for each full-time student 18 years old or older (excluding head or household and spouse).

Earned income disallowance.

Amounts earned by temporary Census employees; terms of employment may not exceed 180 days for the purposes of the exclusion.

Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by the resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in the development.

Stipends to reimburse residents for expenses for serving as members of the PHA governing board or commission.

The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

The full amount of military pay of any family member other than the head and spouse. If other family members are away from home in the military, SMHA may remove their name from the lease and exclude their income.

Other military pay specifically excluded by law (e.g. Desert Storm active duty).

Income of a live-in aide.

Earnings and benefits from employment training programs funded by HUD.

Reimbursement for out-of-pocket expenses while attending a public assisted training program.

Incremental earnings and benefits from participation in qualifying state and local employment programs.

Payments to volunteers under the Domestic Volunteer Services Act.

Payments received under programs funded in whole or in part under the Workforce Investment Act (WIA) (formerly known as the Job Training Partnership Act (JTPA)).

Earnings and benefits to any family member from an employment training and supportive services program during the exclusion period. The exclusion is applicable only if the family was admitted to the qualifying program prior to October 1, 1999.

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Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

Food stamps.

Annual Imputed Welfare Income if the family was not an assisted resident at the time of sanction.

Nonrecurrent, short-term benefits under TANF assistance that:

Are designed to deal with a specific crisis situation or episode of need;

Are not intended to meet recurrent or ongoing needs; and

Will not extend beyond four months

Work subsidies under TANF assistance (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training).

Supportive services under TANF assistance such as child care and transportation provided to families who are employed.

Refundable earned income tax credits.

Individual Development Accounts under TANF.

Services provided under TANF assistance such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support.

Transportation benefits under TANF assistance provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

Lump-sum pension benefits payable as a death benefit.

Deferred periodic amounts from SSI benefits that the family member received in a lump sum amount or in prospective monthly amounts.

Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).

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Deferred periodic amounts from Social Security benefits that the family member received in a lump sum amount or in prospective monthly amounts.

Childcare arranged or provided under the Child Care and Development Block Grant Act.

Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.

Payments received under the Alaska Native Claims Settlement Act.

Income derived from certain sub marginal land or the United States that is held in trust for certain Indian tribes.

Income derived from the disposition of funds of the Grand River Band of Ottawa Indians.

The first $2000 of per capita shares from judgment funds awarded by Indian Claims.

Payments received under the Maine Indian Claims Settlement Act of 1980.

Payments received by Indian Claims Commission to the Confederate Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation.

The first $2000 of income received by individual Indians derived from interests or trust or restricted land.

Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).

Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses.

Full amount of student financial assistance and paid directly to the student or to the educational institution.

Temporary, nonrecurring or sporadic income (including gifts).

Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.

Adoption assistance payments in excess of $480 per adopted child.

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Refunds or rebates under state or local law for property taxes paid on dwelling unit.

Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply.

Payments or allowances under DHHS' low-income home energy assistance program (LIHEAP).

Federal scholarships funded under Title IV of The Higher Education Act of 1965, including awards under the Federal work study program or under the Bureau of Indian Affairs student assistance program.

Payments received from programs funded under Title V of the Older Americans Act of 1965.

Payments received on or after January 1, 1989 from the Agent Orange Settlement Fund or any fund established pursuant to the settlement in the In Re Agent Orange product liability litigation.

Earned Income Tax Credit refund tax payments.

Any allowance paid under provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is a child of a Vietnam Veteran.

Any amount of crime victim compensation that the applicant (under the Victims Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims Crime Act because of the commission of a crime against the applicant.

F. INCOME FROM ASSETS

Acceptable methods of verification include:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or SMHA verification forms completed by the financial institution.

2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.

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2. IRS Form 1099 from the financial institution, provided that the SMHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)

2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

1. IRS Form 1040 with Schedule E (Rental Income).

2. Copies of latest rent receipts, leases, or other documentation of rent amounts.

3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

4. Lessee's written statement verifying rent payments to the family and family's notarized statement as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

SMHA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

- Verification forms, letters, or documents from a financial institution or broker.

- Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

- Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.

- Real estate tax statements if the approximate current market value can be deduced from assessment.

- Financial statements for business assets.

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- Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- Appraisals of personal property held as an investment.
- Family's Notarized Statement describing assets or cash held at the family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value (FMV) during two years preceding effective date of certification or recertification.

For all Certifications and Recertifications, the SMHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification [or certification] is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number and schedule of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical and Disability Assistance Expenses

Families who claim medical expenses or expenses to assist a person(s) with disabilities will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

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Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

For attendant care:

A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. SMHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

SMHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities

In All Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

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Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, SMHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Original Certificates of Birth, naturalization papers
- Church issued baptismal certificate (for adults 62 years an older)
- U.S. military discharge (DD 214)
- U.S. passport

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Original Certificates of Birth
- Adoption papers
- School records

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Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will be required if certification is insufficient:

Verification of relationship:

- Official identification showing name
- Birth Certificates
- Baptismal certificates

Verification of guardianship is:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency
- School records

Evidence of an established family relationship:

- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior cohabitation
- Credit reports showing relationship

Split Households: Domestic Violence

Verification of domestic violence when assessing applicant split households includes:

- Shelter for battered persons
- Police reports
- District Attorney's office

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Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, SMHA will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.
- Statements from other agencies such as social services that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

SMHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under 42 U.S.C. Section 423(d)(1)(A) of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while SMHA's hearing is pending.

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Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

Eligible Immigrants who are 62 or over are required to sign a declaration of eligible immigration status and provide proof of age.

Noncitizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. SMHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, SMHA must request within ten days that the INS conduct a manual search.

Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of non-contending family members signed by the head of household or spouse.

Noncitizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of non-contending members.

Failure to Provide. If an applicant or tenant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification. For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For tenant families, it is done at the first regular recertification after June 19, 1995. SMHA's that previously elected to "opt out" must immediately commence verification of families for whom eligibility status has not been undertaken. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial SMHA does not supply the documents, SMHA must conduct the determination.

Extensions of Time to Provide Documents. SMHA will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration. The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

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- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

SMHA will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

Verification of Social Security Numbers

Social security numbers must be provided as a condition of eligibility for all family members six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration.

If a family member cannot produce a Social Security Card, only the documents listed below showing his/her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

Verification of benefits or SSN from Social Security Administration

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to SMHA.

If an applicant or tenant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or tenant must sign a certification to that effect provided by SMHA. The applicant/tenant or family member will have an additional 60 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's tenancy will be terminated.

In the case of an individual at least 62 years of age, SMHA may grant an extension for an

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additional 60 days up to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's tenancy will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

J. VERIFICATION OF SUITABILITY FOR ADMISSION

Sources to be used to determine suitability include but are not limited to:

- Criminal History Reports
- Prior landlord references
- Physicians, social workers, and other health professionals
- SMHA and Other PHA's (to whom the family may owe debt)

(See chapter on Eligibility.)

Ability to meet financial obligations under the lease

All applicants will be subject to the following procedures to ensure their ability to meet financial obligations under the lease:

- All applicants will be interviewed and asked questions about the basic elements of tenancy.
- SMHA will access a Credit Report on all applicants prior to selection.
- SMHA will determine if applicants owe any monies from previous tenancy or participation in any HUD housing program.
- SMHA will independently verify the rent-paying history of all applicants for the previous 5 years directly with the landlord(s).
- Drug-related or violent criminal activity

SMHA will complete a criminal background check of all applicants including other adult members in the household, or any adult member for which criminal records are available.

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Housekeeping

SMHA will obtain references from prior landlords for the previous 5 years to determine acceptable housekeeping standards.

K. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 960.206]

Local Preferences

1. Veterans preference:

   This preference is available to current members of the U.S. Military Armed Forces, veterans, or surviving spouses of veterans.

   SMHA will require U.S. government documents which indicate that the applicant qualifies under the above definition.

2. Involuntary Displacement

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

   Families who claim they are being or have been displaced because of actions taken by the owner/agent of the unit the family is renting: Notification by owner to family of the action/ written verification by the owner or agent/documents such as sales agreements, foreclosure notices or building permits.

   Families who claim they are being or have been displaced due to domestic violence:

   Written verification from police, social service agency, court, clergyperson, physician, and/or public or private facility giving shelter and/or counseling to victims.

   Displacement by HUD disposition of a project: Written verification from HUD.

3. Homeless Families as defined by HUD guidelines:

   Definition of Homeless: Any individual or family who lacks fixed, regular & adequate nighttime residence and has a primary night time residence that is:

   A supervised public or privately operated shelter designated to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing.

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A public or private place not designated or normally used as a regular sleeping place for humans.

A written certification by a public or private facility providing, shelter, the police, or a social services agency must be provided to SMHA.

4. Elevated Blood Level.

Families who have children under the age of seven and have elevated blood level conditions equal to or exceeding 20 micrograms per deciliter (ug/dl)

5. Rent Burden: Paying more than 40% of income for rent:

Families will be required to verify their income, the amount of rent and utilities they are obligated to pay, and the period of time they have been residing in the unit.

Families must furnish copies of rental receipts the lease/canceled checks/money orders.

SMHA compares the address with address(es) used on other documents in the file.

At the family's option, SMHA can use either the actual cost of utilities or SMHA's Section 8 utility allowance schedule. To verify the amount the family actually paid for utilities not included in the rent (if the Section 8 Utility Allowance Schedule is not used):

Copies of receipts, canceled checks, bills showing previous utility payments

Verification must be provided for a minimum period of 3 months

Documentation of the amount of rent due must be provided for a period of 3 months.

Chapter 8

TRANSFER POLICY

INTRODUCTION

The transferring of families is a very costly procedure, both to SMHA and to the families. However, it is the policy of SMHA to permit a resident to transfer within or between housing developments when it is necessary to comply with occupancy standards; or when

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it will help accomplish the Affirmative Housing goals of SMHA. The transfer policy will be carried out in a manner that does not violate fair housing.

For purposes of this transfer policy the "losing development" refers to the unit from which the family is moving and the "gaining development" refers to the unit to which the family is transferring.

A. GENERAL STATEMENT

Transfers from one unit to another will be approved solely in accordance with this Policy.

Transfers shall be made without regard to race, creed, color, gender, familial, status, disability or national origin.

Transfers between the same dwelling unit of equal size shall not take place except for transferring a non-handicapped family residing in a handicap accessible unit or allowing for a reasonable accommodation requested by a disabled family.

A family must reside in a unit for one year prior to requesting a transfer.

Transfers will only be made when residents have no delinquent rent, have good housekeeping habits, have not caused damage to the current unit being occupied and do not have long-standing charges remaining on their accounts, and have not violated any tenant obligations.

Transfer requests shall be placed on a master Transfer list in the order of the date the request was approved. All transfer request shall be reviewed by the Executive Director or his/her designee.

Except in the instance of modernization activity, or in the case of an emergency, the family transferring from one unit to another is responsible for any costs associated with moving to the new unit.

It is the policy of SMHA to require or permit resident transfers, within and/or between public housing developments for the following reasons:

> **Emergency Transfers (Category 1):** are permitted when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by SMHA. Emergency transfers within sites or between sites may be made to repair unit defects hazardous to life, health, or safety, alleviate verified medical problems of life threatening nature, or based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element is a particular property or neighborhood. These transfers shall take priority over new admissions.

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Administrative Transfers (Category 2): include transfers within or between sites to alleviate verified medical problems of a serious nature, permit modernization of units, permit a family that requires a unit with accessible features to occupy such a unit, remove residents who are witnesses to a crime and may face reprisals (as documented by a law enforcement agency). These transfers shall take priority over new admissions.

Administrative Transfers (Category 3): within or between sites may be to correct occupancy standards (i.e. over/under housed conditions), or a family above the Established Income Range moving into a development below the Established Income Range, or vice versa. These transfers will not automatically take priority over new admissions.

a) Category 3 administrative transfers will be processed with new admissions using a ratio of one transfer for every five new admissions. This ratio is discretionary and will be reviewed annually to determine its effects on the vacancy rate. Based on recommendations from staff, the Executive Director may authorize a change in this ratio or suspend the processing of this type of transfer.

b) When a head of household, originally housed in a bedroom by him/herself, has a child, that child shall remain in the parent's bedroom until it is two (2) years of age. After 2, a Category 3 administrative transfer may be recommended.

A family may be request and may be approved to transfer for valid and certifiable reasons such as enabling the family to:

- Emergency
- Medical hardship and accessibility
- Underhoused (overcrowded)
- Overhoused

Family above the Established Income Range moving into a development below the Established Income Range, or vice versa

SMHA will always consider a request to transfer as a reasonable accommodation for a person with a disability.

B. ELIGIBILITY FOR TRANSFER

In order to be determined eligible to receive a transfer, residents must submit the requisite documentation to SMHA, to substantiate their request, and must be in good standing with

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SMHA.

Except in emergency situations, transfers will be avoided when the family is:

- Delinquent in its rent;
- In the process of reexamination to determine rent and eligibility; or
- About to be asked to move for reasons other than non-payment of rent.
- Not in good standing with SMHA due to rental history or a history of disturbances.

SMHA will not grant a transfer request solely to accommodate neighbors who "cannot get along."

C. PRIORITY OF TRANSFERS

The Transfer Waiting list will be maintained in rank order according to the following priorities:

Emergency

Executed within 48 hours of documentation, verification and approval

Transfer will be within the housing development unless emergency transfer cannot be accomplished in this manner.

Ratio of transfers to waiting list applicants not applicable

Emergency transfers are initiated by SMHA

Medical hardship and accessibility

Executed as units become available of documentation, verification and approval.

Transfer will be within the housing development unless appropriate unit is not available to meet the family's needs within the development.

Ratio of transfers to waiting list applicants not applicable.

Medical hardship and accessibility transfers are initiated by SMHA and/or written family request.

Underhoused (Overcrowded)

Executed when family's name reaches the top of transfer list and authorized unit

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available

Transfer will be within the housing development unless size and type of unit required does not exist within that development's inventory

Ratio shall be one transfer for every five move-ins from the public housing waiting list.

Transfers are initiated by SMHA and/or written family request.

Overhoused

Executed when family's name reaches top of transfer list and authorized unit available.

Transfer will be within the housing development unless the size and type of unit required does not exist within that development's inventory.

Ratio shall be one transfer for every three move-in(s) from the public housing waiting list.

Transfers are initiated by SMHA and/or written family request.

Family above the Established Income Range moving into a development below the Established Income Range, or vice versa

Executed when the first family on the transfer list above the EIR is needed to move into a development below the EIR, or vice versa.

SMHA offers incentives for families above the EIR to move into a development below the EIR (and vice versa) as described in the PHA Plan.

SMHA will not take any adverse action against any transfer family above the EIR declining an offer by SMHA to move into a development below the EIR, and vice versa, except that SMHA has the right to uniformly limit the number of transfer offers.

D. MOVING COSTS

The resident, except when the transfer is due to uninhabitability, through no fault of the resident, or when the transfer is due to the need of SMHA, will pay all moving costs related to the transfer.

In the case of transfers due to threat of violence, SMHA will determine on a case-by-case basis whether the resident shall be responsible for moving costs.

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E. SECURITY DEPOSITS

Security deposits will always be transferred from the losing development to the gaining development minus.

The resident will be billed for any charges that occur as a result of the resident moving out of the apartment. The office of the gaining development is responsible for collecting any maintenance charges due SMHA.

A transfer between developments will not be considered a move-out.

F. PROCESSING TRANSFERS

Transfers will be processed as follows.

> There will be no lapsed time between move-out and move-in. Effective dates must not overlap nor will both projects carry the resident on their books at the same time.

Both losing and gaining developments involved must have a definite agreement as to when the losing development will move the resident out and the gaining development will move the resident in.

Losing Developments

Transfers to other developments will be processed in the same manner as move-outs. The name of the transferred resident and the name of the development s/he transferred to, with other required information, will be reported as a transfer move-out on the Project Daily Report.

Gaining Developments

Transfers from other developments will be processed in the same manner as move-ins, including a new lease. The name of the transferred resident and the name of the development s/he transferred from, with other required information, will be reported as a transfer move-in on the Project Daily Report.

The transferred resident, between public housing projects, does not have to meet the admission eligibility requirements pertaining to income or preference.

G. TRANSFER REQUEST PROCEDURE

Residents applying for a transfer will have to complete a transfer request form stating the reason a transfer is being requested. The Director of Public Housing will evaluate the request to determine if a transfer is justified.

The approved request for transfer form will be kept in a file arranged in chronological

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order by bedroom size.

If the request is approved, the family will be sent a letter stating that their name has been placed on the transfer list for the bedroom size desired.

The resident will be informed of the security deposit procedures.

If the request is denied the family will be sent a letter stating the reason for denial, and offering the family an opportunity for an informal conference if they disagree with the decision.

NOTE: A transfer will require good coordination and communication between the gaining and losing developments.

H. RENT ADJUSTMENTS OF TRANSFERRED RESIDENTS

A resident will pay the same rent at the gaining development as s/he paid at the losing development during the month of the transfer. If warranted, the resident's rent will be adjusted by the gaining development to be effective the first of the month following the month of the transfer.

SMHA will notify the resident of the rent change by use of the Notice of Rent Adjustment Letter.

I. REEXAMINATION DATE

The date of the transfer does not change the reexamination date.

The losing development will send the family's file to the gaining development once they have been notified that the family has accepted the unit and before the family is leased up.

To reduce vacancy time, the losing development may fax the required information to the gaining office, if requested, while the family's file is en route to the gaining development.

Chapter 9

LEASING

[24 CFR 966.4]

INTRODUCTION

It is SMHA's policy that all units must be occupied pursuant to a dwelling lease

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agreement that complies with HUD's regulations [24 CFR Part 966]. This Chapter describes pre-leasing activities and SMHA's policies pertaining to lease execution, security deposits, other charges, and additions to the lease.

A. LEASE ORIENTATION

Upon execution of the lease, a SMHA representative will provide a lease orientation to the family head and spouse. The orientation may be conducted with more than one family.

The family must attend an orientation before taking occupancy of the unit.

Orientation Agenda

When families attend the lease orientation, they will be provided with:

- A copy of the Lease
- A copy of SMHA's lease and grievance procedure
- A copy of the House Rules

Topics to be discussed will include, but are not limited to:

- Applicable deposits and other charges
- Provisions of the Lease
- Family Choice of Rents
- Unit maintenance and work orders
- Explanation of occupancy forms
- Terms of occupancy
- Community Service

B. LEASE REQUIREMENTS

The initial term of the lease will be for 12 months. The lease will renew automatically for 12-month terms except for noncompliance with the community service requirement, as described in the chapter on community service.

Because the lease automatically renews for terms of 12 months, an annual signing process is not required.

C. EXECUTION OF LEASE

The lease shall be executed by the head of household, spouse, and all other adult members of the household, and by an authorized representative of SMHA, prior to admission.

The head of household is the person who assumes legal and financial responsibility for

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the household and is listed on the application as head.

An appointment will be scheduled for the parties to execute the lease. One executed copy of the lease will be given to the tenant, and SMHA will retain one in the tenant's file. The lease is incorporated into this policy by reference. The lease document will reflect current SMHA policies as well as applicable Federal, State and Local law.

The following provisions govern lease execution and amendments:

A lease is executed at the time of admission for all new tenants.

A new lease is executed at the time of the transfer of a tenant from one SMHA unit to another (with no change in reexamination date).

If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be amended by drawing a line through the party's name and both parties will be required to initial and date the change.

Lease signers must be persons legally eligible to execute contracts.

The names and date of birth of all household members are listed on the lease at initial occupancy and on the Application for Continued Occupancy each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.

Changes to tenant rents are made upon the preparation and execution of a "Notice of Rent Adjustment" by SMHA, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice.

Households that include a Live-In Attendant will contain file documentation that the Live-In Attendant is not a party to the lease and is not entitled to SMHA assistance, with the exception of occupancy while serving as the attendant for the participant family member.

SMHA may modify its form of lease from time to time, giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A tenant's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

D. ADDITIONS TO THE LEASE

Requests for the addition of a new member of the household must be approved by SMHA, prior to the actual move-in by the proposed new member.

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Following receipt of a family's request for approval, SMHA will conduct a pre-admission screening, including the Criminal History Report, of the proposed new member. Only new members approved by SMHA will be added to the household.

Factors determining household additions:

1. Household additions subject to screening:

   Resident plans to marry;

   Resident is awarded custody of a child over the age for which juvenile justice records are available;

   Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren).

   A unit is occupied by a remaining family member(s) under age 18 (not an emancipated minor) and an adult who was not a member of the original household requests permission to take over as the head of household.

2. Factors determining household additions that are not subject to screening:

   Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process.

3. Factors determining household additions that may be subject to screening, depending on SMHA discretion:

   Children below the age under which juvenile justice records are made available, who are added through a kinship care arrangement, are exempt from the pre-screening process.

4. In such cases where the addition of a new member who has not been born, married, or legally adopted into the family, and the addition will affect the bedroom size required by the family, according to SMHA occupancy standards, SMHA will not approve the addition.

5. SMHA will not approve adding a family consisting of more than one member to the lease. Such applicants will be encouraged to apply to the waiting list.

6. Residents who fail to notify SMHA of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons are considered to be unauthorized occupants by SMHA, and the entire household will be subject to eviction [24 CFR 966.4(f)(2 and 3)].

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7. Family members age 18 and over who move from the dwelling unit to establish new households shall be removed from the lease. The tenant must notify SMHA of the move-out within 14 calendar days of its occurrence.

   These individuals may not be readmitted to the unit and must apply as a new applicant for placement on the waiting list.

   SMHA in making determinations under this paragraph will consider medical hardship or other extenuating circumstances.

8. The resident may not allow visitors to stay overnight more than 14 consecutive days in a twelve, month period.

   Visitors who remain beyond this period shall be considered trespassers, and their presence constitutes a breach of the lease.

   If an individual other than a leaseholder is representing to an outside agency that they are residing in the lessee's unit, the person will be considered an unauthorized member of the household.

9. Roomers and lodgers are not permitted to occupy a dwelling unit, nor are they permitted to move in with any family occupying a dwelling unit.

   Residents are not permitted to allow a former tenant of SMHA who has been evicted to occupy the unit for any period of time.

   Residents must advise SMHA when they will be absent from the unit for more than 14 days and provide a means for SMHA to contact the resident in the event of an emergency. Failure to advise SMHA of extended absences is grounds for termination of the lease.

E. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES

[24 CFR 8.27(a)(1)(2) and (b)]

Before offering a vacant accessible unit to a non-disabled applicant, SMHA will offer such units:

First, to a current occupant of another unit of the same development, or other public housing developments under SMHA's control, who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

SMHA will require a non-disabled applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the

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features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

F. UTILITY SERVICES

Tenants responsible for direct payment of utilities must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits.

Failure to maintain utility services during tenancy is a lease violation and grounds for eviction.

Non-payment of excess utility charge payments to SMHA is a violation of the lease and is grounds for eviction.

G. SECURITY DEPOSITS

Security Deposit

New tenants must pay a security deposit to SMHA at the time of admission.

The amount of the security deposit required is specified in the lease.

SMHA may permit installment payments of security deposits when a new tenant demonstrates a financial hardship to the satisfaction of SMHA. However, no less than one-half of the required deposit must be paid before occupancy.

The remainder of the deposit must be paid within 90 days.

SMHA will hold the security deposit for the period the tenant occupies the unit.

SMHA will refund to the Tenant the amount of the security deposit, less any amount needed to pay the cost of:

Unpaid Rent;

Damages listed on the Move-Out Inspection Report that exceed normal wear and tear;

Other charges under the Lease.

SMHA will refund the Security Deposit less any amounts owed, within 30 calendar days after move out and tenant's notification of new address.

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SMHA will provide the tenant or the person designated by the former tenant in the event of the former tenant's incapacitation or death with a written list of any charges against the security deposit. If the tenant disagrees with the amount charged to the security deposit, SMHA will provide a meeting to discuss the charges.

The resident must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to SMHA. All keys to the unit must be returned to the Management upon vacating the unit.

SMHA will not use the security deposit for payment of rent or other charges while the tenant is living in the unit.

If the tenant transfers to another unit, SMHA will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges.

Pet Deposit

See chapters on pet policy.

H. RENT PAYMENTS

The tenant rent is due and payable at SMHA-designated location on or before the 5th working day of every month. If the 5th working day falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If SMHA does not receive payment by the agreed-upon date, a delinquent rent notice will be sent.

If the payment of rent and other charges due under the lease will be delayed beyond the first day of the month, the tenant must notify the Management no later than 5 business days before the payment is due.

> The notification must include an explanation of the circumstances that will delay the tenant's payment, and indicate the date on which full payment will be made.

I. FEES AND NONPAYMENT PENALTIES

If the tenant fails to make payment by the 5th working day of the month, and SMHA has not agreed to accept payment at a later date, a Notice to Vacate will be issued to the tenant with a 14 day notice period for failure to pay rent, demanding payment in full or the surrender of the premises.

If the tenant fails to make payment by the 5th working day of the month, a late fee of $20.00 will be charged.

A charge of $ 10.00 will be assessed against the tenant for checks, which are returned for non-sufficient funds (NSF), or checks written on a closed account.

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SMHA will always consider the rent unpaid when a check is returned as NSF or a check is written on a closed account.

Any rent payment received will be applied to the oldest rent charges in the resident's account with the exception of debts currently under a payment agreement.

J. SCHEDULES OF SPECIAL CHARGES

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the lease by reference shall be publicly posted in a conspicuous manner in the project office, and they will be provided to applicants and tenants upon request.

K. MODIFICATIONS TO THE LEASE

Schedules of special charges and rules and regulations are subject to modification or revision. Residents and resident organizations will be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

A copy of such notice shall be posted in the central office, and:hand delivered to the dwelling unit, and/or mailed by first class mail to the tenant.

After the proposed changes have been incorporated into the lease and approved by the Board, each family will be notified of the effective date of the new lease.

Any modifications of the lease must be accomplished by a written addendum to the lease and signed by both parties.

L. CANCELLATION OF THE LEASE

Cancellation of the tenant's lease is to be in accordance with the provisions contained in the lease agreement and as stated in this policy.

M. INSPECTIONS OF PUBLIC HOUSING UNITS

Initial Inspections

SMHA and the family will inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by SMHA and the tenant, will be kept in the tenant file.

Vacate Inspections

SMHA Inspection Department will access the Vacate Report prepared by housing management staff and will perform a move-out inspection when the family vacates the

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unit, and will encourage the family to participate in the move-out inspection.

The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. SMHA will determine if there are tenant caused damages to the unit. Tenant caused damages may affect part or all of the family's security deposit.

The move-out inspection also assists SMHA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

The resident is encouraged to participate in the move-out inspection.

Annual Inspections

SMHA will inspect all units annually using HUD's Uniform Physical Condition Standards (UPCS) as a guideline.

The unit will be considered to have failed HUD's Uniform Physical Condition Standards if there are any *life-threatening* Health and Safety deficiencies **:**

There are three or more Level 2 (major) deficiencies.

There are six or more Level 1 (minor) deficiencies.

If a unit fails inspection due to housekeeping or tenant-caused damages, the resident will be given 14 days to correct noted items, after which a follow-up inspection will be conducted.

Residents will be issued a copy of the inspection report with required corrections.

If necessary to bring the unit into UPCS compliance, needed repairs will be completed by SMHA.

All inspections will include a check of all smoke alarms to ensure proper working order.

Inspection report will indicate whether required corrections are to be charged to the resident or covered by SMHA.

Damages beyond "normal wear and tear" will be billed to the tenant.

Residents who repeatedly "fail" the inspection or cause excessive damage to the unit may be in violation of their lease.

Quality Control Inspections

The housing management staff will conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues in which SMHA

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can be of service to the family.

SMHA Inspection staff will conduct quality control inspections on all units

where repairs were made to vacant units generated by move-out inspections

that are under general contract maintenance or contracted out to low bid contractors

The purpose of these quality control inspections is to assure that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

Special Inspections

Management staff may request the Property Manager to conduct a special inspection for housekeeping, unit condition, or suspected lease violation.

HUD representatives or local government officials may review SMHA operations periodically and as a part of their monitoring may inspect a sampling of SMHA's inventory.

Other Inspections

Playground inspections are conducted quarterly to determine playground safety.

Building exterior and grounds inspections are conducted at all Public Housing properties to determine hazardous conditions as well as to assist in budget preparation.

Emergency Inspections

Housing management staff, including SMHA inspectors may initiate an emergency inspection report to generate a work order if they believe that an emergency exists in the unit or on a Public Housing site. In addition, the inspector may conduct an emergency inspection without a work order and generate a work order after the inspection has been conducted (see Entry of Premises Notice in this chapter.) Repairs are to be completed within 24 hours from the time the work order is issued.

Emergency Repairs to be Completed in Less than 24 Hours

The following items are to be considered emergency in nature and require immediate (less than 24 hour) response:

- Lock-out (with proper identification of resident)
- Broken window glass which affects unit security, is a cutting hazard, or occurs within inclement weather (to be secured or abated)

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- Escaping gas
- Plumbing leaks that can cause flooding or damage to the unit
- Natural gas leaks or smell of fumes
- Backed-up sewage
- Electrical hazard
- Units with elderly residents in which the SMHA-owned air conditioner or heater seasonal) or refrigerator is inoperable
- Inoperable smoke detectors will be treated as a 24-hour emergency and will be made operable by SMHA if the smoke detector is in need of repair.

Residents who disengage smoke detectors for convenience purposes will be cited. (See "Housekeeping Citations" in this chapter.)

Entry of Premises Notices

SMHA will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day.

SMHA will provide the family with 48 hour notice prior to entering the unit for non-emergency reasons other than the annual inspection.

If no person is at home, Property Manager and another staff member will enter the unit and conduct the inspection.

Where SMHA is conducting regular annual examinations of its housing units, the family will receive reasonable advance notice of the inspection to allow the family to prepare and be able to pass the inspection.

Reasons SMHA will enter the unit are:

- Inspections and maintenance
- To make improvements and repairs
- To show the premises for leasing
- In cases of emergency

The family must call SMHA at least 24 hours prior to the scheduled date of inspection to reschedule the inspection, if necessary.

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SMHA will reschedule the inspection no more than once unless the resident has a verifiable medical reason that has hindered the inspection. SMHA may request verification.

Non-Inspection Emergency Entry

SMHA staff will allow access to the unit to proper authorities when issues of health or safety of the tenant are concerned.

Family Responsibility to Allow Inspection

SMHA must be allowed to inspect the unit at reasonable times with reasonable notice. 48 -hour written notice will be considered reasonable in all cases.

The resident is notified of the inspection appointment by mail. The family must call SMHA at least 24 hours before the inspection date to reschedule the inspection, if necessary.

SMHA will reschedule the inspection no more than once unless the resident has a verifiable medical reason that has hindered the inspection. SMHA may request verification.

If the resident refuses to allow the inspection, the resident will be in violation of the lease and SMHA will notify the family of its intended action.

If the resident refuses to allow the inspection, the resident will be in violation of the lease.

Housekeeping Citations

Residents who "fail" an inspection due to housekeeping will be issued a Housekeeping Citation, and a reinspection will be conducted within 30 working days by housing management staff.

If the family fails to comply with the reinspection it can result in lease termination.

Tenant Damages

Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

"Beyond normal wear and tear" is defined as items that could be charged against the tenant's security deposit under state law or court practice.

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Chapter 10

PET POLICY – ELDERLY/DISABLED PROJECTS
[24 CFR Part 5, Subpart C]

INTRODUCTION

SMHA have discretion to decide whether or not to develop policies pertaining to the keeping of pets in public housing units. This Chapter explains SMHA's policies on the keeping of pets and any criteria or standards pertaining to the policy for elderly/disabled projects. The rules adopted are reasonably related to the legitimate interest of SMHA to provide a decent, safe and sanitary living environment for all tenants, to protecting and preserving the physical condition of the property, and the financial interest of SMHA.

The purpose of this policy is to establish SMHA's policy and procedures for ownership of pets in elderly and disabled units and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

Pet rules will not be applied to animals that assistpersons with disabilities. To be excluded from the pet policy, the resident/pet owner must certify:

- That there is a person with disabilities in the household
- That the animal has been trained to assist with the specified disability

A. MANAGEMENT APPROVAL OF PETS

All pets must be approved in advance by SMHA management.

The pet owner must submit and enter into a Pet Agreement with SMHA.

Registration of Pets

Pets must be registered with SMHA before they are brought onto the premises. Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, and that the pet has no communicable disease(s) and is pest-free.

Dogs and cats must be spayed or neutered.

Execution of a Pet Agreement with SMHA stating that the tenant acknowledges complete responsibility for the care and cleaning of the pet will be required.

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Registration must be renewed and will be coordinated with the annual recertification date.

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Refusal to Register Pets

SMHA may not refuse to register a pet based on the determination that the pet owner is financially unable to care for the pet. If SMHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

SMHA will refuse to register a pet if:

- The pet is not a *common household pet* as defined in this policy;
- Keeping the pet would violate any House Pet Rules;
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually;
- SMHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

The notice of refusal may be combined with a notice of a pet violation.

A resident who cares for another resident's pet must notify SMHA and agree to abide by all of the pet rules in writing.

B. STANDARDS FOR PETS

If an approved pet gives birth to a litter, the resident must remove all pets from the premises except one.

Pet rules will not be applied to animals that assist persons with disabilities.

Persons with Disabilities

To be excluded from the pet policy, the resident/pet owner must certify:

- That there is a person with disabilities in the household;
- That the animal has been trained to assist with the specified disability; and
- That the animal actually assists the person with the disability.

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Types of Pets Allowed

No types of pets other than the following may be kept by a resident.

Tenants are not permitted to have more than one *type* of pet.

1. Dogs

   Maximum number: 1
   Maximum adult weight: 30 pounds
   Must be housebroken
   Must be spayed or neutered
   Must have all required inoculations
   Must be licensed as specified now or in the future by State law and local ordinance

2. Cats

   Maximum number: 1
   Must be declawed
   Must be spayed or neutered
   Must have all required inoculations
   Must be trained to use a litter box or other waste receptacle
   Must be licensed as specified now or in the future by State law or local ordinance

3. Birds

   Maximum number: 1
   Must be enclosed in a cage at all times

4. Fish

   Maximum aquarium size: 25 gallons
   Must be maintained on an approved stand

5. Rodents (Rabbit, guinea pig, hamster, or gerbil ONLY)

   Maximum number: 1
   Must be enclosed in an acceptable cage at all times
   Must have any or all inoculations as specified now or in the future by State law or local ordinance

C. PETS TEMPORARILY ON THE PREMISES

Pets that are not owned by a tenant will not be allowed.

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Residents are prohibited from feeding or harboring stray animals.

This rule excludes visiting pet programs sponsored by a humane society or other non-profit organization and approved by SMHA.

State or local laws governing pets temporarily in dwelling accommodations shall prevail**.**

D. DESIGNATION OF PET/NO-PET AREAS

The following areas are designated no-pet areas:

SMHA Management Offices

SMHA Community Room

E. ADDITIONAL FEES AND DEPOSITS FOR PETS

Tenants with animals must pay a pet deposit.

The resident/pet owner shall be required to pay a refundable deposit for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat.

An initial payment of $25.00 on or prior to the date the pet is properly registered and brought into the apartment, and;

Monthly payments in an amount no less than $25.00 until the specified deposit has been paid.

SMHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.

SMHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, SMHA will provide a meeting to discuss the charges.

All reasonable expenses incurred by SMHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit;
- Fumigation of the dwelling unit;
- Common areas of the project.

F. ALTERATIONS TO UNIT

Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

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G. PET WASTE REMOVAL CHARGE

Pet deposit and pet waste removal charges are not part of rent payable by the resident.

All reasonable expenses incurred by SMHA as the result of damages directly attributable to the presence of the pet will be the responsibility of the resident, including:

- The cost of repairs and replacements to the dwelling unit;
- Fumigation of the dwelling unit.

If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge.

If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit.

The pet deposit will be refunded when the resident moves out or no longer has a pet on the premises, whichever occurs first.

H. PET AREA RESTRICTIONS

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

I. NOISE

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

J. CLEANLINESS REQUIREMENTS

Litter Box Requirements. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin.

Litter boxes shall be stored inside the resident's dwelling unit.

Removal of Waste from Other Locations. The Resident/Pet Owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in an outside trash bin.

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The resident/pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

K. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

L. RESPONSIBLE PARTIES

The resident/pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

M. INSPECTIONS

SMHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed.

N. PET RULE VIOLATION NOTICE

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Rule Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

> That the resident/pet owner has 30 days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;
>
> That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
>
> That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

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O. NOTICE FOR PET REMOVAL

If the resident/pet owner and SMHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by SMHA, SMHA may serve notice to remove the pet.

The Notice shall contain:

- A brief statement of the factual basis for SMHA's determination of the Pet Rule that has been violated;
- The requirement that the resident /pet owner must remove the pet within 14 days of the notice; and
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

P. TERMINATION OF TENANCY

SMHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

Q. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner. Includes pets who are poorly cared for or have been left unattended for over 24 hours.

If the responsible party is unwilling or unable to care for the pet, or if SMHA after reasonable efforts cannot contact the responsible party, SMHA may contact the appropriate State or local agency and request the removal of the pet.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

R. EMERGENCIES

SMHA will take all necessary steps to insure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

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- If it is necessary for SMHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.
- This Pet Policy will be incorporated by reference into the Dwelling Lease signed by the resident, and therefore, violation of the above Policy will be grounds for termination of the lease.

Chapter 11

PET POLICY – GENERAL OCCUPANCY (FAMILY) PROJECTS

[24 CFR Part 960, Subpart G]

INTRODUCTION

This Chapter explains SMHA's policies on the keeping of pets in general occupancy projects and any criteria or standards pertaining to the policy. The rules adopted are reasonably related to the legitimate interest of SMHA to provide a decent, safe and sanitary living environment for all tenants, to protecting and preserving the physical condition of the property, and the financial interest of SMHA.

The purpose of this policy is to establish the SMHA's policy and procedures for ownership of pets in general occupancy (family) projects and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

This policy does not apply to animals that are used to assist, support or provide service to persons with disabilities, or to service animals that visit public housing developments.

A. ANIMALS THAT ASSIST, SUPPORT OR PROVIDE SERVICE TO PERSONS WITH DISABILITIES

The resident/pet owner will be required to qualify animals (for exclusion from the pet policy) that assist, support or provide service to persons with disabilities.

Pet rules will not be applied to animals that assist, support or provide service to persons with disabilities. This exclusion applies to both service animals and companion animals as reasonable accommodation for persons with disabilities. This exclusion applies to such animals that reside in public housing and that visit these developments.

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B. STANDARDS FOR PETS

Types of Pets Allowed

No types of pets other than the following may be kept by a resident. The following types and qualifications are consistent with applicable State and local law.

1. Dogs

Maximum number: 1

Maximum adult weight: 30 pounds

Must be housebroken

Must be spayed or neutered

Must have all required inoculations

Must be licensed as specified now or in the future by State law and local ordinance

Any litter resulting from the pet must be removed immediately from the unit

2. Cats

Maximum number: 1
Must be declawed
Must be spayed or neutered
Must have all required inoculations
Must be trained to use a litter box or other waste receptacle
Must be licensed as specified now or in the future by State law or local ordinance
Any litter resulting from the pet must be removed from the unit immediately

3. Birds

Maximum number 1
Must be enclosed in a cage at all times

4. Fish

Maximum aquarium size 25 gallons
Must be maintained on an approved stand

5. Rodents (Rabbit, guinea pig, hamster, or gerbil ONLY)

Maximum number 1

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Must be enclosed in an acceptable cage at all times
Must have any or all inoculations as specified now or in the future by State law or local ordinance

The following are NOT considered "common household pets":

- Domesticated dogs that exceed 30 pounds. (Animals certified to assist persons with disabilities are exempt from this weight limitation).
- Vicious or intimidating pets. Dog breeds including [pit bull/rottweiler/chow/boxer/ Doberman/Dalmatian/German shepherd] are considered vicious or intimidating breeds and are not allowed.
- Animals who would be allowed to produce offspring for sale.
- Wild, feral, or any other animals that are not amenable to routine human handling.
- Any poisonous animals of any kind.
- Fish in aquariums exceeding 25 gallons in capacity.
- Non-human primates.
- Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.
- Pot-bellied pigs.
- Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children.
- Hedgehogs or other animals whose protective instincts and natural body armor produce a risk of serious puncture injuries to children.
- Chicks, turtles, or other animals that pose a significant risk of salmonella infection to those who handle them.
- Pigeons, doves, mynahs, psittacines, and birds of other species that are hosts to the organisms that cause psittacosis in humans.
- Snakes or other kinds of reptiles.

C. REGISTRATION OF PETS

Pets must be registered with SMHA before they are brought onto the premises.

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Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet:

- has received all inoculations required by State or local law
- has no communicable disease(s) (and)
- is pest-free.

Registration must be renewed and will be coordinated with the annual reexamination date.

Each pet owner must provide two color photographs of their pet(s).

Each pet owner must display a "Pet Here" sticker, provided by SMHA, which will be displayed on the front door or a front window of the unit at all times.

Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Refusal to Register Pets

If SMHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial. The notification will be served in accordance with HUD notice requirements.

SMHA will refuse to register a pet if:

- The pet is not a "common household pet" as defined in this policy;
- Keeping the pet would violate any House Rules;
- The pet owner fails to provide complete pet registration information;
- The pet owner fails to update the registration annually;

SMHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with the provisions of the lease.

The notice of refusal may be combined with a notice of pet violation.

D. PET AGREEMENT

Residents who have been approved to have a pet must enter into a Pet Agreement with SMHA.

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The Resident will certify, by signing the Pet Agreement, that the Resident will adhere to the following rules:

Agree that the resident is responsible and liable for all damages caused by their pet(s).

All complaints of cruelty and all dog bites will be referred to animal control or applicable agency for investigation and enforcement.

All common household pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios or other outside areas.

Tenants are prohibited from feeding stray animals.

The feeding of stray animals will constitute having a pet without permission of the Housing Authority.

Residents shall not feed any stray animals; doing so, or keeping stray or unregistered animals, will be considered having a pet without permission.

No animals may be tethered or chained outside or inside the dwelling unit.

When outside the dwelling unit, all pets must be on a leash or in an animal transport enclosure and under the control of a responsible individual.

All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge of $25. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bit. Litter shall not be disposed of by being flushed through a toilet.

Litter boxes shall be stored inside the resident's dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced regularly. Failure to do so will result in a Pet Waste Removal charge.

The Resident/Pet Owner shall be responsible for the removal of waste from any animal or pet exercise area by placing it in a sealed plastic bag and disposing of it in an outside trash bin immediately.

Pet owners must take precautions to eliminate pet odors.

The resident/pet owner shall take adequate precautions to eliminate any animal or pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

The right of management to enter dwelling unit when there is evidence that an animal left alone is in danger or distress, or is creating a nuisance.

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The right of management to seek impoundment and sheltering of any animal found to be maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense. The resident shall be responsible for any impoundment fees, and SMHA accepts no responsibility for pets so removed.

That failure to abide by any animal-related requirement or restriction constitutes a violation of the "Resident Obligations" in the resident's Lease Agreement.

Residents will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

E. DESIGNATION OF PET-FREE AREAS

The following areas are designated as no-pet areas:

- SMHA playgrounds
- SMHA day care centers
- SMHA management offices
- SMHA community centers
- SMHA recreation center areas

F. PETS TEMPORARILY ON THE PREMISES

Excluded from the premises are all animals and/or pets not owned by residents, except for service animals.

Residents are prohibited from feeding or harboring stray animals.

G. DEPOSITS FOR PETS

Tenants with animals must pay a pet deposit of $100 for the purpose of defraying all reasonable costs directly attributable to the presence of a particular pet.

The resident will be responsible for all reasonable expenses directly related to the presence of the animal or pet on the premises, including the cost of repairs and replacement in the apartment, and the cost of animal care facilities if needed**.**

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An initial payment of $25.00 on or prior to the date the pet is properly registered and brought into the apartment, and;

Monthly payments will be paid in an amount not less than $25.00 until the specified deposit has been paid.

SMHA reserves the right to change or increase the required deposit by amendment to these rules.

SMHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, within a reasonable time after the tenant moves or upon removal of the pet from the unit.

The refundable pet deposit will be placed in an escrow account. SMHA will refund the unused portion of the deposit, to the resident within a reasonable time after the resident moves from the project or no longer owns or has a pet present in the resident's dwelling unit.

SMHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, SMHA will provide a meeting to discuss the charges.

All reasonable expenses incurred by SMHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including, but not limited to:

The cost of repairs and replacements to the resident's dwelling unit;

Fumigation of the dwelling unit;

Common areas of the project if applicable

If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge.

If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit.

Pet Deposits are not a part of rent payable by the resident.

H. ADDITIONAL PET FEES

SMHA does not require a non-refundable nominal fee.

SMHA reserves the right to change or increase the required deposit by amendment to these rules.

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I. PET WASTE REMOVAL CHARGE

A separate pet waste removal charge of $25.00 per occurrence will be assessed against the resident for violations of the pet policy.

Pet waste removal charges are not part of rent payable by the resident.

J. PET AREA RESTRICTIONS

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

A common household pet must be effectively restrained and under the control of a responsible person when passing through a common area, from the street to the apartment, etc.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

K. CLEANLINESS REQUIREMENTS

Litter Box Requirements. All animal waste or the litter from litter boxes shall be emptied, daily by the pet owner, disposed of in heavy, sealed plastic trash bags, and placed in a trash container immediately.

Litter boxes shall be stored inside the resident's dwelling unit.

L. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

M. RESPONSIBLE PARTIES

The resident/pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

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N. INSPECTIONS

SMHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed.

O. PET RULE VIOLATION NOTICE

The authorization for a common household pet may be revoked at any time subject to the Housing Authority's grievance procedure if the pet becomes destructive or a nuisance to others, or if the tenant fails to comply with this policy.

Residents who violate these rules are subject to:

> Mandatory removal of the pet from the premises within 30 days of notice by the Housing Authority; or if for a threat to health and safety, removal within 24 hours of notice.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the Pet Rule Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

> That the resident/pet owner has 30 days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;
>
> That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
>
> That the resident/pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

P. NOTICE FOR PET REMOVAL

If the resident/pet owner and SMHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted SMHA may serve notice to remove the pet.

The Notice shall contain:

A brief statement of the factual basis for SMHA's determination of the Pet Rule that has been violated;

> The requirement that the resident/ pet owner must remove the pet within 30 days of the notice; and

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A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

Q. TERMINATION OF TENANCY

SMHA may initiate procedures for termination of tenancy based on a pet rule violation if:

The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and

The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

R. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner. This includes pets who are poorly cared for or have been left unattended for over 24 hours.

If the responsible party is unwilling or unable to care for the pet, or if SMHA after reasonable efforts cannot contact the responsible party, SMHA may contact the appropriate State or local agency and request the removal of the pet**.**

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

S. EMERGENCIES

SMHA will take all necessary steps to insure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

If it is necessary for SMHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner.

This Pet Policy will be incorporated by reference into the Dwelling Lease signed by the resident, and therefore, violation of the above Policy will be grounds for termination of the lease.

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Chapter 12

REEXAMINATIONS

[24 CFR 5.613, 24 CFR 5.615, 24 CFR Part 960 Subpart C]

INTRODUCTION

HUD requires that SMHA all families the choice of paying income-based rent or flat rent at least annually. Families who choose to pay flat rent are required to complete a reexamination of income, deductions and allowances at least once every three years. To determine the amount of income-based rent, it is necessary for SMHA to perform a reexamination of the family's income. At the annual reexamination, families who choose to pay income-based rent must report their current household composition, income, deductions and allowances. Between regular annual reexaminations, HUD requires that families report all changes in household composition, but SMHA decides what other changes must be reported and the procedures for reporting them. This Chapter defines SMHA's policy for conducting annual reexaminations. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents who meet the following criteria will be eligible for continued occupancy:

Qualify as a family as defined in this policy;

Are in full compliance with the obligations and responsibilities described in the dwelling lease;

Whose family members, age 6 and older, each have submitted their Social Security numbers or have certifications on file that they do not have a Social Security number;

Whose family members have submitted required citizenship/eligible immigration status/noncontending documents.

B. ANNUAL REEXAMINATION

The terms *annual recertification* and *annual reexamination* are synonymous.

In order to be recertified, families are required to provide current and accurate information on income, assets, allowances and deductions, and family composition.

Families who choose flat rent are to be recertified every three years. For families who move in on the first of the month, the annual recertifications will be completed within 12 months of the anniversary of the move-in date. (Example: If family moves in August 1,

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the annual recertification will be conducted to be effective on August 1, the following year.)

For families who move in during the month, the annual recertifications will be completed no later than the first of the month in which the family moved in, the following year. (Example: If family moves in August 15, the effective date of the next annual recertification is August 1.)

When families move to another dwelling unit:

> The annual recertification date will not change.

Reexamination Notice to the Family

All families will be notified of their obligation to recertify by first class mail. The notification shall be sent at least 120 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, SMHA will provide the notice in an accessible format. SMHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

The notification shall explain family choice of income-based or flat rent, with an estimate of what the income-based rent would be and a statement of what the flat rent is.

> The family will indicate whether the family chooses income-based or flat rent by checking the appropriate box on the document, signing the document, and returning the document to SMHA.
>
> If the family chooses flat rent, the family will fill out a Personal Declaration form, describing family composition.
>
> The Personal Declaration form will be signed by all adult family members.
>
> If the family chooses flat rent, no reexamination appointment will be necessary.

Methodology

If the family chooses income-based rent, or if the family has paid the flat rent for three (3) years, SMHA will use the following methodology for conducting annual recertifications:

> To schedule the specific date and time of appointments in the written notification to the family.

Persons with Disabilities

Persons with disabilities, who are unable to come to SMHA's office will be granted an accommodation of conducting the interview at the person's home, upon verification that

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the accommodation requested meets the need presented by the disability.

Collection of Information

The family is required to complete a *Personal Declaration Form* prior to all annual and interim recertification interviews.

Requirements to Attend

The following family members will be required to attend the recertification interview and sign the application for continued occupancy:

All adult household members

If the head of household is unable to attend the interview:

The appointment will be rescheduled.

Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the recertification interview. The family may call to request another appointment date up to 2 days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements, SMHA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, SMHA will

Terminate tenancy for the family.

Exceptions to these policies may be made by Director of Public Housing, if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Documents Required from the Family

In the notification letter to the family, SMHA will include instructions for the family to bring the following:

- Documentation to substantiate any deductions or allowances
- Personal Declaration Form completed by head of household
- Documentation to verifying compliance with community service by all non-exempt adults

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- Signed third party verification forms

Verification of Information

All information which affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. Verifications used for recertification must be less than 90 days old. All verifications will be placed in the file, which has been established for the family.

When the information has been verified, it will be analyzed to determine:

- The continued eligibility of the resident as a *family*or as the *remaining member* of a family;
- The unit size required by the family;
- The amount of rent the family should pay.

Changes in the Tenant Rent

If there is any change in rent, including change in family's choice in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued [24 CFR 966.4(c)].

Tenant Rent Increases

If tenant rent, increases, thirty-day notice will be mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the second month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by SMHA.

If tenant rent decreases and the change occurred within a month prior to the recertification appointment, but the family did not report the change as an interim adjustment, the

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decrease will be effective on the recertification anniversary date.

If the tenant rent decreases and the tenant reported the change within a month prior to the annual recertification anniversary date or between the annual recertification anniversary date and the effective date of the annual recertification, the change will be treated as an interim. The change will be effective the first of the following month that the family reported the change. If necessary, SMHA will run another HUD 50058 as an annual recertification.

C. REPORTING INTERIM CHANGES

Families must report all changes in household composition to SMHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain SMHA approval prior to all other additions to the household.

When there is a change in head of household or a new adult family member is added, the Property Manager will complete an application for continued occupancy and reverify, using the same procedures the Property Manager staff would use for an annual reexamination, except for effective dates of changes. In such case, the Interim Reexamination Policy would be used.

The annual reexamination date will not change as a result of this action.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by SMHA of the family member being added to the lease.

Interim Reexamination Policy

Increases in Income to Be Reported

Families paying flat rent are not required to report any increases in income or assets.

Families must report all increases in income/assets of all household members to SMHA in writing within _14_ calendar days of the occurrence.

Increases in Income and Rent Adjustments

SMHA will process rent adjustments for all increases in income, which are reported between regularly scheduled recertifications.

Decreases in Income and Rent Adjustments

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions that would reduce the amount of the total tenant payment.

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SMHA's process the rent adjustment unless SMHA confirms that the decrease in income will last less than 30 calendar days.

D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

SMHA will not reduce the public housing rent for families whose welfare assistance is reduced due to a "specified welfare benefit reduction," which is a reduction in welfare benefits due to:

Fraud by a family member in connection with the welfare program; or

Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program

A "specified welfare benefit reduction" does not include a reduction of welfare benefits due to:

The expiration of a lifetime time limit on receiving benefits; or

A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as:

the family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Noncompliance with other welfare agency requirements.

Definition of "Covered Family":

A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of "Imputed Welfare Income":

The amount of annual income, not actually received by a family, as a result of a specified welfare benefit reduction, that is included in the family's income for purposes of determining rent.

The amount of imputed welfare income is determined by SMHA, based on written information supplied to SMHA by the welfare agency, including:

- The amount of the benefit reduction
- The term of the benefit reduction

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- The reason for the reduction
- Subsequent changes in the term or amount of benefit reduction

Imputed welfare income will be included at annual and interim reexaminations during the term of reduction of welfare benefits.

The amount of imputed welfare income will be offset by the amount of additional income a family receives that begins after the sanction was imposed. When additional income is at least equal to the imputed welfare income, the imputed income will be reduced to zero.

If the family was not an assisted resident of public housing when the welfare sanction began, imputed welfare income will not be included in annual income.

Verification Before Denying a Request to Reduce Rent

SMHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

SMHA will rely on the welfare agency's written notice to SMHA regarding welfare sanctions.

Cooperation Agreements

SMHA has an unwritten cooperation agreement in place with the local welfare agency that assists SMHA in obtaining the necessary information regarding welfare sanctions.

SMHA has taken a proactive approach to culminating an effective working relationship between SMHA and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

SMHA and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs or services that would benefit public housing residents.

Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of imputed income and SMHA denies the family's request to modify the amount, SMHA will provide the tenant with a notice of denial, which will include:

- An explanation for SMHA's determination of the amount of imputed welfare income.
- A statement that the tenant may request a grievance hearing.

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- A statement that the information received from the welfare agency cannot be disputed at the grievance hearing, and the issue to be examined at the grievance hearing will be the SMHA's determination of the amount of imputed welfare income, not the welfare agency's determination to sanction the welfare benefits.

- A statement that if the tenant requests a grievance hearing, the tenant will not be required to pay an escrow deposit pursuant to 966.55(e) for the portion of tenant rent attributable to the imputed welfare income.

If the tenant requests a grievance hearing, the tenant is not required to pay an escrow deposit pursuant to 966.55(e) for the portion of tenant rent attributable to the imputed welfare income.

E. OTHER INTERIM REPORTING ISSUES

An interim reexamination will be scheduled for families with zero income every 90 days.

PHA Errors

If SMHA makes a calculation error at admission to the program or at an annual or interim reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

F. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

Standard for Timely Reporting of Changes

SMHA requires that families report interim changes to SMHA within ten working days of when the change occurs. Any information, document or signature needed from the family that is needed to verify the change must be provided within three working days of the change.

If the change is not reported within the required time period, or if the family fails to provide signatures, certifications or documentation, in the time period requested by SMHA, it will be considered untimely reporting.

Procedures When the Change is Reported in a Timely Manner

SMHA will notify the family of any changes in Tenant Rent to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following the month in which the change is reported.

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The change will not be made until the third party verification is received.

Procedures When the Change Is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

> **Increase in Tenant Rent** will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any underpaid rent, and may be required to sign a Repayment Agreement.
>
> SMHA will not execute a payment agreement if the payback is so much that it will take the family longer than 18 months to complete the agreement.
>
> **Decrease in Tenant Rent** will be effective on the first of the month following completion of processing by SMHA and not retroactively.

Procedures when the Change is not Processed by SMHA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by SMHA in a timely manner.

Therefore, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by SMHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

G. REPORTING OF CHANGES IN FAMILY COMPOSITION

The members of the family residing in the unit must be approved by SMHA. The family must inform SMHA and request approval of additional family members other than additions due to birth, adoption, marriage, court-awarded custody before the new member occupies the unit.

SMHA will not approve the addition of family members other than by birth, adoption, marriage or court-awarded custody where the occupancy standards would require a larger size unit.

All changes in family composition must be reported within 10 working days of the occurrence in writing.

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If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household or spouse that the member (who may be the head of household) removed is permanently absent.

The head of household must provide a statement that the head of household or spouse will notify SMHA if the removed member returns to the household for a period longer than the visitor period allowed in the lease.

Increase in Family Size

SMHA will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

- Addition by marriage/or marital-type relation.
- Addition of a minor who is a member of the nuclear family who had been living elsewhere.
- Addition of a PHA-approved live-in attendant.
- Addition due to birth, adoption or court-awarded custody.

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in unit size shall be made effective upon availability of an appropriately sized unit.

Definition of "Temporarily/Permanently Absent"

SMHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. SMHA will evaluate absences from the unit in accordance with this policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, SMHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

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Families are required to notify SMHA before they move out of a unit in accordance with the lease and to give SMHA information about any family absence from the unit.

Families must notify SMHA if they are going to be absent from the unit for more than 7 consecutive days. A person with a disability may request an extension of time as an accommodation.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, SMHA may:

- Conduct home visit
- Write letters to the family at the unit
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with Post Office for forwarding address
- Contact emergency contact

If the entire family is absent from the unit, without SMHA's permission, for more than 7 consecutive days, the unit will be considered to be vacant and SMHA will terminate tenancy.

As a reasonable accommodation for a person with a disability, SMHA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.

If the absence which resulted in termination of tenancy was due to a person's disability, and the SMHA can verify that the person was unable to notify SMHA in accordance with the lease provisions regarding absences, and if a suitable unit is available, SMHA may reinstate the family as an accommodation if requested by the family.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for 6 consecutive months a 12 month period except as otherwise provided in this Chapter.

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, SMHA will seek advice from a reliable qualified source as

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to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remain current.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with SMHA's "Absence of Entire Family" policy.

Absence Due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 30 consecutive days. The rent and other charges must remain current during this period.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, SMHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 6 months from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the SMHA's occupancy guidelines.

Absence of Adult

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, SMHA will treat that adult as a visitor for the first 30 calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, SMHA will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

SMHA will transfer the lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Tenant Suitability criteria and has been in the unit for more

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than 30 days and it is reasonable to expect that custody will be granted.

When SMHA approves a person to reside in the unit as caretaker for the child(ren), the income of the caretaker should be counted pending a final disposition. SMHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 30 days, the person will be considered permanently absent.

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

Full time students who attend school away from the home will be treated in the following manner:

> A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of unit size.

Visitors (See Chapter on Leasing)

Any adult not included on the HUD 50058 who has been in the unit more than 15consecutive days, or a total of fifteen cumulative days in the month will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

Statements from neighbors and/or SMHA staff will be considered in making the determination.

SMHA will consider:

- Statements from neighbors and/or SMHA staff
- Vehicle license plate verification
- Post Office records
- Driver's license verification
- Law enforcement reports
- Credit reports

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Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and SMHA will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 30 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by SMHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

> SMHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

I. CHANGES IN UNIT SIZE

SMHA shall grant exceptions from the occupancy standards if the family requests and SMHA determines the exceptions are justified according to this policy.

SMHA will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage or court-awarded custody.

SMHA will consider the size of the unit and the size of the bedrooms, as well as the number of bedrooms, when an exception is requested.

When an approvable change in the circumstances in a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If

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the unit is not available at the time it is requested, the family will be placed on the Transfer List.

(Reference chapter on Occupancy Standards)

J. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

> The head of household, co-head or spouse is a U.S. citizen or has eligible immigrant status; AND
>
> The family does not include any ineligible immigrants other than the head or spouse, or parents or children of the head, co-head or spouse.

Mixed families who qualify for continued assistance after 11/29/96 may receive prorated assistance only.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated assistance (See Chapter titled "Factors Related to Total Tenant Payment Determination"). SMHA may no longer offer temporary deferral of termination (see Chapter on "Lease Terminations").

Chapter 13

LEASE TERMINATIONS

[24 CFR 966.4]

INTRODUCTION

SMHA may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4 (l)(2)], and the terms of the lease. This Chapter describes SMHA’s policies for notification of lease termination and provisions of the lease.

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A. TERMINATION BY TENANT

The tenant may terminate the lease by providing SMHA with a written 30 days advance notice as defined in the lease agreement.

B. TERMINATION BY SMHA

Termination of tenancy will be in accordance with SMHA's lease.

The public housing lease is automatically renewable, EXCEPT the public housing lease shall have a 12-month term for community service and will not be renewed in the case of noncompliance with the community service requirements. See Chapter on Community Service , including the notice on suspension of the community service requirement for fiscal year 2002.

The lease may be terminated by SMHA at any time by giving written notice for serious or repeated violation of material terms of the lease, such as, but not limited to the following:

Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent;

Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Recertifications;

Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;

Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in this Lease, or permitting its use for any other purposes;

Failure to abide by necessary and reasonable rules made by SMHA for the benefit and well being of the housing project and the Tenants;

Failure to abide by applicable building and housing codes materially affecting health or safety;

Failure to dispose of garbage waste and rubbish in a safe and sanitary manner;

Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;

Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;

Failure to pay reasonable charges (other than for normal wear and tear) for the

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repair of damages to the premises, project buildings, facilities, equipment, or common areas; or

The Tenant, any member of the Tenant's household, or a guest or other person under the Tenant's control shall not engage in criminal activity, including drug-related criminal activity, *on or off* public housing premises (as defined in the lease), while the Tenant is a Tenant in public housing, and such criminal activity shall be cause for termination of tenancy. The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

If contraband or a controlled substance is seized on the above premises, incidental to a lawful search or arrest, SMHA will be notified by the County Attorney's Office that it is to bring an unlawful detainer action against that Tenant. SMHA will then commence unlawful detainer procedures to terminate the Lease.

Alcohol abuse that SMHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Non-compliance with Non-Citizen Rule requirements.

Failure of a family member to comply with community service provisions, as grounds only for non-renewal of the lease and termination of tenancy at the end of the 12-month lease term;

Discovery after admission of facts that made the tenant ineligible;

Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income;

Failure to accept SMHA’s offer of a lease revision to an existing lease that is on a form adopted by SMHA in accordance with HUD regulations, with written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect; and with the offer specifying a reasonable time limit within that period for acceptance by the family.

Other good cause.

C. NOTIFICATION REQUIREMENTS

SMHA's written Notice of Lease Termination will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights and protections afforded by the regulations and this policy. (See Chapter on Complaints, Grievances and Hearings.)

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Notices of lease termination shall be in writing and delivered to tenant or adult member of the household or sent by first class mail properly addressed to tenant.

The notice shall contain a statement describing the resident's right to meet with the manager to determine whether a reasonable accommodation would eliminate the need for a lease termination.

Disclosure of Criminal Records to Family

Before SMHA terminates the lease based on a criminal conviction record, the tenant and subject of record will be provided with a copy of the criminal record. Tenants may dispute the accuracy and relevance of that record at the grievance hearing or court hearing.

Timing of the Notice

If SMHA terminates the lease, written notice will be given as follows:

- At least 14 calendar days prior to termination in the case of failure to pay rent;
- A reasonable time, according to State law, considering the seriousness of the situation:
- If the health or safety of other residents, SMHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
- If any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or
- If any member of the household has been convicted of a felony.
- At least thirty days prior to termination in all other cases.

SMHA shall notify the Post Office that mail should no longer be delivered to the person who was evicted for criminal activity, including drug-related criminal activity.

Criminal Activity

SMHA will immediately terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

SMHA will terminate assistance of participants in cases where SMHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or

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engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where SMHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

SMHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous 3 months.

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past 10 years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past 10 years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of SMHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative behavior, SMHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

SMHA will not waive this policy.

D. RECORD KEEPING

A written record of every termination and/or eviction shall be maintained by the Property Manager at the development where the family was residing, and shall contain the following information:

Name of resident, number and identification of unit occupied;

Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;

Specific reason(s) for the Notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the Notices described in detail (other than the Criminal History Report);

Summaries of any conferences held with the resident including dates, names of

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conference participants, and conclusions.

Records for persons whose leases were terminated for any reason will be kept by SMHA indefinitely.

E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS

[24 CFR 5.514]

If SMHA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for 24 months. This provision does not apply to a family if the eligibility of the ineligible individual was considered in calculating any proration of assistance provided for the family.

Chapter 14

COMPLAINTS, GRIEVANCES AND APPEALS

[24 CFR Part 966 Subpart B]

INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of SMHA. This Chapter describes the policies to be used when families disagree with SMHA's decision. It is the policy of SMHA to ensure that all families have the benefit of all protections due to them under the law.

Grievances shall be handled in accordance with the SMHA's approved Grievance Procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

A. COMPLAINTS

SMHA will respond promptly to all complaints.

Each complaint regarding physical condition of the units may be reported by phone or in person to the Property Manager or Maintenance Department.

Complaints from families. If a family disagrees with an action or inaction of SMHA, complaints will be referred to the Property Manager. Complaints regarding physical condition of the units may be reported by phone to the Maintenance Aide.

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Complaints from staff. If a staff person reports a family is violating or has violated a lease provision or is not complying with program rules, the complaints will be referred to the Property Manager.

Complaints from the general public. Complaints or referrals from persons in the community in regard to SMHA or a family will be referred to the Property Manager.

B. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet SMHA's admission standards, or where SMHA does not have an appropriate size and type of unit in its inventory will be given written notification promptly, including the reason for the determination.

Ineligible applicants will be promptly provided with a letter detailing their individual status, stating the reason for their ineligibility, and offering them an opportunity for an informal hearing.

Applicants must submit their request for an informal hearing in writing to SMHA within 15 working days from the date of the notification of their ineligibility.

If the applicant requests an informal hearing, SMHA will provide an informal hearing within 15 working days of receiving the request. SMHA will notify the applicant of the place, date, and time.

Informal hearings will be conducted by an impartial hearing officer. The person who is designated as the hearing officer cannot be the person who made the determination of ineligibility or a subordinate of that person.

The applicant may bring to the hearing any documentation or evidence s/he wishes and the evidence along with the data compiled by SMHA will be considered by the hearing officer.

The hearing officer will make a determination based upon the merits of the evidence presented by both sides. Within 7 working days of the date of the hearing, the hearing officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

The grievance procedures for Public Housing tenants do not apply to SMHA determinations that affect applicants.

C. APPEALS BY TENANTS

Grievances or appeals concerning the obligations of the tenant or SMHA under the provisions of the lease shall be processed and resolved in accordance with the Grievance Procedure of SMHA, which is in effect at the time such grievance or appeal arises.

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(See SMHA's Grievance Procedure contained in this chapter.)

D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while SMHA hearing is pending but assistance to an applicant may be delayed pending the SMHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, SMHA notifies the applicant or tenant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with SMHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give SMHA a copy of the appeal and proof of mailing or SMHA may proceed to deny or terminate. The time period to request an appeal may be extended by SMHA for good cause.

The request for a hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in the "Grievance Procedures" section of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members SMHA will:

- Deny the applicant family.
- Terminate the participant.

If there are eligible members in the family, SMHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

> If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
>
> Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described

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above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

E. GRIEVANCE PROCEDURES

Applicability

This Grievance Procedure applies to all individual grievances, except any grievance concerning a termination of tenancy or eviction that involves:

Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or SMHA employees, or

Any drug-related criminal activity *on* or *off* such premises.

Pre-Hearing Procedures

Informal Conference Procedures

Any grievance shall be presented in writing to SMHA office or to the housing management office that sent the notice on which the grievance is based. Written grievances must be signed by the complainant. The grievance must be presented within a reasonable time, not past the first working day after the __10th__ day of the action or failure to act that is the basis for the grievance. It may be simply stated, but shall specify:

The particular grounds upon which it is based,

The action requested; and

The name, address, and telephone number of the complainant, and similar information about the complainant's representative, if any.

The purpose of the initial discussion is to discuss and to resolve the grievance without the necessity of a formal hearing.

Within five working days, a summary of this discussion will be given to the complainant by an SMHA representative. One copy will be filed in the tenant's file.

The summary will include: names of participants, the date of the meeting, the nature of the proposed disposition, and the specific reasons for the disposition. The summary will also specify the steps by which a formal hearing can be obtained.

Dissatisfaction with Informal Conference

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If the complainant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written request for a hearing within 5th working days of the delivery of the summary of the informal meeting.

The request for a hearing must be presented to SMHA's central office legal department.

The request must specify the reason for the grievance request and the relief sought.

Failure to Request a Formal Hearing

If the complainant does not request a formal hearing within 5 working days, s/he waives his/her right to a hearing, and SMHA's proposed disposition of the grievance will become final. This section in no way constitutes a waiver of the complainant's right to contest SMHA's disposition in an appropriate judicial proceeding.

Right to a Hearing

After exhausting the informal conference procedures outlined above, a complainant shall be entitled to a hearing before a hearing officer.

The head of household or other adult household member must attend the hearing.

If rescheduling of the hearing is necessary, the hearing must be rescheduled at least 3 working days in advance of the scheduled hearing time or the complainant waives their right to a hearing.

If the complainant fails to appear within 15 minutes of the scheduled time, the complainant waives their right to a hearing.

SMHA will provide reasonable accommodation for persons with disabilities to participate in the hearing. SMHA must be notified within 7 working days of the scheduled time if special accommodations are required.

Selection of Hearing Panel

A grievance hearing shall be conducted by an impartial person or persons appointed by SMHA other than the person who made or approved SMHA action under review, or a subordinate of such person.

Procedures to Obtain a Hearing

Informal Prerequisite

All grievances must be informally presented as a prerequisite to a formal hearing.

The hearing panel may waive the prerequisite informal conference if, and only if, the complainant can show good cause why s/he failed to proceed informally.

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Escrow Deposit

Before a hearing is scheduled in any grievance involving an amount of rent SMHA claims is due, except grievances concerning imputed welfare benefits or use of minimum rent, the complainant shall pay to SMHA all rent due and payable as of the month preceding the month in which the act or failure to act took place. Grievances concerning imputed welfare benefits and minimum rents are exempt from the escrow deposit requirement.

The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account each month until the complaint is resolved by decision of the hearing official or panel.

SMHA may waive these escrow requirements in extraordinary circumstances.

Unless so waived, failure to make the required escrow payments shall result in termination of the grievance procedure.

Failure to make such payments does not constitute a waiver of any right the complainant may have to contest SMHA's disposition of the grievance in any appropriate judicial proceeding.

Scheduling

If the complainant complies with the procedures outlined above, a hearing shall be scheduled, by the hearing panel promptly within 10 working days at a time and place reasonably convenient to the complainant and SMHA.

A written notification of the date, time, place, and procedures governing the hearing shall be delivered to the complainant and the appropriate SMHA official.

Hearing Procedures

The hearing shall be held before a hearing officer.

The complainant shall be afforded a fair hearing and be provided the basic safeguards of due process to include:

> The opportunity to examine and to copy before the hearing, at the expense of the complainant, all documents, records and regulations of SMHA that are relevant to the hearing with at least a 72 hour notice to the main office prior to the hearing. Any document not so made available after request by the complainant may not be relied upon by SMHA at the hearing.

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SMHA shall also have the opportunity to examine and to copy at the expense of SMHA all documents, records and statements that the family plans to submit during the hearing to refute SMHA's inaction or proposed action. Any documents not so made available to SMHA may not be relied upon at the hearing.

The right to a private hearing unless otherwise requested by the complainant.

The right to be represented by counsel or other person chosen as a representative.

The right to present evidence and arguments in support of the complaint, to controvert evidence presented by SMHA, and to confront and cross-examine all witnesses upon whose testimony or information SMHA relies, limited to the issues for which the complainant has received the opportunity for a formal hearing; and

The right to a decision based solely and exclusively upon the facts presented at the hearing.

If the hearing panel determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.

If the complainant or SMHA fails to appear at the scheduled hearing, the hearing panel may:

postpone the hearing for a period not to exceed 10 working days.

make a determination that the party has waived his/her right to a hearing.

Such a determination in no way waives the complainant's right to appropriate judicial proceedings in another forum.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter SMHA must sustain the burden of justifying SMHA's action or failure to act against which the complaint is directed.

The hearing shall be conducted by the hearing panel, as follows:

Informal: Oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings;

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Formal: The hearing panel shall require SMHA's complainant, counsel, and other participants and spectators to conduct themselves in an orderly manner. The failure to comply with the directions of the hearing official/panel to maintain order will result in the exclusion from the proceedings, or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

SMHA arranges, in advance, in writing, for a transcript or audiotape of the hearing. Any interested party may purchase a copy of such transcript.

Decisions of the Hearing Panel

The hearing panel shall give SMHA and the complainant a written decision, including the reasons for the decision, within 10 working days following the hearing. SMHA will place one copy in the tenant files. The written decision will be sent to the address provided at the hearing.

The decision of the hearing panel shall be binding on SMHA, which shall take all actions necessary to carry out the decision, unless the complainant requests Board action within 5 working days prior to the next Board meeting. SMHA Commissioners' decision will be mailed to the complainant with 15 working days following the Board meeting, and so notifies the complainant that:

The grievance does not concern SMHA action or failure to act in accordance with or involving the complainant's lease or SMHA regulations which adversely affect the complainant's rights, duties, welfare or status;

The decision of the hearing panel is contrary to applicable Federal, State, or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and SMHA.

A decision by the hearing panel or SMHA Commissioners in favor of SMHA or which denies the relief requested by the complainant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, the rights of the complainant to a trial or judicial review in any proceedings which may thereafter be brought in the matter.

Housing Authority Eviction Actions

If a tenant has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving a SMHA notice of termination of tenancy, and the hearing panel upholds SMHA action, SMHA shall not commence an eviction action until it has served a notice to vacate on the tenant.

In no event shall the notice to vacate be issued prior to the decision of the hearing panel having been mailed or delivered to the complainant.

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Such notice to vacate must be in writing and specify that if the tenant fails to quit the premises within the applicable statutory period, or on the termination date as stated in the notice of termination, whichever is later, appropriate action will be brought against the complainant. The complainant may be required to pay court costs and attorney fees.

Chapter 15

FAMILY DEBTS TO THE PHA

INTRODUCTION

This Chapter describes SMHA's policies for the recovery of monies that have been underpaid by families. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is SMHA's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the SMHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

When families owe money to SMHA, SMHA will make every effort to collect it. SMHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Collection agencies
- Credit bureaus

A. PAYMENT AGREEMENT FOR FAMILIES

A Payment Agreement as used in this Plan is a document entered into between SMHA and a person who owes a debt. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the SMHA upon default of the agreement.

The maximum amount for which SMHA will enter into a payment agreement with a family is $3,000.

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The maximum length of time SMHA will enter into a payment agreement with a family is 18 months.

The minimum monthly amount of monthly payment for any payment agreement is $10.00.

Late Payments

A payment will be considered to be in arrears if:

> The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's payment agreement is in arrears, SMHA will:

> Pursue civil collection of the balance due
>
> Terminate tenancy

If the family requests a transfer to another unit and has a payment agreement in place and the payment agreement is not in arrears:

> The family will be required to pay the balance in full prior to the unit transfer.

Payment Schedule for Monies Owed to SMHA

Initial Payment Due (% of Total Amount)	Amount Owed	Maximum Term
[5 % to 15 %]	0 - $500	3 - 6 months
[20 % to 30 %]	$501 - $1,000	6 - 10 months
[35 % to 50 %]	$1,001 - $3,000	12 - 18 months

There are some circumstances in which SMHA will not enter into a payment agreement. They are:

> If SMHA determines that the debt, due to fraud or failure to report income, is so large that it would take more than 18 months to repay.

Guidelines for Payment Agreements

Payment agreements will be executed between SMHA and the head of household and spouse.

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Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship, and the approval of the Director of Public Housing.

No transfer will be approved until the debt is paid in full unless the transfer is the result of the following causes, and the payment agreement is current:

A natural disaster

Additional Monies Owed

If the family has a payment agreement in place and incurs an additional debt to SMHA:

Additional amounts owed by the family will be added to the existing payment agreement.

B. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Family Error/Late Reporting

Families who owe money to SMHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Section of this Chapter.

Program Fraud

If a family owes an amount, which equals or exceeds $ 3,000 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, SMHA will refer the case for criminal prosecution.

C. WRITING OFF DEBTS

Debts will be written off if:

The Site Manager sends the Security Deposit Disposition out to the former resident within thirty days from the move-out date of the resident. The Security Deposit Disposition lists any amount due for unpaid rent or damages after the Security Deposit is subtracted. If a balance is due SMHA,
the tenant has 30 days to pay the account balance before the account is turned over to a collection agency. All accounts outstanding after 30 days are turned over to the collection agency.

The Site Manager compiles the following information on the former resident and submits to the collection agency:

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- Name and last known address
- Copy of Security Deposit Disposition
- Copy of lease
- Social Security Number
- Copy of original tenant application
- Copy of tenant's employment verification or source of income

The Site Manager maintains a log of all accounts referred to the collection agency.

The collection agency sends a statement of all accounts referred to them monthly as well as a statement of amounts collected from the debtors. FABCO retains 40% of amounts collection by the collection agency and SMHA receives 60%.

The collection agency shall attempt to collect the entire outstanding balance or negotiate reasonable payment arrangement with debtors.

A quarterly status report on the collection activities of debtor is sent to SMHA. We will not write-off any account until all measures to collect the monies due have been exhausted. Each quarter these accounts that are non-collectable will be written-off.

Chapter 16

COMMUNITY SERVICE

[24 CFR Part 960 Subpart F and 24 CFR 903.7(l)]

A. REQUIREMENT

Each adult resident of SMHA shall:

Contribute 8 hours per month of community service (not including political activities) within the community in which that adult resides; or

Participate in an economic self-sufficiency program (defined below) for 8 hours per month; or

Perform 8 hours per month of combined activities (community service and economic self-sufficiency program)

B. EXEMPTIONS

SMHA shall provide an exemption from the community service requirement for any individual who:

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Is 62 years of age or older;

Is a blind or disabled individual, as defined under section 216[i][l] or 1614 of the Social Security Act, and who is unable to comply with this section, or is a primary caretaker of such individual;

Is engaged in a work activity as defined in section 407[d] of the Social Security Act;

Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act, or under any other welfare program of the State in which the public housing agency is located, including a State-administered welfare-to-work program; or

Is in a family receiving assistance under a State program funded under part A of title IV of the Social Security Act, or under any other welfare program of the State in which the public housing agency is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such program.

SMHA will re-verify exemption status annually except in the case of an individual who is 62 years of age or older.

SMHA will permit residents to change exemption status during the year if status changes.

C. DEFINITION OF ECONOMIC SELF-SUFFICIENCY PROGRAM

For purposes of satisfying the community service requirement, participating in an economic self-sufficiency program is defined, in addition to the exemption definitions described above, by HUD as: Any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

In addition to the HUD definition above, SMHA's definition includes any of the following:

Activities as approved by SMHA on a case-by-case basis.

SMHA will give residents the greatest choice possible in identifying community service

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opportunities.

SMHA will consider a broad range of self-sufficiency opportunities.

D. ANNUAL DETERMINATIONS

For each public housing resident subject to the requirement of community service, SMHA shall, at least 30 days before the expiration of each lease term, review and determine the compliance of the resident with the community service requirement.

Such determination shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

SMHA will verify compliance annually. If qualifying activities are administered by an organization other than SMHA, SMHA will obtain verification of family compliance from such third parties.

Family members will not be permitted to self-certify that they have complied with community service requirements.

E. NONCOMPLIANCE

If SMHA determines that a resident subject to the community service requirement has not complied with the requirement, SMHA shall notify the resident of such noncompliance, and that:

> The determination of noncompliance is subject to the administrative grievance procedure under SMHA's Grievance Procedures; and
>
> Unless the resident enters into an agreement to comply with the community service requirement, the resident's lease will not be renewed, and
>
> SMHA may not renew or extend the resident's lease upon expiration of the lease term and shall take such action as is necessary to terminate the tenancy of the household, unless SMHA enters into an agreement, before the expiration of the lease term, with the resident providing for the resident to cure any noncompliance with the community service requirement, by participating in an economic self-sufficiency program for or contributing to community service as many additional hours as the resident needs to comply in the aggregate with such requirement over the 12-month term of the lease.
>
> The head of household and the noncompliant adult must sign the agreement to cure.

Ineligibility for Occupancy for Noncompliance

SMHA shall not renew or extend any lease, or provide any new lease, for a dwelling unit

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for any household that includes an adult member who was subject to the community service requirement and failed to comply with the requirement.

F. PHA RESPONSIBILITY

SMHA will ensure that all community service programs are accessible for persons with disabilities.

SMHA will ensure that:

The conditions under which the work is to be performed are not hazardous;

The work is not labor that would be performed by SMHA's employees responsible for essential maintenance and property services; or

The work is not otherwise unacceptable.

G. PHA IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENT

SMHA's Community Service program is described in the PHA Plan.

SMHA will provide to residents a brochure of community service and volunteer opportunities available throughout the community.

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GLOSSARY

I. TERMS USED IN DETERMINING RENT

ANNUAL INCOME (24 CFR 5.609)

Annual income is the anticipated total income from all sources. This includes net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member for the 12 month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section, or income that is specifically excluded by other federal statute. Annual income includes:

> The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.
>
> The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
>
> Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.
>
> When the family has net family assets in excess of $5,000, Annual Income shall include the greater of the actual income derived from all net family assets, or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.
>
> The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.
>
> *NOTE: Treatment of lump sum payments for delayed or deferred periodic payment of social security or SSI benefits is dealt with later in this section.*

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Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.

All welfare assistance payments received by or on behalf of any family member. (24 CFR 913.106(b)(6) contains rules applicable to "as-paid" States).

Periodic and determinable allowances, such as alimony and child care support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.

All regular pay, special pay and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

EXCLUSIONS FROM ANNUAL INCOME (24 CFR 5.609)

Annual income does not include the following:

Income from the employment of children (including foster children) under the age of 18 years;

Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);

Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance and workers' compensation) capital gains, and settlement for personal property losses;

Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member.

Income of a live-in aide, provided the person meets the definition of a live-in aide.

The full amount of student financial assistance paid directly to the student or the educational institution.

The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

Amounts received under HUD funded training programs (e.g. Step-up program); excludes stipends, wages, transportation payments and child care vouchers for the duration of the training.

Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS).

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Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out of pocket expenses incurred for items such as special equipment, clothing, transportation and childcare, to allow participation in a specific program.

Amount received as a Resident services stipend. A modest amount (not to exceed $200 per month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as the resident member of the PHA governing Board. No resident may receive more than one such stipend during the same period of time.

Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.

Temporary, non-recurring, or sporadic income (including gifts).

Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and reexaminations of income on or after April 23, 1993.)

Earnings in excess of $480 for each full-time student 18 years old or older, (excluding the head of household and spouse).

Adoption assistance payments in excess of $480 per adopted child.

The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply:

> Comparable Federal, State or local law means a program providing employment training and supportive services that: (1) is authorized by a Federal, State or local law; (2) is funded by the Federal, State or local government; (3) is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills.
>
> Exclusion period means the period during which the resident participates

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

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

Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.

Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.(A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion.

The following benefits are excluded by other Federal Statute as of August 3, 1933:

The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;

Payments to volunteers under the Domestic Volunteer Service Act of 1973; examples of programs under this Act include but are not limited to:

The Retired Senior Volunteer Program (RSVP)

Foster Grandparent Program (FGP)

Senior Companion Program (SCP)

Older American Committee Service Program

National Volunteer Antipoverty Programs such as:

VISTA

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Peace Corps

Service Learning Program

Special Volunteer Programs

Small Business Administration Programs such as:

National Volunteer Program to Assist Small Businesses

Service Corps of Retired Executives

Payments received under the Alaska Native Claims Settlement Act. [43 USC 1626 (a)]

Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]

Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]

Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b)

Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540).

The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC. 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior.

Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087 uu] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships.

Payments received under programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League; Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

Payments received after January 1, 1989 from the Agent Orange

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Settlement Fund or any other fund established in the In-Re Orange Product Liability litigation.

The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Child Care and Development Block Grant Act of 1990. (42 USC 9858q)

Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32)(j).

Living allowances under Americorps Program (Nelson Diaz Memo to George Latimer 11/15/94)

ADJUSTED INCOME

Annual income, less allowable HUD deductions.

Note: Under the Continuing Resolution, PHAs are permitted to adopt other adjustments to earned income for residents of Public Housing, but must absorb any resulting loss in rental income.

All Families are eligible for the following:

Child Care Expenses: A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the Annual Income is computed. Child care expenses are only allowable when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be reasonable by the PHA when the expense is incurred to permit education.

Dependent Deduction. An exemption of $480 for each member of the family residing in the household (other than the head or spouse, live-in aide, foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.

Handicapped Expenses. A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for handicapped family members where such expenses are necessary to permit a family member(s), including the handicapped/disabled member to be employed. In no event may the amount of the

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deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for visually handicapped, and equipment added to cars and vans to permit use by the handicapped or disabled family member.

For non-elderly families and elderly families without medical expense: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

For Elderly and Disabled Families Only:

Medical Expenses: A deduction of unreimbursed medical expenses, including insurance premiums anticipated for the period for which Annual Income is computed. Medical expenses include, but are not limited to: services of physicians and other health care professionals, services of health care facilities; insurance premiums, including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by the PHA for the purpose of determining a deduction from the income, the expenses claimed must be verifiable.

For elderly families without handicapped expenses: The amount of the deduction shall equal total medical expenses less 3% of annual income.

For elderly families with both handicapped and medical expenses: The amount of handicapped assistance is calculated first, then medical expenses are added.

Elderly/Disabled Household Exemption: An exemption of $400 per household.

II. GLOSSARY OF HOUSING TERMS

ACCESSIBLE DWELLING UNITS. When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on

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an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40, (the Uniform Federal Accessibility Standards) is "accessible" within the meaning of this paragraph.

ACCESSIBLE FACILITY. All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

ACCESSIBLE ROUTE. For persons with a mobility impairment, a continuous, unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

ADAPTABILITY. Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability.

ADMISSION. Admission to the program is the effective date of the lease. The point at which a family becomes a resident.

ALLOCATION PLAN. The plan submitted by the PHA and approved by HUD under which the PHA is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

APPLICANT (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

AUXILIARY AIDS. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

CEILING RENT. An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent.

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

COVERED FAMILIES. The statutory term "covered families" designates the universe of families who are required to participate in a welfare agency economic self-sufficiency program and may, therefore, be the subject of a welfare benefit sanction for

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noncompliance with this obligation. "Covered families" means families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or older.

DESIGNATED FAMILY. The category of family for whom the PHA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 housing Act. (24 CFR 945.105)

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

DISABLED FAMILY. A family whose head, spouse, or sole member is a person with disabilities. A disabled family may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides

DISABLED PERSON. See Person with Disabilities.

DISABLED FAMILY. A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together or one or more persons with disabilities living with one or more live-in aides.

DISALLOWANCE. Exclusion from annual income.

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

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

DRUG-RELATED CRIMINAL ACTIVITY. Term means:

Drug-trafficking; or

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

DRUG TRAFFICKING. The illegal manufacture, sale, 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)).

ECONOMIC SELF-SUFFICIENCY PROGRAM. Any program designed to

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encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families. Economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, any other program necessary to ready a participant to work (such as: substance abuse or mental health treatment. Economic self-sufficiency program includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). See the definition of work activities at Sec. 5.603(c). The new definition of the term "economic self-sufficiency program" is used in the following regulatory provisions, pursuant to the Public Housing Reform Act: family income includes welfare benefits reduced because of family failure to comply with welfare agency requirements to participate in an economic self-sufficiency program; and the requirement for public housing residents to participate in an economic self-sufficiency program or other eligible activities.

ELDERLY FAMILY. A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with one or more live-in aides.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBLE FAMILY (Family). A family is defined by the PHA in the Admission and Continued Occupancy Plan.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

FAMILY. The applicant must qualify as a family as defined by the PHA.

FAMILY OF VETERAN OR SERVICEPERSON. A family is a "family of veteran or serviceperson" when:

> The veteran or serviceperson (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.

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The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by a PHA to promote self-sufficiency of assisted families, including the provision of supportive services.

FLAT RENT. Rent for a public housing dwelling unit that is based on the market rent. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the PHA could lease the public housing unit after preparation for occupancy.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is attending school or vocational training on a full-time basis.

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

HANDICAPPED PERSON. [Referred to as a Person with a Disability]. A person having a physical or mental impairment which is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that such ability could be improved by more suitable housing conditions.

HEAD OF HOUSEHOLD. The person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "PHA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The Act in which the U.S. Housing Act of 1937 was recodified, and which added the Section 8 Programs.

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HOUSING ASSISTANCE PLAN. A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

HUD. The Department of Housing and Urban Development or its designee.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

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

IMPUTED INCOME. HUD passbook rate times the total cash value of assets, when assets exceed $5,000.

IMPUTED WELFARE INCOME. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income. This amount is included in family annual income and, therefore, reflected in the family rental contribution based on this income.

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

INCOME-BASED RENT. The tenant rent paid to the PHA that is based on family income and the PHA rental policies. The PHA uses a percentage of family income or some other reasonable system to set income-based rents. The PHA has broad flexibility in deciding how to set income-based rent for its tenants. However, the income-based tenant rent plus the PHA's allowance for tenant paid utilities may not exceed the "total tenant payment" as determined by a statutory formula.

INCOME FOR ELIGIBILITY. Annual Income.

INCOME TARGETING. The HUD admissions requirement that PHAs not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

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INDIAN HOUSING AUTHORITY (IHA). A housing agency established either by exercise of the power of self-government of an Indian Tribe, independent of State law, or by operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily Displaced Applicants are applicants who meet the HUD definition for the local preference, formerly known as a federal preference.

LANDLORD. Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

LEASE. A written agreement between an owner and an eligible family for the leasing of a housing unit.

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

Is determined to be essential to the care and well-being of the person.

Is not obligated for the support of the person.

Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE. A preference used by the PHA to select among applicant families without regard to their date and time of application.

LOW-INCOME FAMILY. This definition replaces a previous statutory reference. Generally, "low-income" designates a family whose income does not exceed 80 percent of area median income, with certain adjustments.

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses anticipated during the period for which Annual Income is computed, and which are not covered by insurance. (Only Elderly Families qualify) The allowances are applied when medical expenses exceed 3% of Annual Income.

MINIMUM RENT. An amount established by the PHA between zero and $50.00.

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

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MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances.

MONTHLY INCOME. 1/12 of the Annual Income before allowances.

NEAR-ELDERLY FAMILY. A family whose head, spouse, or sole member is at least 50, but less than 62 years of age. The term includes two or more near-elderly persons living together and one or more such persons living with one or more live-in aides.

NET FAMILY ASSETS. The net cash value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

PARTICIPANT. A family that has been admitted to the PHA program, and is currently assisted in the program.

PERSON WITH DISABILITIES

1. A person who has a disability, as defined in 42 U. S. C. 423, and is determined, under HUD regulations, to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
2. A person who has a developmental disability as defined in 42 U.S.C. 6001.
3. An "individual with handicaps", as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities
4. Does not exclude persons who have AIDS or conditions arising from AIDS
5. Does not include a person whose disability is based solely on any drug or alcohol dependence (for low income housing eligibility purposes)

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

PREVIOUSLY UNEMPLOYED. Includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

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

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "PHA" mean the same

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thing.)

QUALIFIED FAMILY. A family residing in public housing whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment; or increased earnings by a family member during participation in any economic self-sufficiency or on the job training program; or new employment or increased earnings of a family member, during or within 6 months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local TANF agency and Welfare to Work programs. TANF includes income and benefits & services such as one time payments, wage subsidies & transportation assistance, as long as the total amount over a 6-month period is at least $500.

QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998. The Act which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 assistance programs.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if no interim changes are reported by the family.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RESIDENCY PREFERENCE. A local preference for admission of persons who reside in a specified geographic area.

RESPONSIBLE ENTITY. For the public housing, Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

SERVICEPERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone who is not disabled, elderly, or displaced, or the remaining member of a tenant family.

SPECIFIED WELFARE BENEFIT REDUCTION. Those reductions of welfare agency benefits (for a covered family) that may not result in a reduction of the family rental contribution. "Specified welfare benefit reduction" means a reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare

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program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE. The marriage partner of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

> Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
>
> Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
>
> Direct loans pursuant to Section 202 of the Housing Act of 1959; or
>
> Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
>
> Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
>
> A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

TENANT. (Synonymous with resident) The person or persons who executes the lease as lessee of the dwelling unit.

TENANT RENT. The amount payable monthly by the family as rent to the PHA.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

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

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

UTILITY ALLOWANCE. The PHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family

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occupying the unit.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this meant a lower-income family which included eight or more minors. (Term no longer used)

VERY LOW INCOME FAMILY. A Low-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

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

WAITING LIST. A list of families organized according to HUD regulations and PHA policy who are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state, or local governments. **"Welfare assistance" means income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs.** The definition borrows from the Department of Health and Human Services' TANF definition of "assistance" and excludes nonrecurring short term benefits designed to address individual crisis situations. **For FSS purposes, the following do not constitute welfare assistance: food stamps; emergency rental and utilities assistance; and SSI, SSDI, and Social Security.**

III. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE

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

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

PHA. A housing authority- either a public housing agency or an Indian housing authority or both.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

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INS. The U.S. Immigration and Naturalization Service.

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

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NONCITIZEN. A person who is neither a citizen nor nation of the United States.

PHA. A housing authority who operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the PHA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

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Third-Party Written Verification

The following should be added to the above referenced paragraph on page 90:

The PHA will accept verifications in the form of computerized printouts delivered by the family from the following agencies:

*Social Security Administration

Veterans Administration

Welfare Assistance

Unemployment Compensation Board

City or County Courts

***** SMHA will utilize the Tenant Eligibility Verification System (TASS) whenever possible and in cases where the information on the TASS system is not current, staff will compare the current award letter with the information on the TASS system.

Review of Documents

The following should be added to the above referenced paragraph on page 90 following sentence ending with……Certification of Document Viewed or Person Contacted form.

The PHA will accept verifications in the form of computerized printouts delivered by the family from the following agencies only if written verification cannot be obtained directly from the provider. The file will be documented as to the reasons and the steps SMHA took to secure the third party written verification and why these efforts were unsuccessful. SMHA will always try to seek third party verification in the method described in A. Methods of Verification and Time Allowed.

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SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

Memorandum

To: Members of the Board of Commissioners

From: Anita Perrin, Director of Assisted Housing

Date: January 20, 2004

Re: Resolution #1322 – Recommendation to Establish Flat Rents for the Public Housing Units Effective April 1, 2004

HUD regulations require that SMHA develop flat rents for each of the housing developments. The flat rents provide another choice for rent calculation other than the percentage of income formula (30% of monthly-adjusted income or 10% of monthly gross income). The flat rents allow residents who have higher incomes to pay the flat rent rather than taking 30% of the monthly-adjusted income or 10% of monthly gross income and paying more.

HUD requires that flat rents be calculated by taking into consideration the following: location of property; quality; unit size and type; age of property; amenities at the property; housing services; and maintenance and utilities proved by SMH.A.

The residents will be offered the choice of paying the income-based rent or the flat rent at move-in or re-examination. If the resident's income goes down while paying the flat rent, the resident can opt to switch to an income-based rent during the year.

SMHA sent a letter to each tenant requesting comments on the flat rents established. No comments were directed against the flat rent.

Recommendation: Adopt Resolution 1322 to authorize the adoption of Flat Rents for each SMHA Public Housing Development.

Approved_____
Barbara A. Stewart
Executive Director

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SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

RESOLUTION NUMBER 1322

Establishing Flat Rents for the Public Housing Units

WHEREAS, HUD regulations require that flat rents be established for the Public Housing units; and

WHEREAS, the SMHA desires to be in compliance with HUD regulations and has developed flat rents for the Public Housing units,

NOW, THEREFORE, BE IT RESOLVED by the Springfield Metropolitan Housing Authority Board of Commissioners that the attached flat rent schedule be implemented as of April 1, 2004.

BE IT FURTHER RESOLVED that the Admissions and Occupancy be revised to incorporate the attached flat rents.

_____ January 20, 2004
Barton N. Laywell, Chair Date

_____ January 20, 2004
Barbara A. Stewart, Executive Director Date

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FLAT RENT PROCESS

Policy:

The Springfield Metropolitan Housing Authority (SMHA) has set a flat rent for each public housing unit. The flat rents determined for the Public Housing units are based on the market rent charged for comparable units in the private, unassisted rental market.

Procedure:

SMHA considered the size and type of the unit, location, quality, present condition and age of property, amenities, housing services, maintenance and utilities provided by the PHA when the flat rents were determined. SMHA used Section 8 rent reasonableness data to establish flat rents for the Public Housing units and adjusted for differences between the units.

Lincoln Park (21-1) has 210 row house units built in 1965. The area has a high density of low-income families. The families pay the gas and electric utilities. SMHA reviewed market rents in the area and took into consideration the condition of the units to establish the flat rents.

Cole Manor (21-2) has zero- and one-bedroom units and one two-bedroom unit. All utilities are provided by SMHA for the 152 unit high rise located in an area that has a mixture of property owners and renters. The location is convenient to stores, banks, and a hospital. We allowed a 5% increase from the rents allowed for Lincoln Park.

Grayhill Apartments (21-3), Murray Street Apartments (21-4), and Woodford Apartments (21-6) have one- and two-bedroom apartments with the utilities paid by SMHA. The present condition, quality, and location of the units were considered in establishing the flat rents.

Hugh Taylor Apartments (21-5) and Robert C. Henry Homes (21-8), both high-rise buildings, have the utilities provided by SMHA. The flat rent established for Hugh Taylor is 5% higher than the flat rent established for Grayhill Apartments. The single two-bedroom unit's flat rent was only raised 3% from Grayhill's two-bedroom flat rent due to the security factor of the Hugh Taylor apartment.

Robert C. Henry Homes (21-8), built in 1983, are located in a suburb of Springfield. The neighborhood is comprised of primary owner-occupied homes. The flat rent was developed by allowing a 7% increase from Hugh Taylor's (21-5) one-bedroom units.

Scattered Sites (21-4) flat rents were developed for the units located at Klobdenz, Perry,

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Robinson, and Sherman to mirror Lincoln Park's (21-1) family units. The units are very similar in quality, condition of units, location, and age. The exception is the Morgan Street apartments that are comprised of single units and are in a better location.

Scattered Sites (21-7) are single homes built in lower income areas with the exception of Third, Warren and Villa. The location of the units was the primary factor in developing the flat rents for these units.

Scattered Sites (21-9, 21-12, and 21-14) are all single units built in higher income areas with the exception of Fair and Hillcrest, both in (21-14). The flat rents were based primarily on location.

Scattered Sites (21-11 and 21-13) are single rehabbed units located throughout the City of Springfield. The flat rents mirror (21-7) three bedroom flat rents.

Once a year, SMHA will offer families the choice between a flat rent and an income-based rent. SMHA will provide sufficient information for families to make an informed choice. The information provided will include the right of the family to switch due to financial hardship and the dollar amount of the rent under each option. A fact sheet about the formula rents that explains types income counted or excluded and the categories allowances can be deducted from income will be provided to the family.

Families who choose the flat rent will be required to recertify every three years however, SMHA will review family composition and community service annually. SMHA will provide an income-based rent amount based on the family's request at any time and for any of the following reasons:

1. The family's income has decreased.

2. The family's circumstances have changed increasing their expenses for childcare, medical care etc.

3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

SMHA will explain to the family that SMHA will review the flat rents annually for each development to ensure that the flat rents continue to mirror market rent values. The family will be asked at recertification to sign a certification accepting or declining the flat rent.

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SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

FLAT RENTS

Cole Manor 21-2

Utilities Included in Rent

0 Bedroom - $362

1 Bedroom - $424

2 Bedrooms - $466

Grayhill 21-3

Utilities Included in Rent

1 Bedroom - $404

2 Bedrooms - $444

Murray Street 21-4

Utilities Included in Rent

1 Bedroom - $404

2 Bedrooms - $444

Hugh Taylor 21-5

Utilities Included in Rent

1 Bedroom - $445

2 Bedrooms - $480

Woodford 21-6

Utilities Included in Rent

1 Bedroom - $404

2 Bedrooms - $444

Henry Homes 21-8

Utilities Included in Rent

1 Bedroom - $476

Lincoln Park 21-1

Family pays gas and electric utilities

0 Bedroom - $345

1 Bedroom - $385

2 Bedrooms - $410

3 Bedrooms - $435

4 Bedrooms - $460

5 Bedrooms - $485

Scattered Sites 21-4

Family pays gas and electric utilities

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Robinson Drive, Perry Street, Klobdenz and Sherman Courts

2 Bedrooms - $410

3 Bedrooms - $435

4 Bedrooms - $460

5 Bedrooms - $485

Morgan Street

2 Bedrooms - $431

3 Bedrooms - $457

4 Bedrooms - $493

5 Bedrooms - $509

Scattered Sites 21-7

Family pays gas and electric utilities

2 Bedrooms - $459

3 Bedrooms - $488

Third Street, Warren Drive and Villa Road only

2 Bedrooms - $468

3 Bedrooms - $497

Scattered Sites 21-9

Family pays gas and electric utilities

2 Bedrooms - $468

3 Bedrooms - $497

Scattered Sites 21-11

Family pays gas and electric utilities

3 Bedrooms - $488

Scattered Sites 21-12

Family pays gas and electric utilities

2 Bedrooms - $468

3 Bedrooms - $497

Scattered Sites 21-13

Family pays gas and electric utilities

3 Bedrooms - $488

Scattered Sites 21-14

Family pays gas and electric utilities

3 Bedrooms - $497

Fair Street and Hillcrest Avenue only

3 Bedrooms - $488

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SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

Memorandum

To: Members of the Board of Commissioners

From: Barbara A. Stewart, Executive Director

Date: August 29, 2003

Re: Resolution #1309 - Recommendation to approve amendment to the Public Housing Lease Agreement and approve the Community Service Policy - Addendum to Admissions and Continued Occupancy Policy

The Department of Housing and Urban Development and Congress (HUD) has reinstated the community service requirements for adult non-exempt public housing residents, which was previously suspended. HUD required all housing authorities to notify its public housing residents in writing that the community service requirements were reinstated. The notification to residents had to occur no later than July 31, 2003 and SMHA met this requirement.

Any proposed changes to the public housing lease, requires a thirty-day comment period allowing the residents to express their concerns in writing. The community service notification also notified the residents of the thirty-day comment period. The thirty-day comment period has elapsed and as of the preparation of this packet no comments have been forwarded to me from the Property Managers.

Recommendation: Adopt Resolution #1309 to approve amendment to the Public Housing Lease Agreement and approve the Community Service Policy (Addendum to Admissions and Continued Occupancy Policy)

Approved by:

Barbara A. Stewart
Executive Director

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SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

RESOLUTION NUMBER 1309

Approving Amendment to the Public Housing Lease Agreement
and
Approving the Community Service Policy
(Addendum to Admissions & Continued Occupancy Policy)

WHEREAS, the Community Service Requirement mandated by Congress has been reinstated and every non-exempt adult public housing resident will be required to perform Community Service; and

WHEREAS, the Springfield Metropolitan Housing Authority currently has a Lease Agreement that does not require its adult residents to perform community service; and

WHEREAS, the SMHA would like to amend the existing Lease Agreement to include the community service requirement and implement the lease addendum; and

WHEREAS, the SMHA would also like the attached Community Service Policy – Addendum to Admissions & Continued Occupancy Policy (ACOP) to be approved;

NOW, THEREFORE, LET IT BE RESOLVED that the Springfield Metropolitan Housing Authority Board of Commissioners approves the attached Community Service Policy; and

BE IT FURTHER RESOLVED, that the Board of Commissioners approves the attached lease amendment with implementation of the attached Lease Amendment to be effective September 1, 2003.

_____ 8/29/03
Sandra L. Gaier, Chair Date

_____ 8/29/03
Barbara A. Stewart, Executive Director Date

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SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

COMMUNITY SERVICE POLICY

(Addendum to Admissions and Continued Occupancy Policy)

GENERAL REQUIREMENTS

As a part of the Quality Housing and Work Responsibility Act of 1998, Congress imposed a requirement that all adult residents of federally funded public housing, unless specifically exempted, must perform community service activities or participate in an economic self-sufficiency program to remain eligible for public housing assistance. Therefore, the federal public housing lease now contains a provision that all non-exempt residents must:

- Contribute eight (8) hours per month of community service (not including political activity); or
- Participate in an economic-self sufficiency program for eight (8) hours per month; or
- Perform eight (8) hours each month of combined community service and self-sufficiency activities.

DEFINITIONS:

Community Service: For the purpose of this policy, community service is the performance of voluntary work or duties for the public benefit that serve to improve the quality of life and /or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Community service activities include but are not limited to, improving the physical environment of the resident's development; volunteer work in a local school, hospital or childcare center; working with youth organizations; or helping neighborhood groups on special projects. By federal statute, political activity is not an eligible form of community service.

Economic Self-Sufficiency Program: For the purpose of this policy, an economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include, but are not limited to: programs for proficiency, work fare, financial or household management, apprenticeship, and any

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program necessary to ready a participant to work, including substance abuse or mental health treatment.

NOTIFICATION OF RESIDENTS

The Springfield Metropolitan Housing Authority will notify all residents of the new community service requirement before the implementation of this policy. This notification will include an explanation of the program and will list the categories of individuals who are exempt from performing community service activities. The notification will describe the verification that will be required to establish an exemption. Definitions and examples of community service and economic self-sufficiency activities will be part of the notice.

The notification will also advise families when their community service obligation will begin. Non-exempt residents will be required to begin performing community service at their first lease renewal date following the adoption of this policy or sooner if mandated by HUD.

EXEMPTIONS:

The following residents over the age of eighteen are exempt from this requirement:

1) Resident household members who are age 62 years or older;
2) Resident household members who are blind or disabled as defined in the Social Security Act (Section 216(i)(1) or Section 1614 of the Social Security Act (42 USC 416(i) (1);1382c) and who certify that because of this disability they are unable to comply with the service provisions.

   The Social Security Act defines disability as the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months."

   Blindness is defined as "central visual acuity of 20/200 or less in the better eye with the use of correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purpose of this paragraph as having central visual acuity of 20/200 or less"

3) Resident household members who are the primary care giver of a blind or disabled individual as described in paragraph 2;

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4) Resident household members who are engaged in a work activity as defined under section
407 (d) of the Social Security Act (42 USC 607 (d), as in effect on and after July 1, 1997),
specified below:

Work activities are:

§ Unsubsidized employment;
§ Subsidized private-sector employment;
§ Subsidized public-sector employment;
§ Work experience, including work associated with refurbishing, publicly;

assisted housing, if sufficient private sector employment is not available;
§ On-the-job training;
§ Job search and job readiness assistance;
§ Community service programs;
§ Vocational educational training (not to exceed twelve months with respect to
any individual);
§ Job-skills training directly related to employment;
§ Education directly related to employment for a resident who has not received a
high school diploma or a certificate of high school equivalency;
§ Satisfactory attendance at a secondary school or in a course of study leading to
a certificate of general equivalence for a resident who has not completed high
school or received such a certificate; and
§ The provision of childcare services to an individual who is participating in a
community service program.

5) Resident household member of a family who are exempt from work activity under Part A
of Title IV of the Social Security Act (42 USC Section 601 et seq.) or under any other
state welfare program, including a State-administered welfare-to-work program; or

6) Resident household member of a family receiving TANF assistance, benefits or services under a State program funded under part A of Title IV of the Social

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Security Act (42 USC 601 et seq.); or under any other state welfare program in Ohio, including a State-administered welfare-to work program, and is in compliance with all provisions of that program.

In accordance with HUD guidelines, persons eligible for a disability deduction in rent are not automatically exempt from the community service requirement.

INITIAL DETERMINATION OF EXEMPTION

For the first year after the implementation of this policy a comprehensive information sheet describing the community service requirement will accompany the letter sent to each head of household asking them to come into the development management office to begin the Resident Status Review (RSR) process. The notice will describe the exemptions and outline the verification required to establish each exemption. The head of household will be asked to provide the required verification to the property manager during the ninety-day status review period.

All applicants will be provided with an information sheet describing the community service/self-sufficiency requirement at the time they make their application. At the time the lease is signed, the Property Manager will again provide the head of household with the community service information sheet. The head of household will be asked to declare which household members are exempt from community service and provide the appropriate verifications.

In order to establish an exemption the following verification must be provided:

1) Age 62 or over. Any birth certificate or proof of age already submitted by the resident to establish age or achieve eligibility for occupancy as a person 62 or older shall be deemed sufficient verification.
2) Disability or blindness. Receipt by a household member of Social Security Disability or SSI benefits is deemed proof of disability under this policy. A household member whose application for disability benefits is pending shall be deemed disabled unless and until a denial of the application is received. Any resident who believes they meet the definition of disability included in this policy may submit a statement from their treating physician providing the staff with facts that will assist them in determining whether the resident is disabled within the definition applicable under this policy. If a resident does not meet this definition but still believes that he or she is unable to perform community service the resident may apply for a reasonable accommodation. Residents who are determined to be exempt because of blindness or disability shall also sign a statement certifying that they are unable to comply with the community service requirement because of the blindness or disability.
3) Primary caregiver of a disabled or blind person. A statement from the person

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being cared for or his or her guardian affirming that the resident seeking exemption acts as the primary caregiver and the period during which he or she is expected to continue in that role shall be adequate verification.

4) Engaged in work activity. The verification of employment income provided to the Springfield Metropolitan Housing Authority for rent determination shall be adequate for this purpose. Verification of participation in job training or other qualifying program must be submitted by the providing organization or school by mail or facsimile.
5) Exempt from work activity under state welfare program. Verification of the exemption should be obtained from the welfare department by facsimile or mail.
6) Member of a family who receives assistance from a state welfare program and is in compliance with that program. Verification of receipt of program assistance and compliance should be obtained from the welfare department by mail or facsimile.

The Property Manager will make a determination of the exempt status and notify the resident. If the resident disagrees with the determination, he or she may file a grievance under the Springfield Metropolitan Housing Authority's Grievance Procedures outlined in the Admissions and Continued Occupancy Policy (ACOP).

The exemption status for each household member will be entered on the client worksheet. Families with non-exempt members will receive a list of community service and self-sufficiency
opportunities.

CONTINUING DETERMINATION OF EXEMPTION AND COMPLIANCE

Each year, as a part of the Resident Status Review, the Property Manager will determine whether each non-exempt household member has complied with the community service requirement and whether each exempt household member continues to be exempt.

Included with the letter, requesting the head of household to come to the office for the status review, will be a reminder to the resident compliance with and/or exemption from community service will be determined as a part of this status review. Attached to this letter will be a list of exemption categories; a reminder that certain exemptions from the community service requirement must be reviewed annually; and a description of the documentation needed to support each exemption will be attached to the letter. Also included will be a Verification of Compliance form for each household member who was required to perform community service. These forms must be completed and returned to the Property Manager at least thirty (30) days before the lease term expires. The form includes confirmation of:

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§ the number of hours of community service/self-sufficiency work completed,
§ the type of work completed,
§ the community organization where the work was completed,
§ the signature, name, title, address and phone number of the person supervising completion of the work.

At the time of the status review the Property Manager will reconfirm the exemption status of each household member. The head of household may provide the Property Manager with the required documentation for any change in status claimed by an adult family member. The Property Manager will reconfirm the following exemption categories annually:

§ Blindness or disability.
§ Primary caregiver.
§ Engaged in work activity.
§ Exempt from work activity under state welfare program.
§ Exempt through receipt of assistance, benefits or services from a state welfare program
and in compliance with all provisions of the program.

If a household member becomes exempt from the community service requirement during a lease term and informs the Property Manager so that the exemption can be verified, he or she shall be exempt from performing community service for the entire year. Unemployed residents, for example, may request an exemption if they find work or start a job training program. If a resident is determined by SMHA to become exempt during the year, he or she will be excused from the entire 96-hour requirement. There is no obligation for a resident to report a change in status for exempt to non-exempt between regular status reviews. If a resident previously determined to be exempt becomes non-exempt during a lease term, he or she is not required to report the change in status to the manager until the next status review.

If the household is found to be in compliance with the community service/self sufficiency requirement as well as all other requirements for continuing occupancy, the lease will be automatically renewed. An annual lease signing process is not necessary.

NON-COMPLIANCE

If SMHA determines that a non-exempt resident has not complied with the community service requirement/self-sufficiency requirement, the Property Manager must notify the head of household of the noncompliance in writing. This notification must also inform the resident that:

§ the determination of non-compliance is subject to SMHA's grievance procedure;

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§ unless the resident enters into an agreement to cure or the non-compliant adult no
longer resides in the unit, the lease of the family of which the noncompliant adult is a
member shall not be renewed; and
§ the resident has the opportunity to cure the noncompliance during the next (12) twelve-
month period.

To take advantage of the statutory opportunity to cure, the noncompliant adult and the head of the household must sign an agreement stating that the noncompliant adult will complete, over the next (12) twelve-month term of the lease, the additional hours of community service or economic self-sufficiency activity needed to reach the required total of (96) ninety-six hours for the prior year. These additional hours must be performed in addition to the (96) ninety-six hour requirement for the current lease year.

As is required by law, continued non-compliance will result in the commencement of eviction proceedings against the entire household, unless the non-compliant family member is no longer part of the household.

DOCUMENTATION

The Property Manager must retain documentation of community service participation and/or exemption in the resident's file.

At lease signing for new residents or at the Resident Status Review for current residents, the Property Manager must ensure a Certification of Exemption Status form is completed for each adult household member claiming an exemption from the community service/self-sufficiency requirement. Supporting documentation will be requested of the resident to verify exempt status and copies of the verification will be retained in the file.

At the time of the annual Resident Status Review, the head of household is responsible for ensuring that the appropriate authority completes a Verification of Compliance form for every non-exempt household member. This form will also be maintained in the resident file. This verification must be mailed or faxed to SMHA.

GRIEVANCE PROCEDURE

Upon filing a written request, as provided in SMHA's grievance procedure, any resident who disagrees with SMHA's action or failure to act in accordance with the Community Service Policy shall be entitled to a grievance hearing in accordance with SMHA's Admissions and Continued Occupancy Policy (ACOP).

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PROHIBITION AGAINST THE REPLACEMENT OF EMPLOYEES

In implementing the community service requirement, SMHA will not substitute community service for work ordinarily performed by public housing employees or replace a job at any location where community work requirements are performed.

THIRD-PARTY COORDINATING

SMHA intends to exercise its option to administer the community service/self-sufficiency requirement through one or more of the following alternatives:

§ directly administer some qualifying community service and economic self-sufficiency activities;
§ make such activities available through a contractor; or
§ make such activities available through partnerships with qualified organizations, including resident organizations and community agencies or institutions.

Approved by SMHA Board of Commissioners: August 29, 2003

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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? In no, this section is complete.

If yes, list these developments as follows:

Deconcentration Policy for Covered Developments

Development Name	**Number of Units**	**Explanation (if any) [see step 4 at 903.2 © (1) (iv)**	**Deconcentration policy (if any) [see step 5 at 903.2 © (1) (v)]**
21-1	210	Below 85%	See ACOP
21-4	104	Above 115%	Scattered Sites
21-6	32	Below 85%	See ACOP
21-9	30	Above 115%	Scatted Site
21-11	11	Above 115%	Scattered Site
21-12	15	Above 115%	Scattered Site
21-13	11	Above 115%	Scattered Site
21-14	32	Above 115%	Scattered Site

ADMINISTRATIVE PLAN

FOR THE

HOUSING CHOICE VOUCHER PROGRAM

Approved by the HA Board of Commissioners: July 20, 2004

Submitted to HUD: July 21, 2004

TABLE OF CONTENTS

Chapter 1
STATEMENT OF POLICIES AND OBJECTIVES

A. MISSION STATEMENT…….… 9
B. LOCAL GOALS……..….... 9
C. PURPOSE OF THE PLAN ……..…12
D. ADMINISTRATIVE FEE RESERVE…….…. 13
E. RULES AND REGULATIONS ……13
F. TERMINOLOGY……... .. 13
G. FAIR HOUSING POLICY ……...14
H. REASONABLE ACCOMMODATIONS POLICY…….… 14
I. TRANSLATION OF DOCUMENTS……..…..16
J. MANAGEMENT ASSESSMENT OBJECTIVES …… 16
K. RECORDS FOR MONITORING PHA PERFORMANCE ……..…...17
L. PRIVACY RIGHT……....18
M. FAMILY OUTREACH…….. ..18
N. OWNER OUTREACH ……..…...19

Chapter 2
ELIGIBILITY FOR ADMISSION

A. ELIGIBILITY FACTORS 20
B. FAMILY COMPOSITION 21
C. INCOME LIMITATIONS 24
D. MANDATORY SOCIAL SECURITY NUMBERS 25
E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS 25
F. OTHER CRITERIA FOR ADMISSION…….. 26
G. TENANT SCREENING 26
H. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT 27
I. INELIGIBLE FAMILIES 27
J. PROHIBITED ADMISSIONS CRITERIA 27

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Chapter 3
APPLYING FOR ADMISSION

A. OVERVIEW OF APPLICATION TAKING PROCESS 28
B. OPENING/CLOSING OF APPLICATION TAKING.....28
C. "INITIAL" APPLICATION PROCEDURE……..30
D. APPLICANT STATUS WHILE ON WAITING LIST…….30
E. TIME OF SELECTION…… 30
F. REQUIRMENT TO ATTEND INTERVIEW ……..31
G. VERIFICATION.....32
H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY 32

Chapter 4
ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

A. WAITING LIST.....32
B. SPECIAL ADMISSIONS.....33
C. WAITING LIST PREFERENCES 33
D. LOCAL PREFERENCES 34
E. INCOME TARGETING.....34
F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION 35
G. EXCEPTIONS FOR SPECIAL ADMISSIONS.....35
H. TARGETED FUNDING 36
I. PREFERENCE & INCOME TARGETING ELIGIBILITY 36
J. ORDER OF SELECTION 37
K. FINAL VERIFICATION OF PREFERENCES 37
L. PREFERENCE DENIAL.....37
M. REMOVAL FROM WAITING LIST AND PURGING 37

Chapter 5
SUBSIDY STANDARDS

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE 38
B. EXCEPTIONS TO SUBSIDY STANDARDS.....39
C. UNIT SIZE SELECTED.....41

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

A. INCOME AND ALLOWANCES.....42
B. MINIMUM RENT 43
C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT.....45
D. AVERAGING INCOME 48
E. MINIMUM INCOME.....49
F. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME 49
G. REGULAR CONTRIBUTIONS AND GIFTS.....49

H. ALIMONY AND CHILD SUPPORT 50
I. LUMP-SUM RECEIPTS 50
J. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS 51
K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE 51
L. CHILD CARE EXPENSES 51
M. MEDICAL EXPENSES.....52
N. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES…….…52
O. REDUCTION IN BENEFITS.....53
P. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS 53
Q. EARNED INCOME DISALLOWANCE (EID) ……...54

Chapter 7
VERIFICATION PROCEDURES

A. METHODS OF VERIFICATION AND TIME ALLOWED 54
B. RELEASE OF INFORMATION 56
C. COMPUTER MATCHING 57
D. ITEMS TO BE VERIFIED 57
E. VERIFICATION OF INCOME.....58
F. INCOME FROM ASSETS 61
G. VERIFICATION OF ASSETS 62
H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME 63
I. VERIFYING NON-FINANCIAL FACTORS 65
J. VERIFICATION OF WAITING LIST PREFERENCES 70

Chapter 8
VOUCHER ISSUANCE AND BRIEFINGS

A. ISSUANCE OF CERTIFICATES/VOUCHERS 71
B. BRIEFING TYPES AND REQUIRED ATTENDANCE 71
C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION.....74
D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION.....75
E. SECURITY DEPOSIT REQUIREMENTS.....75
F. TERM OF VOUCHER 75
G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS 77
H REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER.....77

Chapter 9
REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

A. REQUEST FOR APPROVAL OF TENANCY 78
B. ELIGIBLE TYPES OF HOUSING 79
C. LEASE REVIEW.....79
D. SEPARATE AGREEMENTS 80
E. INITIAL INSPECTIONS 80
F. RENT LIMITATIONS 81

G. DISAPPROVAL OF PROPOSED RENT 81
H. INFORMATION TO OWNERS 81
I. OWNER DISAPPROVAL 82
J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE.....82
K. CONTRACT EXECUTION PROCESS.....82
L. CHANGE IN OWNERSHIP…… .82

Chapter 10
HOUSING QUALITY STANDARDS AND INSPECTIONS

A. GUIDELINES/TYPES OF INSPECTIONS.....83
B. INITIAL HQS INSPECTION.....84
C. ANNUAL HQS INSPECTIONS 85
D. MOVE OUT/VACATE 86
E. SPECIAL/COMPLAINT INSPECTIONS 86
F. QUALITY CONTROL INSPECTIONS 87
G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS……. 87
H. EMERGENCY REPAIR ITEMS…… ..87
I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)... .88
J. DETERMINATION OF RESPONSIBILITY…….. .89
K. CONSEQUENCES IF FAMILY IS RESPONSIBLE……..…… 90

Chapter 11
OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM……... .91
B. MAKING PAYMENTS TO OWNERS……91
C. RENT REASONABLENESS DETERMINATIONS……. .92
D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM ……...93
E ADJUSTMENTS TO PAYMENT STANDARDS……...94
F. EXCEPTION PAYMENT STANDARDS.....95
G. OWNER PAYMENT IN THE PREMERGER REGULAR CERTIFICATE PROGRAM.....95

Chapter 12
RECERTIFICATIONS

A. ANNUAL ACTIVITIES.....96
B. ANNUAL RECERTIFICATION/REEXAMINATION.....97
C. REPORTING INTERIM CHANGES.....99
D. OTHER INTERIM REPORTING ISSUES.....100
E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.....100
F. NOTIFICATION OF RESULTS OF RECERTIFICATIONS 100
G. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS) 101

H. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES 101
I. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES 101
J. MISREPRESENTATION OF FAMILY CIRCUMSTANCES 102

Chapter 13
MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

A. ALLOWABLE MOVES 102
B. RESTRICTIONS ON MOVES 103
C. PROCEDURE FOR MOVES 103
D. PORTABILITY 104
E. OUTGOING PORTABILITY 104
F. INCOMING PORTABILITY 105

Chapter 14
CONTRACT TERMINATIONS

A. CONTRACT TERMINATION 107
B. TERMINATION BY THE FAMILY: MOVES 107
C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS 107
D. TERMINATION OF THE CONTRACT BY PHA 108

Chapter 15
DENIAL OR TERMINATION OF ASSISTANCE

A. GROUNDS FOR DENIAL/TERMINATION 110
B. CRIME BY FAMILY MEMBER 112
C. FAMILY OBLIGATIONS 115
D. PROCEDURES FOR NON-CITIZENS 119
E. ZERO ($0)ASSISTANCE TENANCIES 120
F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION 120
G. MISREPRESENTATION IN COLLUSION WITH OWNER 120
H. MISSED APPOINTMENTS AND DEADLINES 120

Chapter 16
OWNER DISAPPROVAL AND RESTRICTION

A. DISAPPROVAL OF OWNER 122
B. OWNER RESTRICTIONS AND PENALTIES 123
C. CHANGE IN OWNERSHIP 123

Chapter 17
OWNER OR FAMILY DEBTS TO THE PHA

A. PAYMENT AGREEMENT FOR FAMILIES 124

B. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING INFORMATION....125
C. DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP....125
D. GUIDELINES FOR PAYMENT AGREEMENTS....126
E. OWNER DEBTS TO THE PHA....126
F. WRITING OFF DEBTS....126

Chapter 18
COMPLAINTS AND APPEALS

A. COMPLAINTS TO THE PHA....127
B. PREFERENCE DENIALS....127
C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS....128
D. INFORMAL HEARING PROCEDURES....129
E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"....133
F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES....134

Chapter 19
SPECIAL HOUSING TYPES

A. SHARED HOUSING....135
B. MANUFACTURED HOMES....136

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING....139
B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING....140
C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE....150

PROGRAM INTEGRITY ADDENDUM

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD....151
B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD....152
C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD....152
D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD....153
E. OVERPAYMENTS TO OWNERS....154
F. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD....154
G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA....154
H. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW....155
I. EVALUATION OF THE FINDINGS....155

J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED 155

ADDENDUM 1
HOMEOWNERSHIP ASSISTANCE PROGRAM

PARTICIPANT QUALIFICATION ……..158
TIME FRAME FOR UTILIZATION ……..…159
……PORTABILITY……...159
PERMITTED OWNERSHIP ARRANGEMENTS…….159
CONTRACT FOR SALE AND INSPECTION……..……159
FINANCING…… .160
LENGTH AND CONTINUATION OF ASSISTANCE…….160
FAMILY OBLIGATIONS……..160
ASSISTANCE PAYMENT…….161
LEASE-TO-PURCHASE……161
DEFAULT……...161
RECAPTURE……..162
DENIAL OR TERMINATION OF ASSISTANCE……162
INFORMAL HEARING…… 162

ADDENDUM II
CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS

CORE VALUES AND ETHICAL STANDARDS…….163
RECOMMENDATION TO APPROVE POLICY……. 165
RESOLUTION # 1258……166
RESOLUTION #1305 TO REVISE SECTION 8 UTILITY ALLOWANCES……..167
TWO AND THREE STORY UTILITY ALLOWANCE SCHEDULE FOR CLARK COUNTY…..……168
ONE STORY ALLOWANCE SCHEDULE FOR CLARK COUNTY …… 169
TWO AND THREE STORY UTILITY ALLOWANCE SCHEDULE FOR CHAMPAIGN COUNTY……....170
ONE STORY ALLOWANCE SCHEDULE FOR CHAMPAIG1 COUNTY…… 171
PAYMENT STANDARDS ……172
STATE OF OHIO INCOME LIMITS ……172
HOUSING MOBILITY PLAN…….. 173
RENT REASONABLENESS POLICY ……..174
RETROACTIVE RENTS POLICY ……175
SECTION 8 WRITE-OFF OF UNPAID BALANCES ……..176

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

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

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority (PHA) staff shall be in compliance with the PHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all federal, state and local fair housing laws and regulations.

Jurisdiction

The jurisdiction of the PHA is Clark and Champaign counties.

A. HOUSING AUTHORITY MISSION STATEMENT

To provide decent, safe and sanitary affordable housing and to promote among the residents we serve economic independence, pride in the community, self-sufficiency, self-worth, upward mobility and their participation in the economic and political system of Springfield and Clark County.

B. LOCAL GOALS [24 CFR 982.1]

Part I

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

_X__ PHA Goal: Expand the supply of assisted housing

Objectives:

_X___ Apply for additional rental vouchers:

_X___ Reduce public housing vacancies:

____ Leverage private or other public funds to create additional housing opportunities:

____ Acquire or build units or developments

____ Other (list below)

__X__ PHA Goal: Improve the quality of assisted housing

Objectives:

_X__ Improve public housing management: (PHAS score)

_X__ Improve voucher management: (SEMAP score)

_X__ Increase customer satisfaction:

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

_X__ Renovate or modernize public housing units:

____ Demolish or dispose of obsolete public housing:

____ Provide replacement public housing:

____ Provide replacement vouchers:

____ Other: (list below)

__X__ PHA Goal: Increase assisted housing choices

Objectives:

__X_ Provide voucher mobility counseling:

__X_ Conduct outreach efforts to potential voucher landlords

__X_ Increase voucher payment standards

__X_ Implement voucher homeownership program:

__X_ Implement public housing or other homeownership programs:

____ Implement public housing site-based waiting lists:

____ Convert public housing to vouchers:

____ Other: (list below)

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

__X__ PHA Goal: Provide an improved living environment

Objectives:

____ Implement measures to de-concentrate 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:

__X_ Implement public housing security improvements:

____ Designate developments or buildings for particular resident groups (elderly, persons with disabilities)

____ Other: (list below)

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

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

Objectives:

__X_ Increase the number and percentage of employed persons in assisted families:

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

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

____ Other: (list below)

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

__X_ PHA Goal: Ensure equal opportunity and affirmatively further fair housing

Objectives:

____ Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:

____ Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:

__X_ Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:

____ Other: (list below)

Part II

The PHA has the following goals for the program:

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

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

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

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

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

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

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

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

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The Housing Choice Voucher Program is implemented as of October 1, 1999; pre-merger regular tenancy contracts, housing voucher contracts will remain in effect until the family's second reexamination after the merger date or whenever a new lease is executed, whichever comes first.

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

Applicable regulations include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 982: Section 8 Tenant-Based Assistance

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

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

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

E. RULES AND REGULATIONS [24 CFR 982.52]

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

F. TERMINOLOGY

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

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

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

"Landlord" and "owner" are used interchangeably.

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

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

The Section 8 programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and voucher programs. The Voucher Choice program refers to the merged program effective as of August 12, 1999.

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

"Failure to provide" refers to all requirements in the first family obligation. See "Denial or Termination of Assistance" chapter.

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

See Glossary for other terminology.

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

It is the policy of the Housing Authority to comply fully with all federal, state, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

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

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

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

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

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

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

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

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

the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

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

> A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
>
> A record of such impairment; or
>
> Being regarded as having such an impairment
>
> Note: This is not the same as the HUD definition used for purposes of determining allowances.

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

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a professional third party competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

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

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

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

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

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

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

Verification of Disability

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

Outreach

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

Applying for Admission

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

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

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

I. TRANSLATION OF DOCUMENTS

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

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

J. MANAGEMENT ASSESSMENT OBJECTIVES

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

Selection from the Waiting List

Reasonable Rent

Determination of Adjusted Income

Utility Allowance Schedule

HQS Quality Control Inspections

HQS Enforcement

Expanding Housing Opportunities

FMR/exception rent & Payment Standards

Annual Re-examinations

Correct Tenant Rent Calculations

Pre-Contract HQS Inspections

Annual HQS Inspections

Lease-up

Family Self-Sufficiency Enrollment and Escrow Account Balances

Bonus Indicator De-concentration

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

Selection from the waiting list

Rent reasonableness

Determination of adjusted income

HQS Enforcement

HQS Quality Control

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

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

K. RECORDS FOR MONITORING PHA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the PHA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the PHA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

Supervisory staff will audit the following functions:

Not less than 5% of reexaminations

Not less than 5% of new applications

Not less than 5% of claims processed

L. PRIVACY RIGHTS [24 CFR 982.551]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PHA shall periodically:

> Develop working relationships with owners and real estate broker associations.
>
> Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements.
>
> Explain the program, including equal opportunity requirements and nondiscrimination requirements, including Fair Housing Amendments Act of 1988 and Americans with Disabilities Act, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

Chapter 2

ELIGIBILITY FOR ADMISSION

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

INTRODUCTION

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

A. ELIGIBILITY FACTORS [982.201(B)

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

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

The HUD eligibility criteria are:

An applicant must be a "family"

An applicant must be within the appropriate income limits

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

An applicant must furnish declaration of citizenship or eligible immigrant status and verification where required. At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance.

An applicant must not have been evicted from public housing or any Section 8 program for drug-related criminal activity for at least three years before application.

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

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

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

B. FAMILY COMPOSITION [24 CFR 982.201]

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

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

A single person family may be:

An elderly person

A displaced person

A person with a disability

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

Any other single person.

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

A family also includes:

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

Head of Household

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

Spouse of Head

Spouse means the husband or wife of the head.

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

Co-Head

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

Live-in Attendants

A family may include a live-in aide or aides. Live-in aides are persons who reside with one or more elderly persons or near-elderly persons or persons with disabilities and who:

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

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

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

Are qualified to provide the needed care.

Are not part of the household prior to receiving program assistance.

There is no other reason for the aide/s to reside in the unit. The aide/s can demonstrate they had a previous residence they left in good standing.

The aide/s and the participant/s will maintain separate finances.

Live-in aides are treated differently than family members:

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

Live-in aides are not subject to non-citizen rule requirements.

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

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

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

Verification must include the hours the care will be provided**.** [24 CFR 982.316]

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

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

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

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

The PHA may also withdraw prior approval of a particular live-in aide if the aide engages in any of the activities described above. The PHA will conduct a criminal screening records check prior to approval of a live-in aide(s). The PHA will verify annually at re-certification the need for and the eligibility of a live-in aide(s).

Split Households Prior to Voucher Issuance

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

Which family member applied as head of household.

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

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

Role of domestic violence in the split.

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

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

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

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

Multiple Families in the Same Household

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

Joint Custody of Children

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

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

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

To be eligible for assistance, an applicant must:

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

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

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

> A very low-income family.
>
> A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.
>
> A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
>
> A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
>
> A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
>
> A low-income family or moderate income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.
>
> A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

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

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

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

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

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

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

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

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

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

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

For the citizenship/eligible immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

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

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

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

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

Verification of Status Before Admission

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

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

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

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

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

The family must pay any outstanding debt owed the PHA or another PHA as a result of prior participation in any federal housing program within 30 days of PHA notice to repay.

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

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

G. TENANT SCREENING [24 CFR 982.307)]

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

The PHA will not screen family behavior or suitability for tenancy. The PHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy. The PHA will conduct criminal records check for all members of the household 18 years or older, but will not release this information to the owner.

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

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

Payment of rent and utility bills

Caring for a unit and premises

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

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

Compliance with other essential conditions of tenancy.

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

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

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

I. INELIGIBLE FAMILIES

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

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

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

Admission to the program may not be based on:

> Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
>
> Discrimination because a family includes children.
>
> Whether a family decides to participate in a family self-sufficiency program; or
>
> Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

Chapter 3

APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the PHA will also utilize this process

to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

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

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

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

Applications will be mailed to interested families upon request.

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

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

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

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

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

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

Springfield News and Sun	***WBLY***
New Carlisle Sun	***WAZU***
Urbana Daily Citizen	***KISS FM***
Tri-County Shoppers News	***WIZE***
	WEEC

The notice will contain:

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

The programs for which applications will be taken.

A brief description of the program.

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

Limitations, if any, on who may apply.

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

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

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

Closing the Waiting List

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

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

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

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

Limits on Who May Apply

When the waiting list is open:

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

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

When the application is submitted to the PHA:

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

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

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

Ineligible families will not be placed on the waiting list.

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

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

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

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

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

This written notification of preliminary eligibility will be:

mailed to the applicant by first class mail.

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

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

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

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

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

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

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

Whenever the family claims a preference

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

F. REQUIREMENT TO ATTEND INTERVIEW

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

The head of household is required to attend the interview.

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

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

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

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the PHA, the declarations and consents related to citizenship/immigration status and any other documents required by the PHA. Applicants will be required to sign specific verification forms for information that is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

If the PHA determines at or after the interview that additional information or document(s) are needed, the PHA will request the document(s) or information in writing**.** The family will be given 10 days to supply the information.

If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance. (See "Complaints and Appeals" chapter)

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the "Verification Procedures" chapter. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher.

H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the PHA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program.

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is the PHA's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

This chapter explains the three local preferences which the PHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the PHA's system of applying them.

By maintaining an accurate waiting list, the PHA will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. WAITING LIST [24 CFR 982.204]

The PHA uses a single waiting list for admission to its Section 8 Tenant-Based Assistance Program.

Except for Special Admissions, applicants will be selected from the PHA waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The PHA will maintain information that permits proper selection from the waiting list.

The waiting list contains the following information for each applicant listed:

Applicant Name

Family Unit Size (number of bedrooms family qualifies for under PHA subsidy standards)

Date and time of application

Qualification for any local preference

Racial or ethnic designation of the head of household

B. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e), 982.203]

If HUD awards a PHA program funding that is targeted for specifically named families, the PHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

A family displaced because of demolition or disposition of a Public or Indian housing project;

A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

For housing covered by the Low-Income Housing Preservation and Resident Home-Ownership Act of 1990;

A family residing in a project covered by a project-based Section 8 HAP Contract at or near the end of the HAP contract term; and

A non-purchasing family residing in a HOPE 1 or HOPE 2 Project.

Applicants who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the automated system.

C. WAITING LIST PREFERENCES [24 CFR 982.207]

An applicant will not be granted any Local Preference if any member of the family has been evicted from housing assisted under a 1937 Housing Act Program during the past three years because of drug-related criminal activity.

The PHA will grant an exception to such a family if:

The responsible member has successfully completed a rehabilitation program.

The evicted person clearly did not participate in or know about the drug related activity.

The evicted person no longer participates in any drug-related criminal activity.

If an applicant makes a false statement in order to qualify for a Local Preference, the PHA will deny admission to the program for the family.

D. LOCAL PREFERENCES [24 CFR 5.410]

The PHA will offer public notice when changing its preference system and the notice will be publicized using the same guidelines as those for opening and closing the waiting list.

The PHA uses the following local preference system:

Date and time of receipt of a completed application.

Veteran preference:

State law definition.

Families with at least one adult who is employed and paying at least 40% of their income for rent and utilities or an elderly or disabled family paying at least 40% of income for rent and utilities.

Women recovering from drug or alcohol addictions so that they may be reunited with their families and be given a support system.

Treatment of Single Applicants

All families with children and families who include an elderly person or a person with a disability (see 24 CFR 100.80) shall be given a selection priority over all other applicants.

E. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the PHA will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as "extremely low-income families." The PHA will admit families who qualify under the Extremely Low Income limit to meet the income-targeting requirement, regardless of preference.

The PHA's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The PHA is also exempted from this requirement where the PHA is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

The PHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA. This provision allows the PHA to admit less than the minimum 40% of its extremely low-income families in a fiscal year to its Public Housing Program to the extent that the PHA's admission of extremely low-income families in the tenant-based assistance program exceeds 75% of all admissions during the fiscal year. If exercising this option the PHA will follow the fungibility threshold limitations as set forth in QHWRA legislation.

The discretion by the PHA to exercise the fungibility provision is also reflected in the PHA's Public Housing Admissions and Continued Occupancy Policy.

F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CF5.415]

At the time of initial application, an applicant's entitlement to a local preference may be made on the following basis.

> The PHA will verify all preference claims at the time they are made. The PHA will re-verify a preference claim, if the PHA feels the family's circumstances have changed, at time of selection from the waiting list.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the Local Preference and given an opportunity for a meeting.

If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

G. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a PHA program funding that is targeted for specifically named families, the PHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

> A family displaced because of demolition or disposition of a Public or Indian Housing project;
>
> A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
>
> For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
>
> A family residing in a project covered by a project-based Section 8 HAP Contract at or near the end of the HAP contract term; and
>
> A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

H. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system. The PHA has the following "Targeted" Programs:

Mainstream for Persons with Disabilities

Shelter-Plus Care

Tenant-Based Assistance

Non-Elderly Disabled Persons

I. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR 5.410]

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change.

If the family's verified annual income, at final eligibility determination, does not fall under the Extremely Low Income limit and the family was selected for income targeting purposes before families with a higher preference, the family will be returned to the waiting list.

Cross Listing of Different Housing Programs and Section 8 [24 CFR 982.205(a)]

If the waiting list for the PHA's Public Housing Program, Project-Based Voucher Program or Moderate Rehabilitation Program is open at the time an applicant applies for Section 8, the PHA must offer to place the family on its waiting lists for the other programs.

Other Housing Assistance [24 CFR 982.205(b)]

Other housing assistance means a Federal, State or local housing subsidy, as determined by HUD, including Public Housing.

The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]

Refuse to list the applicant on the PHA waiting list for tenant-based assistance;

Deny any admission preference for which the applicant is currently qualified;

Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or

Remove the applicant from the waiting list.

However, the PHA may remove the applicant from the waiting list for Tenant-Based Assistance if the PHA has offered the applicant assistance under the Voucher Program.

J. ORDER OF SELECTION [24 CFR 982.207(e)]

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

Local Preferences

Local preferences will be used to select families from the waiting list.

The PHA has selected the following system to apply local preferences:

All local preferences will be treated equally.

Among Applicants with Equal Preference Status

Among applicants with equal preference status, the waiting list will be organized by date and time.

K. FINAL VERIFICATION OF PREFERENCES [24 CFR 5.415]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the PHA will:

Obtain necessary verifications of preference at the interview and by third-party verification.

L. PREFERENCE DENIAL [24 CFR 5.415]

If the PHA denies a preference, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting/a review with the Director of Assisted Housing. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List.

M. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The Waiting List will be purged not more than one time each year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

Any mailings to the applicant that require a response will state that failure to respond within 30 days will result in the applicant's name being dropped from the waiting list.

An extension of 10 days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If the applicant did not respond to the PHA request for information or updates because of a family member's disability, the PHA will reinstate the applicant in the family's former position on the waiting list.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Director of Assisted Housing determines there were circumstances beyond the person's control.

Chapter 5

SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that PHA's establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards that will be used to determine the voucher size (family unit size) for various sized families when they are selected from the waiting list, as well as the PHA's procedures when a family's size changes, or a family selects a unit size that is different from the Voucher.

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The PHA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

For subsidy standards, an adult is a person 18 years or older.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

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

Generally, the PHA assigns one bedroom to two people within the following guidelines:

Persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom.

Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 6.

Foster children will be included in determining unit size only if they will be in the unit for more than 12 months.

Live-in attendants will generally be provided a separate bedroom.

Space may be provided for a child who is away at school but who lives with the family during school recesses.

Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.

Adults of different generations will have separate bedrooms.

A single-pregnant woman with no other family members must be treated as a two-person family.

Single-person families shall be allocated one bedroom.

GUIDELINES FOR DETERMINING VOUCHER SIZE

Voucher Size	**Persons in Household**	
	Minimum Number	**Maximum Number**
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	6
3 Bedrooms	3	8
4 Bedrooms	4	10
5 Bedrooms	6	12
6 Bedrooms	8	14

B. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.403(a) & (b)]

The PHA shall grant exceptions from the subsidy standards if the family requests and the PHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The PHA will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

Verified medical or health reason; or

Elderly persons or persons with disabilities who may require live-in attendant/s.

Request for Exceptions to Subsidy Standards

The family may request a larger-sized Voucher than indicated by the PHA's subsidy standards. Such request must be made in writing within 7 days of the PHA's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

The PHA will not issue a larger Voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

Requests based on health-related reasons must be verified by a doctor/medical/ professional or social service professional. The health-related reason/s obtained will be filed in a separate locked file. The family's file will be notated that the verification will be kept in a separate locked file.

PHA Error

If the PHA errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size.

Changes for Applicants

The voucher size is determined prior to the briefing by comparing the family composition to the PHA subsidy standards. If an applicant requires a change in the voucher size, based on the requirements of the PHA subsidy standards, the above references guidelines will apply.

Changes for Participants

The members of the family residing in the unit must be approved by the PHA. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA within 14 days. The above referenced guidelines will apply.

Under-housed and Over-housed Families

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the PHA will issue a new Voucher of the appropriate size and assist the family in locating a suitable unit.

Pre-merger Certificate families only:

If a Pre-merger Certificate family is occupying a unit that has more bedrooms than allocated under the PHA's subsidy standards, and the gross rent exceeds the FMR/Exception Rent for the family size under the PHA's subsidy standards, the PHA will issue the family a new voucher, of the appropriate size, and assist the family in finding a suitable unit.

In such cases the PHA's Voucher Term Extension Policy will be applicable.

The PHA will also notify the family of the circumstances under which an exception will be granted, such as:

If a family with a disability is under housed in an accessible unit.

If a family requires the additional bedroom because of a health problem that has been verified by the PHA.

A participant family (whose family composition has been approved by the PHA) who requires a change in voucher size because they are living in a unit that is overcrowded according to Housing Quality Standards.

A participant family (whose family composition has been approved by the PHA) who requires a change in voucher size under the subsidy standards, but not under Housing Quality Standards.

All others who require a transfer as determined by the PHA.

C. UNIT SIZE SELECTED [24 CFR 982.402(c)

The family may select a different size dwelling unit than that listed on the voucher. There are three criteria to consider:

Subsidy Limitation: The family unit size as determined for a family under the PHA subsidy standard for a family assisted in the voucher program is based on the PHA's adopted payment standards. The payment standard for a family shall be the *lower of*:

The payment standard amount for the family unit size; or

The payment standard amount for the unit size rented by the family.

Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's voucher.

Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

Unit Size	Maximum Number in Household
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

Chapter 6

FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION

[24 CFR Part 5, Subparts E and F; 982.153, 982.551]

INTRODUCTION

The PHA will use the methods, as set forth in this Administrative Plan, to verify and determine that family income at admission and at annual reexamination is correct. The accurate calculation of annual income and adjusted income will ensure that families are not paying more or less money for rent than their obligation under the regulations.

This chapter defines the allowable expenses and deductions to be subtracted from annual income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD notices and memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA policies in this chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts that are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income that is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

Adjusted Income is defined as the annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from annual income:

> Dependent Allowance: $480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
>
> Elderly/Disabled Allowance: $400 per family for families whose head or spouse is 62 or over or disabled.
>
> Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.

Child-Care Expenses: Deducted for the care of children under 13 when child-care is necessary to allow an adult member to work, attend school, or actively seek employment.

Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

B. MINIMUM RENT [24 CFR 5.616]

Minimum Rent

Minimum rent is $25. Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

Hardship Requests for an Exception to Minimum Rent

The PHA recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The PHA will review all relevant circumstances brought to the PHA's attention regarding financial hardship as it applies to the minimum rent. The following section states the PHA's procedures and policies in regard to minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998. HUD has defined circumstances under which a hardship could be claimed.

Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family's circumstances must fall under one of the following HUD hardship criteria:

The family has lost eligibility or is awaiting an eligibility determination for federal, state, or local assistance

The family would be evicted as a result of the imposition of the minimum rent requirement

The income of the family has decreased because of changed circumstances, including:

Loss of employment

Death in the family

Other circumstances as determined by the PHA or HUD

PHA Notification to Families of Right to Hardship Exception

The PHA will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly-adjusted income, 10% of monthly income, minimum rent or welfare rent.

The PHA notification will advise families that hardship exception determinations are subject to PHA review and hearing procedures.

The PHA will review all family requests for exception from the minimum rent due to financial hardships.

All requests for minimum rent hardship exceptions are required to be in writing.

The PHA will request documentation as proof of financial hardship.

The PHA will use its standard verification procedures to verify circumstances that have resulted in financial hardship.

Requests for minimum rent exception must include a statement of the family hardship that qualifies the family for an exception.

Suspension of Minimum Rent

The PHA will grant the minimum rent exception to all families who request it, effective the first of the following month.

The minimum rent will be suspended until the PHA determines whether the hardship is:

Covered by statute

Temporary or long-term

"Suspension" means that the PHA must not use the minimum rent calculation until the PHA has made this decision.

During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

If the PHA determines that the minimum rent is not covered by statute, the PHA will impose a minimum rent including payment for minimum rent from the time of suspension.

Temporary Hardship

If the PHA determines that the hardship is temporary, a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of suspension.

The PHA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period. (See "Owner and Family Debts to the PHA" chapter for repayment agreement policy).

Long-Term Duration Hardships [24 CFR 5.616(c)(3)]

If the PHA determines that there is a qualifying long-term financial hardship, the PHA must exempt the family from the minimum rent requirements.

Retroactive Determination

The PHA will reimburse the family for any minimum rent charges that took effect after October 21, 1998 that qualified for one of the mandatory exceptions.

If the family is owed a retroactive payment, the PHA will offset the family's future rent contribution payments by the amount in which the PHA owes the family.

C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT [24 CFR 982.54(d)(10), 982.551]

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

Temporarily absent" is defined as away from the unit for more than 180 days.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The PHA will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for six consecutive months except as otherwise provided in this chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the PHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy.

Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

> Full-time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

Absence Due to Incarceration

If the sole member is incarcerated for more than 180 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for more than 180 days in a twelve-month period.

Absence of Children Due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the PHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 12 of months from the date of removal of the child/ren, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the PHA's subsidy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the PHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the PHA before they move out of a unit and to give the PHA information about any family absence from the unit.

Families must notify the PHA at least 30 days before leaving the unit or if they are going to be absent from the unit for more than 14 consecutive days.

If the entire family is absent from the assisted unit for more than 180 consecutive days, the unit will be considered vacated and the assistance will be terminated.

If it is determined that the family is absent from the unit, the PHA will not continue assistance payments.

HUD regulations require the PHA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the PHA may:

> Write letters to the family at the unit

Telephone the family at the unit

Interview neighbors

Verify if utilities are in service

Check with the Post Office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days' limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the PHA can verify that the person was unable to notify the PHA in accordance with the family's responsibilities, and if funding is available, the PHA may reinstate the family as an accommodation if requested by the family, as long as the period was within 180 days.

Caretaker for Children

If neither parent remains in the household, and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the PHA will treat that adult as a visitor for the first 30 days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the voucher will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the PHA will review the status at 30-day intervals.

If custody or legal guardianship has not been awarded by the court but the action is in process, the PHA will secure verification from social services staff or the attorney as to the status.

If a member of the household is subject to a court order that restricts him/her from the home for more than four months, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than 30 consecutive days without PHA approval, or a total of 60 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the PHA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 120 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and PHA

Reporting changes in household composition to the PHA is both a HUD and a PHA requirement.

The family obligations require the family to request PHA approval to add any other family member as an occupant of the unit and to inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the PHA, any person the family has permitted to move in will be considered an unauthorized household member.

Families are required to report any additions to the household in writing to the PHA within 14 days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

Reporting Absences to the PHA

Reporting changes in household composition is both a HUD and a PHA requirement.

If a family member leaves the household, the family must report this change to the PHA, in writing, within 14 days of the change and certify as to whether the member is temporarily absent or permanently absent.

The PHA will conduct an interim evaluation for changes that affect the Total Tenant Payment in accordance with the interim policy.

D. AVERAGING INCOME

When annual income cannot be anticipated for a full 12-month, the PHA may:

Average known sources of income that vary to compute an annual income, or

Annualize current income and conduct an interim reexamination if income changes.

The preferred form of averaging income is to average the amount of income anticipated for the next 12-month for those families who have seasonal employment. In order to use this method, there must be some history of income from all sources in prior years.

If there are bonuses or overtime that the employer cannot anticipate for the next 12-month, bonuses and overtime received the previous year will be used.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so as to reduce the number of interim adjustments.

The method used depends on the regularity, source and type of income.

E. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every 3 months

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

If the family's expenses exceed their known income, the PHA will make inquiry of the head of household as to the nature of the family's accessible resources.

F. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME [24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the PHA will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family:

1. Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member or

   Include the income of the person permanently confined to the nursing home and give the family the medical deductions allowable on behalf of the person in the nursing home.

2. Exclude the income and deductions of the member if his/her income goes directly to the facility or

   Include the income and deductions of the member if his/her income goes to a family member.

G. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every two months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than $100 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See "Verification Procedures" chapter for further definition.)

If the family's expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.

H. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment (TTP).

If the amount of child support or alimony received is less than the amount awarded by the court, the PHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The PHA will accept verification that the family is receiving an amount less than the award if:

> The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.
>
> The child support printouts reflect that the family is receiving only a portion of the amount due or irregular payments, generally the amount of the last 12-month is used as anticipated income.

It is the family's responsibility to supply a certified copy of the divorce decree.

SMHA has an agreement with child support to verify child support payments for participants who sign a release of information, HUD Form 9886. SMHA receives the documentation from child support via the fax machine.

I. LUMP-SUM RECEIPTS [24 CFR 5.609]

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

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments that have accumulated due to a dispute will be treated the same as periodic payments that are deferred due to delays in processing.

An asset threshold of $3000 has been established by PHA to verify by third-party. This has been established because the asset to be verified is not a significant amount and would have minimum impact on the total tenant payment and the PHA is able to verify the asset through review of original documents provided by the tenant; or

An independent source does not have the capability of sending written third-party verification directly to PHA or does not facilitate oral third-party verification.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

J. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

> While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
>
> After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24CFR 5.603(d)(3)]

The PHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The PHA will count the difference between the market value and the actual payment received in calculating total assets.

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

L. CHILD-CARE EXPENSES [24 CFR 5.603]

Child-care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full-time, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as child- care expenses.

Allowability of deductions for child-care expenses is based on the following guidelines:

Childcare to work: The maximum child-care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working. A PHA must verify that the expenses incurred for childcare enables a family member to actively seek employment or to be gainfully employed.

To verify that the family member is actively seeking work, the PHA can request written or oral third-party verification from a local or state governmental agency that governs work-related activities. In the event the third-party verification is not available, the PHA may rely on tenant provided documents along with a notarized statement that indicates their efforts to seek employment.

Child-care for school: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

To verify childcare expenses to enable a family member to attend school, the PHA's verification must be sent to the Admissions, Registrar's Office, dean, counselor, advisor, etc. or from VA Office.

Amount of Expense: The PHA will survey the local child-care providers in the community/collect data as a guideline. If the hourly rate materially exceeds the guideline, the PHA may calculate the allowance using the guideline**.**

The local community hourly rate for childcare is $2.00 per hour per child as of March 2004.

M. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

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

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will not be considered allowable medical expenses.

N. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Pro-ration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

O. REDUCTION IN BENEFITS

See chapter on re-certifications on how to handle income changes resulting from welfare program requirements.

P. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS[24 CFR 982.153, 982.517]

The same utility allowance schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

The PHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The PHA must classify utilities in the utility allowance schedule according to the following general categories: space heating, cooking, water heating, water, sewer, trash collection; (other electric) refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners [24 CFR 982.517.

The PHA will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their voucher. The utility allowance is based on the actual unit size selected. Where families provide their own range and refrigerator, the PHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 12-month period. In cases where the owner's lease specifies that the range and refrigerator are provided and the family prefers to use their own, an allowance for range and refrigerator will not be allowed. This also applies if tenant wants to supply one appliance but the lease states the owner will provide it.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the PHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

Q. EARNED INCOME DISREGARD (EID)

The earned income disallowances, established by QHWRA, encourages disabled Housing Choice Voucher participants to go to work or have increased earnings. The PHA excludes certain HUD defined income in accordance with federal regulations.

Chapter 7

VERIFICATION PROCEDURES

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by the PHA. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third-party verifications are not possible as to why third-party verification was impossible to obtain.

Applicants and program participants must provide true and complete information to the PHA whenever information is requested. The PHA's verification requirements are designed to maintain program integrity. This chapter explains the PHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The PHA will obtain proper authorization from the family before requesting information from independent sources. The PHA will maintain tenant files in an area that is secure and private.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

The PHA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-party written

2. Third-party oral

3. Review of documents

4. Certification/self-declaration

The PHA will allow two weeks for return of third-party verifications and two weeks to obtain other types of verifications before going to the next method. The tenant’s file will reflect two documented attempts to justify why third-party written verification was not used.

Only verified information that is less than 90 days old may be used for certification or re-certification. Verifications may be extended for an additional 30 days with a telephone update. Verifications other than place of birth and citizenship should be re-verified in writing if they are older than 120 days.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third party written verification forms will be sent and returned via first-class mail. The family will be required to sign an authorization for the information source to release the specified information.

To prevent fraud and abuse in HUD programs, the United States Code (USC) and Code of Federal Regulations (CFR) allow HUD and PHAs to obtain information about applicants and participants to determine their eligibility or level of benefits. 24CFR 5.234 and 42 USC 354 (c) (2)(A)

Verifications received electronically directly from the source are considered third-party written verifications.

The PHA will utilize Upfront Income Verification (UIV) from:

*Social Security Administration

Veterans Administration

Welfare assistance from Human Services

Unemployment compensation board

City or county courts

Child support agency

*****SMHA will utilize the Tenant Eligibility Verification System (TASS) whenever possible. In cases where the information on the TASS system is not current, staff will compare the current award letter with the information on the TASS system.

The PHA will utilize UIV for gross wages and salaries (including overtime pay, commission, fees, tips, bonuses and other compensation for personal services.

PHAs may obtain UIV through computer-matching agreements with a federal, state or local government agency or a private agency.

PHAs can obtain UIV income information electronically or by fax.

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to document noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is not available, the PHA will compare the information to any documents provided by the family. If provided by telephone, the PHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third-party within two weeks, the PHA will annotate the file accordingly (two documented attempts) and utilize documents provided by the family as the primary source if the documents provide complete information. The PHA will accept verifications in the form of computerized printouts delivered by the family only if written verification cannot be obtained directly from the provider. The file will be documented as to the reasons and the steps SMHA took to secure the third-party written verification and why these efforts were unsuccessful. SMHA will always try to seek third-party verification in the method described in *A. Methods of Verification and Time Allowed*.

The PHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

Printed wage stubs

Computer printouts from the employer

Signed letters (provided that the information is confirmed by phone)

Other documents noted in this chapter as acceptable verification

The PHA will accept faxed documents.

The PHA will accept photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the PHA will utilize the third-party verification.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement/affidavit/certification/statement under penalty of perjury and must be witnessed.

B. RELEASE OF INFORMATION [24 CFR 5.230]

Adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form. This form must be signed annually by all adult family members.

In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the PHA or HUD.

C. COMPUTER MATCHING.

Where allowed by HUD and/or other state or local agencies, computer matching will be done.

The PHA will utilize the HUD established computer-based Tenant Assessment Subsystem (TASS) tool for obtaining Social Security benefits, Supplemental Security Income, benefit history and tenant income discrepancy reports from the Social Security Administration

When computer matching results in a discrepancy with information in the PHA records, the PHA will follow up with the family and verification sources to resolve this discrepancy. If the family has unreported or underreported income, the PHA will follow the procedures in the Program Integrity addendum of the Administrative Plan.

D. ITEMS TO BE VERIFIED [24 CFR 982.516]

All income not specifically excluded by the regulations.

Full-time student status including high school students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Child-care expense where it allows an adult family member to be employed or to further his/her education.

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.

Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members over 6 years of age or older who have been issued a social security number.

"Preference" status

Familial/Marital status when needed for head or spouse definition.

Verification of Reduction in Benefits for Noncompliance

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

E. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods the PHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

Dates of employment

Amount and frequency of pay

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Year-to-date earnings

Estimated income from overtime, tips or bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. UIV from private vendor agency, The Work Number to obtain employment income.
2. Employment verification form completed by the employer and faxed or mailed to PHA
3. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year-to-date earnings.
4. W-2 forms plus income tax return forms.
5. Self-certifications or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by case basis.

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

Acceptable methods of verification include, in this order:

1. Use of HUD Tenant Assessment System (TASS).

2. Benefit verification form completed by agency providing the benefits.

3. Award or benefit notification letters prepared and signed by the providing agency.

4. Computer report electronically obtained or in hard copy.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Verification form completed by the unemployment compensation agency.

2. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.

3. Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. Use of UIV through computer matching agreement with Clark County Human Services.

2. PHA verification form completed by payment provider.

3. Computer generated Notice of Action.

4. Computer generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Use of UIV through computer-matching agreement with Child Support Bureau.

2. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

3. A notarized support letter from the person paying the.

4. Copy of latest check and/or payment stubs from court trustee. PHA must record the date, amount and number of the check.

If payments are irregular, the family must provide:

A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.

A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.

A welfare notice of action showing amounts received by the welfare agency for child support.

A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:

   Schedule C (Small Business)

   Schedule E (Rental Property Income)

   Schedule F (Farm Income)

   If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

2. Audited or un-audited financial statement(s) of the business.

3. Credit report or loan application.

4. Documents such as manifests, appointment books, cashbooks, bank statements and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

5. Family's self-certification as to net income realized from the business during previous years.

Child Care Business

If an applicant/participant is operating a licensed day-care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the PHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid and signature of person.

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

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

The PHA may call the source to obtain income information. In cases of self-employment, the PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self-employment.

Recurring Gifts

The family must furnish a self-certification that contains the following information:

The person who provides the gifts

The value of the gifts

The regularity (dates) of the gifts

The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

The PHA will request information from the State Employment Development Department.

The PHA will re-certify families claiming no income every three months.

Full-time Student Status

Only the first $480 of the earned income of full-time students, other than head, co-head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full-time students is not counted towards family income.

Verification of full-time student status includes:

Written verification from the registrar's office or other school official.

School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

F. INCOME FROM ASSETS [24 CFR 982.516]

Savings Account Interest Income and Dividends for Balances over $3,000 Threshold

Acceptable methods of verification include, in this order:

1. PHA verification forms completed by the financial institution mailed or faxed.

2. The PHA may call the source to obtain asset and asset income information.

3. PHA may review original documents provided by the tenant.

4. Broker's statements showing value of stocks or bonds and the earnings credited to the family.

5. IRS Form 1099 from the financial institution. PHA must adjust to project 12-month earnings.

Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)

2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).

2. Copies of latest rent receipts, leases, or other documentation of rent amounts.

3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

The PHA will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash). An asset less than the threshold of $3,000 can be verified by review of the original documents provided by the tenant because of the insignificant amount and the minimum impact on the total tenant payment.

Acceptable verification may include any of the following:

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.

Real estate tax statements if the approximate current market value can be deduced from assessment.

Financial statements for business assets.

Copies of closing documents showing the selling price and the distribution of the sales proceeds.

Appraisals of personal property held as an investment.

Review of original documents provided by the tenant in cases where an independent source does not have the capability of sending written third-party verification directly to PHA or does not facilitate oral third-party verification.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all certifications and re-certifications, the PHA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

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

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24CFR 982.516]

Child-Care Expenses

Written verification from the person who receives the payments is required. If the child-care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child-care provider's name, address, telephone number,Social Security Number, the names of the children cared for, the number of hours the child-care occurs, the rate of pay and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. Any medical verification that identify the family member's medical condition will be kept in a locked filing cabinet separate from the tenant file. File will be documented that medical condition information is in a separate file. All expense claims will be verified by one or more of the methods listed below:

Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

For attendant care:

A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.

The PHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

In all cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit

him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

Attendant's written certification of amount received from the family, frequency of receipt and hours of care provided.

Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b)(15)]

Verification of Legal Identity

In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

Certificate of Birth, Naturalization papers

Church issued baptismal certificate

Current, valid driver's license

U.S. military discharge (DD 214)

U.S. passport

Voter's registration

Company/agency identification card

Department of Motor Vehicles identification card

Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

Certificate of Birth

Adoption papers

Custody agreement

Health and Human Services ID

School records

If none of these documents can be provided, a third-party who knows the person may, at the PHA's discretion, provide a verification form.

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

Familial Relationships.

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will always be required if applicable:

Verification of relationship:

Official identification showing names

Birth certificates

Baptismal certificates

Verification of guardianship is:

Court-ordered assignment

Affidavit of parent

Verification from social services agency

School records

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the PHA will consider any of the following as verification:

Husband or wife institutes divorce action.

Husband or wife institutes legal separation.

Order of protection/restraining order obtained by one family member against another.

Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.

Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.

If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

If no other proof can be provided, the PHA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Family Composition

The PHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format. If verification identifies the family member's medical condition, this information will be kept in a separate locked file. The tenant file will be notated where the information is kept.

Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510,5.512, 5.514]

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

The PHA will require citizens to provide documentation of citizenship. Acceptable documentation will include at least one of the following original documents:

United States Birth Certificate

United States passport

Resident alien/registration card

Social Security card

Other appropriate documentation as determined by the PHA

Eligible Immigrants who were participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their Student Visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination/at the time of initial application**.**

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial PHA does not supply the documents, the PHA must conduct the determination.

Extensions of Time to Provide Documents

The PHA will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Arrival-Departure Record (I-94)

Temporary Resident Card (I-688)

Employment Authorization Card (I-688B)

Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The PHA will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If the PHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for 12 months, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

A driver's license

Identification card issued by a Federal, State or local agency

Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)

An identification card issued by an employer or trade union

An identification card issued by a medical insurance company

Earnings statements or payroll stubs

Bank statements

IRS Form 1099

Benefit award letters from government agencies

Retirement benefit letter

Life insurance policies

Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records

Verification of benefits or Social Security number from Social Security Administration

New family members ages six and older will be required to produce their Social Security card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the PHA.

If an applicant or participant is able to disclose the Social Security number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the PHA. The applicant/participant or family member will have an additional 30 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the PHA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

J. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410-5.430]

Veterans' preference: This preference is available to current member of the U.S. Military Armed Forces, veterans, or surviving spouses of veterans.

The PHA will require U.S. government documents that indicate that the applicant qualifies under the above definition.

Working preference: This preference is available for families with at least one member who is employed or to families whose head or spouse is receiving income based on their inability to work. The PHA will require a statement from the employer, last three months utility bills and rent receipts. Elderly or disabled families paying at least 40% of their income for rent and utilities are eligible for this local preference. Verification of income and the last three months utility bills and rent receipts are required.

McKinley Hall: This preference is available for women recovering from drug or alcohol addictions so that they may be reunited with their families and be given a support system. Letter of referral from McKinley Hall stating applicant has successfully completed their program and will be participating in their ongoing program.

Chapter 8

VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

The PHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the PHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, PHA procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the PHA will issue vouchers to applicants whose eligibility has been determined. The number of Vouchers issued must ensure that the PHA stays as close as possible to 100 percent lease-up. The PHA performs a monthly calculation manually to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent the PHA can over-issue (issue more vouchers than the budget allows to achieve lease up).

The PHA may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers that are over-issued must be honored. If the PHA finds it is over-leased, it must adjust future issuance of vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups/individual meetings**.** Families who attend group briefings and still have the need for individual assistance will be referred to the lead housing specialist.

Briefings will be conducted in English.

The purpose of the briefing is to explain how the program works and the documents in the voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The PHA will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend one scheduled briefing, without prior notification and approval of the PHA, may be denied admission based on failure to supply information needed for certification. The PHA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the voucher program will comply with all HUD requirements. The PHA also includes other information and/or materials that are not required by HUD.

The family is provided with the following information and materials

> The term of the voucher, and the PHA policy for requesting extensions or suspensions of the voucher (referred to as tolling).
>
> A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family; how the PHA determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the PHA determines the maximum allowable rent for an assisted unit including the rent reasonableness standard.
>
> Where the family may lease a unit. For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the information must include an explanation of how portability works.
>
> The HUD required tenancy addendum, which must be included in the lease.
>
> The Request for Approval of Tenancy form and a description of the procedure for requesting approval for a unit.
>
> A statement of the PHA policy on providing information about families to prospective owners.

The PHA Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected.

The HUD brochure on how to select a unit and/or the HUD brochure, "A Good Place to Live," on how to select a unit that complies with HQS.

The HUD brochure on lead-based paint and information about where blood level testing is available.

Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form. The PHA will also include the pamphlet, "Fair Housing: It's Your Right." It will also include other information about fair housing laws and guidelines, such as the "take one, take all" law and the phone numbers of the local fair housing agency and the HUD enforcement office.

A list of landlords or other parties willing to lease to assisted families or help in the search and/or known units available for the voucher issued. The list includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.

If the family includes a person with disabilities, notice that the PHA will provide assistance in locating accessible units and a list of available accessible units known to the PHA.

The family's obligations under the program.

The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.

PHA informal hearing procedures including when the PHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.

[Note: Additional items for briefing packet based on SEMAP requirements]

Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability (required for PHAs in MSAs).

A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families (required for PHAs in MSAs).

Information regarding the PHA's outreach program, which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations.

A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration (required for PHAs in MSAs).

Procedures for notifying the PHA and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.

The family's rights as a tenant and a program participant.

Requirements for reporting changes between annual recertifications.

Information on security deposits and legal referral services.

Exercising choice in residency

Choosing a unit carefully and only after due consideration.

The Family Self-Sufficiency Program and its advantages.

If the family includes a person with disabilities, the PHA will ensure compliance with CFR 8.6 to ensure effective communication.

Owner Briefing

The PHA will attempt an owner briefing once a year. In place of owner briefings, the PHA can send a mass mailing to current owners in the program, notifying them of any changes in the program. The owner briefing covers the responsibilities and roles of the three parties.

Signature Briefing

All new owners will be required to attend a signature briefing with the family head at the office to execute contracts and leases. A packet of information will be given to each new owner. Other owners will be encouraged to attend signature briefings to reduce future conflict between the owner and tenant. The PHA will provide details on the program rules and relationships and responsibilities of all parties.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the PHA will provide assistance to families who wish to do so.

The PHA has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

The PHA has maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.

The PHA will investigate and analyze when Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

Direct contact with landlords.

Counseling with the family.

Providing information about services in various non-impacted areas.

Meeting with neighborhood groups to promote understanding.

Formal or informal discussions with landlord groups

Formal or informal discussions with social service agencies

Meeting with rental referral companies or agencies

Meeting with fair housing groups or agencies

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The PHA will give participants a copy of HUD form 903 to file a compliant and will provide assistance to participants in completing forms or contacting the City of Springfield's Human Relations Department.

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

Leases Effective on or after October 2, 1995

The owner is not required to but may collect a (one) security deposit from the tenant.

Security deposits charged to families may be any amount the owner wishes to charge**,** (subject to the following conditions:)

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by state or local law).

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a voucher that represents a contractual agreement between the PHA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program that occurs when the lease and contract become effective.

Expirations

The voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Approval of the Tenancy and Lease within the sixty-day period unless an extension has been granted by the PHA.

If the voucher has expired, and has not been extended by the PHA or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Suspensions

When a Request for Approval of Tenancy is received, the PHA will not deduct the number of days required to process the request from the 60-day term of the voucher.

Extensions

The PHA will extend the term up to 120 days from the beginning of the initial term if the family needs and requests an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If, as a reasonable accommodation, the family needs an extension in excess of 120 days the PHA will grant it.

A family may request an extension of the voucher time period. All requests for extensions must be received prior to the expiration date of the voucher.

Extensions are permissible at the discretion of the PHA up to a maximum of an additional 60 days primarily for these reasons:

> Extenuating circumstances such as hospitalization or a family emergency for an extended period of time that has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.
>
> The PHA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the PHA, throughout the initial sixty-day period. A completed search record is not required.
>
> The family was prevented from finding a unit due to disability accessibility requirements or large size four-bedroom unit requirement.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the PHA Office to request assistance. Voucher holders will be notified at their briefing session that the PHA periodically updates the listing of available units and how the updated list may be obtained.

The PHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Director of Assisted Housing shall consider the following factors to determine which of the families will continue to be assisted:

Which of the two new family units has custody of dependent children.

Which family member was the head of household when the Voucher was initially issued (listed on the initial application).

The composition of the new family units, and which unit contains elderly or disabled members.

Whether domestic violence was involved in the breakup.

Which family members remain in the unit.

Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the PHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER [24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by the PHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

The PHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child/ren for an indefinite period.

A reduction in family size may require a reduction in the voucher family unit size.

Chapter 9

REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION

[24 CFR 982.302]

INTRODUCTION [24 CFR 982.305(a)]

The PHA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The PHA's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the PHA, or outside of the PHA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance payments contract with the PHA. This chapter defines the types of eligible housing, the PHA's policies that pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Approval of Tenancy (RFAT).

A. REQUEST FOR APPROVAL OF TENANCY [24 CFR 982.302, 982.305(b)]

The Request for Approval of Tenancy (RFAT) and a copy of the proposed lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Approval of Tenancy in the form and manner required by the PHA.

The Request for Approval of Tenancy must be signed by both the owner and voucher holder.

The PHA will not permit the family to submit more than one RFAT at a time.

The PHA will review the proposed lease and the Request for Approval of Tenancy documents to determine whether or not they are approvable. The request will be approved if:

The unit is an eligible type of housing

The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)

The rent is reasonable

The security deposit is approvable in accordance with any limitations in this plan.

The proposed lease complies with HUD and PHA requirements (See "Lease Review" section).

The owner is approvable, and there are no conflicts of interest (See "Owner Disapproval" section below). In addition to the above, at the time a family initially receives assistance (new admissions and moves), the family's share of rent may not exceed 40 percent of the family monthly-adjusted income

(See "Owner Rents, Rent Reasonableness and Payment Standards" chapter of this Administrative Plan).

Disapproval of RFAT

If the PHA determines that the request cannot be approved for any reason, the landlord and the family will be notified in writing. The PHA will instruct the owner and family of the steps that are necessary to approve the request.

The owner will be given 30 calendar days to submit an approvable RFAT from the date of disapproval.

When, for any reason, an RFAT is not approved, the PHA will furnish another RFAT form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]

The PHA will approve any of the following types of housing in the Voucher program:

All structure types can be utilized.

Manufactured homes where the tenant leases the mobile home and the pad.

Manufactured homes where the tenant owns the mobile home and leases the pad.

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The PHA may not permit a voucher holder to lease a unit that is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

C. LEASE REVIEW [24 CFR 982.308]

The PHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and state and local law. The tenant also must have legal capacity to enter a lease under state and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the on the Request For Approval of Tenancy.

The family and owner must submit a standard-form lease used in the locality by the owner and that is generally used for other unassisted tenants in the premises. The terms and conditions of the lease must be consistent with state and local law. The lease must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family. The HUD prescribed tenancy-addendum must be included in the lease word-for-word before the lease is executed.

House rules of the owner may be attached to the lease as an addendum, provided they are approved by the PHA to ensure they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

Actions Before Lease Term

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

The PHA has inspected the unit and has determined that the unit satisfies the HQS;

The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum;

The PHA has approved leasing of the unit in accordance with program requirements

D. SEPARATE AGREEMENTS

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the PHA.

Any appliances, services or other items that are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the PHA. If agreements are entered into at a later date, they must be approved by the PHA and attached to the lease.

The PHA will not approve separate agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling.

E. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See "Housing Quality Standards and Inspections" chapter of this Administrative Plan.

F. RENT LIMITATIONS [24 CFR 982.503]

The PHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

G. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed gross rent is not reasonable, at the family's request, the PHA will negotiate with the owner to reduce the rent to a reasonable rent.

At the family's request, the PHA will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner, the PHA will continue processing the Request for Approval of Tenancy and Lease. If the revised rent involves a change in the provision of utilities, a new Request for Approval of Tenancy must be submitted by the owner.

If the owner does not agree on the rent to owner after the PHA has tried and failed to negotiate a revised rent, the PHA will inform the family and owner that the lease is disapproved.

H. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the PHA will furnish prospective owners who request the family's address information in writing from the PHA with the family's current address as shown in the PHA's records and, if known to the PHA, the name and address of the landlord at the family's current and prior address.

The PHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The PHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the PHA's policy on release of information to prospective landlords will be included in the briefing packet that is provided to the family.

The PHA will furnish prospective owners with information about the family's rental history, or any history of drug trafficking.

The PHA will provide the following information, based on documentation in its possession:

Eviction history

Damage to rental units

Drug trafficking by family members

The information will be provided for the last three years.

The information will be provided in writing.

Only the Lead Housing Specialist may provide this information. The PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

I. OWNER DISAPPROVAL [24 CFR 982.306]

See chapter on “Owner Disapproval and Restriction.”

J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Family Share prior to the effective date of the HAP contract at admission, the information will be verified and the Total Family Share will be recalculated.

K. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The PHA prepares the Housing Assistance contract and lease for execution. The family and the owner will execute the lease agreement, and the owner and the PHA will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents. The PHA will retain a copy of all signed documents.

The PHA makes every effort to execute the HAP contract before the commencement of the lease term. The HAP contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The following PHA representative(s) is/are authorized to execute a contract on behalf of the PHA: Lead Housing Specialist and Assisted Housing case managers**.**

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

L. CHANGE IN OWNERSHIP

See "Owner Disapproval and Restriction" chapter.

Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. The HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The PHA will inspect each unit under contract at least annually. The PHA will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the PHA's required standards and to assure consistency in the PHA's program. This chapter describes the PHA's procedures for performing HQS and other types of inspections, and PHA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and PHA requirements. (See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.)

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

The PHA has adopted local requirements of acceptability and the following variations more restrictive than Acceptability Criteria, in addition to those mandated by the HUD Regulations:

Painting - All surfaces must be repainted if soiled. Initial move-in inspections require all walls to be freshly repainted. All walls should be repainted if the tenant has lived in the unit for over five years.

Any deteriorated paint, whether interior or exterior, must be stabilized.

Holes in Walls- No holes in walls are allowed larger than a small jar lid.

Windows - Minimum one (1) in each bedroom that opens, locks and stays up by itself.

Screens – There must be at least one window with a screen in every room if the window is operable.

Housekeeping – A clear path must be established in which to walk on floor without stepping on clothes, etc. No pet droppings will be permitted.

Trash – All trash in basements, back porches and yards must be removed.

Roaches – All infestation of roaches must be exterminated.

Doorstops - Doorstops are required for doors that could potentially cause a hole in the wall.

Mold - If visible, must be remediated either by cleaning, disinfecting, or removal of or replacement of substrate.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The PHA will not promote any additional acceptability criteria that are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RFAT) to have the utilities turned on. The owner and tenant will both certify that the utilities are on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. The PHA will not conduct a re-inspection.

There are five types of inspections the PHA will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Approval of Tenancy.
2. Annual: Must be conducted within 12 months of the last annual inspection.
3. Move-Out/Vacate (for pre 10/2/95 contracts where there could be damage claims)
4. Special/Complaint: At request of owner, family or an agency or third-party
5. Quality control

B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timely Initial HQS Inspection

The PHA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within seven days after the family and the owner have submitted a request for approval of tenancy.

The same seven-day clock will be suspended during any period when the unit is not available for inspection.

The PHA will include “date unit available for inspection” on the RFAT form. This date will determine whether the PHA will be required to meet the same seven-day requirement or whether the PHA will suspend the same seven-day period because the unit is not available for inspection until after the same seven-day period.

For file audit purposes, the PHA will note in each tenant file, the date on which the unit first became available for inspection according to information obtained from the RFAT.

The PHA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 15 days unless the PHA determines that it is unable to do so in the stated timeframe, in which case the file will be appropriately documented.

The PHA will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

The PHA will periodically conduct a semiannual review of the average time required for a family and owner to have a unit inspected from the time the RFAT is submitted by the family and owner to the PHA.

If the PHA determines after a semiannual review of files that the average time for a family and owner to obtain an initial inspection is longer than 7 days, the PHA will review staffing needs relevant to HQS inspection.

The initial inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this plan.

Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the owner will be advised to notify the PHA once repairs are completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to two re-inspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family must select another unit

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The PHA conducts an inspection in accordance with Housing Quality Standards at least annually, 90 days prior to the last annual recertification, so that the inspections are conducted at least annually, as required by SEMAP. Special inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies that cause a unit to fail unless it is a fail for which the tenant is responsible.

The family must allow the PHA to inspect the unit at reasonable times with reasonable notice.
[24 CFR 982.51 (d)]

The PHA will notify the family in writing or by phone at least two days prior to the inspection.

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail or phone. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within seven days.

If the family does not contact the PHA to reschedule the inspection, or if the family misses two inspection appointments, the PHA will consider the family to have violated a family obligation and their assistance will be terminated in accordance with the termination procedures in the plan.

Re-inspection: The family and owner are provided a notice of the inspection appointment by mail. If the family is not at home for the re-inspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The family is also notified that it is a family obligation to allow the PHA to inspect the unit. If the family was responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this Administrative Plan, they will be advised of their responsibility to correct.

Time Standards for Repairs

Emergency items that endanger the family's health or safety must be corrected by the owner within 24 hours or less of notification depending on the seriousness of emergency item. This is in cases where emergency item/s are so serious that repairs are needed before 24 hours. (See Emergency Repair Items section.)

For non-emergency items, repairs must be made within 30 days.

For major repairs, the Director of Assisted Housing may approve an extension beyond 30 days.

Rent Increases

Rent to owner increases may not be approved if the unit is in a failed condition.

D. MOVE-OUT/VACATE

A move-out inspection will be performed only at the landlord’s request if claim is to be submitted for contracts effective before October 2, 1995.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the PHA that the unit does not meet Housing Quality Standards, the PHA will conduct an inspection.

The PHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The PHA will inspect only the items that were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality control inspections will be performed by the staff of the Assisted Housing Program on the number of files required by SEMAP. The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files will include recently completed inspections (within the prior 3 months), a cross-section of neighborhoods, and a cross-section of inspectors.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The PHA adheres to the acceptability criteria in the program regulations and local codes with the additions described in

Minimum standard for exterior door locks to be a standard duty cylindrical lock.

Local Codes [24 CFR 982.401(a)(4)]

Modifications

Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.

Extension for repair items not required by HQS will be granted for modifications/adaptations to the unit if agreed to by the tenant and landlord. PHA will allow execution of the HAP contract if unit meets all requirements and the modifications do not affect the livability of the unit.

H. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours or less of notice by the inspector depending on emergency item(s).

Lack of security for the unit

Waterlogged ceiling in imminent danger of falling

Major plumbing leaks or flooding

Natural gas leak or fumes

Electrical problem that could result in shock or fire

No heat when outside temperature is below 32 degrees Fahrenheit and temperature inside unit is below 60 degrees Fahrenheit.

Utilities not in service

No running hot water

Broken glass where someone could be injured

Obstacle which prevents tenant's entrance or exit

Lack of functioning toilet

The PHA may give a short extension (not more than 24 additional hours) whenever the responsible party cannot be notified or it is impossible to affect the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, the PHA will notify proper authorities.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and it is an HQS breach that is a family obligation, the PHA will terminate the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health threat and will be treated by the PHA as an emergency (24 hour) fail item.

If the smoke detector is not operating properly, the PHA will contact the owner by phone and request the owner repair the smoke detector within 24 hours. The PHA will re-inspect the unit the following day.

If the PHA determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and the PHA will re-inspect the unit the following day.

The PHA will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. Warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS.

I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS) [24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the PHA, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for 30 days, depending on the nature of the repair(s) needed.

The PHA will inspect abated units within two days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The PHA will advise owners of their responsibility to notify the tenant of when the re-inspection will take place.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the PHA's portion of rent that is abated.

Reduction of Payments

The PHA will grant an extension in lieu of abatement in the following cases:

There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.

The owner makes a good faith effort to make the repairs.

The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.

The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed 30 days. At the end of that time, at the PHA's discretion, if the work is not completed, the PHA will begin the termination of assistance.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the PHA may rescind the termination if the tenant chooses to remain in the unit**.** No more than one Housing Quality Standards inspection will be conducted after the termination notice is issued.

J. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

Tenant-paid utilities not in service

Failure to provide or maintain family-supplied appliances

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The PHA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection. The owner or tenant may appeal this determination to a mediator within 14 days of the inspection.

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family make any repair(s) or corrections within 24 hours of an emergency or 30 days for non-emergency repairs. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family, after providing an opportunity for an informal hearing. The Director of Assisted Housing must approve extensions in these cases. The owner's rent will not be abated for items that are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.505, 982.503, 982.504, 982.505]]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the “merger date”. These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

In accordance with the regulations, for those Section 8 participant families where there is a HAP contract in effect entered into prior to October 1,999, the PHA will continue to uphold the rent calculation methods of the pre-merger Regular Certificate and voucher tenancies until the second

regular reexamination of family income and composition following the merger date. However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice voucher program.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This chapter explains the PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The rent to owner is limited only by rent reasonableness. The PHA must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly-adjusted income.

During the initial term of the lease, the owner may not raise the rent to owner.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP contract is executed, the PHA begins processing payments to the landlord. A HAP register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP register for the following month. Checks are disbursed by the Finance Department to the owner each month. Owners may not pick up checks at the PHA. Checks that are not received by the tenth of the month will be replaced after a stop payment has been put on the check.

Excess Payments

The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the PHA" chapter of this Administrative Plan.

Late Payments to Owners

It is a local business practice in Clark County for property managers and owners to charge tenants a reasonable late fee for rents not received by the owner or property manager by the due date, not withstanding any grace period which is typically five days past the first of the month.

Therefore, in keeping with generally accepted practices in the local housing market, the PHA must make housing assistance payments to the owner promptly and in accordance with the HAP contract.

The PHA will pay a $20 late fee to the owner for housing assistance payments that are not mailed to the owner by the tenth day of the month, if requested by the owner.

Proof of "mailed to" date will be the:

date of receipt of mailing from the Post Office

Proof of "received by owner" will be:

five calendar days after date of mailing by PHA

To assist the PHA in its outreach efforts to owners, and to provide better customer service, the PHA will offer to make automatic monthly HAP deposits into the bank account of the owner. If the owner agrees to such an arrangement with the PHA, the date the bank shows as the deposit date will be the official date of record and will be the determining factor in cases involving late payment penalties.

The PHA will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the PHA's control, such as a delay in the receipt of program funds from HUD. The PHA will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

The PHA will not use any program funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

The PHA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

The PHA will not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. The PHA must re-determine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

A unit's rent will be considered reasonable if it is within (+) or (-) $50 of the average of the survey units' contract rent. Any variance from this policy will require the approval of the Assisted Housing Director.

The PHA must re-determine rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system. The PHA may elect to re-determine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by the PHA

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere. The PHA will request information on the owner's units elsewhere if the

PHA has cause to demonstrate that the owner has a tendency to charge higher rents to program participants or if needed for rent reasonableness comparables.

The data for other unassisted units will be gathered from newspapers, Realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness are census tracts within three survey areas in the PHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

Size (number of bedrooms/square footage)

Location

Quality

Amenities (bathrooms, dishwasher, air conditioning, etc.)

Housing services

Age of unit

Unit type

Maintenance

Utilities

Rent reasonableness methodology

The PHA uses a "standard deviation" method and uses automation to identify the average rent for units of like size and type within the same market area. The average is adjusted up or down based on the dollar value of all HUD required comparable items.

The PHA maintains an automated database that includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 12 months old.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation, and at the PHA’s discretion, the Voucher Payment Standard amount is set by the PHA between 90 and 110 percent of the HUD-published FMR. This is considered the basic range. The PHA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the PHA will ensure that the payment standard is always within the range of 90 to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD.

The SMHA will establish a single voucher payment standard amount for each FMR area in the PHA jurisdiction at 110% of the FMR. For each FMR area, the PHA will establish payment standard amounts for each “unit size”. The PHA may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities or needed to expand housing opportunities outside areas of minority or poverty concentration.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment standards may be adjusted, within HUD regulatory limitations, to increase housing assistance payments in order to keep families' rents affordable. The PHA will not raise payment standards solely to make "high end" units available to voucher holders. The PHA may use some or all of the measures below in making its determination whether an adjustment should be made to the payment standards.

Assisted Families' Rent Burdens

The PHA will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

If it is determined that particular unit sizes in the PHA’s jurisdiction have payment standard amounts that are creating rent burdens for families, the PHA will modify its payment standards for those particular unit sizes.

Quality of Units Selected

The PHA will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

PHA Decision Point

The PHA will review the average percent of income that families on the program are paying for rent. If more than 75% of families are paying more than 30% of monthly adjusted income for a particular unit size, the PHA will determine whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD’s HQS and any additional standards added by the PHA in this Administrative Plan.

If families are paying more than 30% of their income for rent due to the selection of larger bedroom size units or luxury units, the PHA may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, the PHA will continue increasing the payment standard.

Rent to Owner Increases

The PHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

The PHA may consider the average time period for families to lease up under the voucher program. If more than 50 percent of voucher holders are unable to locate suitable housing within the term of the voucher and the PHA determines that this is due to 75 percent of rents in the jurisdiction being unaffordable for families even with the presence of a voucher the payment standard may be adjusted.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the payment standard. Additionally, statistical analysis may reveal that the payment standard should be lowered. In any case, the payment standard will not be set below 90 percent of the FMR without authorization from HUD.

Financial Feasibility

Before increasing the payment standard, the PHA may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the PHA will compare the number of families who could be served under a higher payment standard with the number assisted under current payment standards.

File Documentation

The PHA will retain a file for at least three years to document the analysis and findings to justify whether or not the payment standard was changed.

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation 24 CFR 982.503.

G. OWNER PAYMENT IN THE PRE-MERGER REGULAR CERTIFICATE PROGRAM

[24CFR 982.502(d)]

The HUD regulations relating to owner rent adjustments applicable to the Regular Tenancy Program will be used until the HAP contract is no longer effective which will be no later than the second regular reexamination of the family after the merger date. Here is where we insert information about the rent adjustments for these contracts.

The PHA will not notify owners of their right to request a rent adjustment.

Owners must request the rent increase in writing. Any increase will be effective the later of (1) the anniversary date of the contract, or (2) at least 60 days after the owner's request is received.

The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.

For terminations of pre-merger regular certificate HAPS, see "Contract Terminations" chapter.

Chapter 12

RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the PHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This chapter defines the PHA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are three activities the PHA must conduct on an annual basis. These activities will be coordinated whenever possible:

Recertification of income and family composition

HQS inspection

Rent to owner adjustment (following HUD requirements)

The PHA produces a monthly listing of units under contract to ensure that timely reviews of rent to owner, housing quality, and factors related to Total Tenant Payment/Family Share can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Finance Department.

Reexamination of the family’s income and composition must be conducted at least annually.

Annual inspections: see "Housing Quality Standards and Inspections" chapter.

Rent Adjustments: see "Owner Rents, Rent Reasonableness and Payment Standards" chapter.

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be re-certified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

Pre-Merger Reexamination Issues

For all pre-merger tenancies the rent calculation methods will not change until the effective date of the second regular reexamination of family income and composition, following the merger date, unless the family moves or accepts a new lease from the owner.

If there has been an increase in the payment standard prior to the effective date of the first regular reexamination of a pre-merger voucher following the merger date, the family will receive the benefit of the higher payment standard, provided there has not been a change in family size or composition that would require the PHA to adjust the family unit size.

Moves Between Reexaminations

When families move to another dwelling unit:

> An annual recertification will be scheduled (unless a recertification has occurred in the last 30 days and the anniversary date will be changed.
>
> Income limits are not used as a test for continued eligibility at recertification.

Reexamination Notice to the Family

The PHA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format. The PHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Procedure

The PHA's procedure for conducting annual recertifications will be:

> Schedule the date and time of appointments and mail a notification to the family and owner.

Completion of Annual Recertification

The PHA will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

Persons with Disabilities

Persons with disabilities who are unable to come to the PHA's office will be granted an accommodation by conducting the interview at the person's home**,** upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information [24 CFR 982.516(f)]

The PHA has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

The PHA will allow the family to complete the recertification form.

The PHA will require the family to complete a Personal Declaration Form prior to all recertification interviews.

Requirements to Attend

The following family members will be required to attend the recertification interview:

The head of household only

If the head of household is unable to attend the interview:

The spouse/co-head/may re-certify for the family.

Failure to Respond to Notification to Re-certify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the PHA**,** the PHA will not reschedule a second appointment and will:

Send family notice of termination and offer them an informal hearing

The Director of Assisted Housing may make exceptions to these policies, if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

Documents Required From the Family

In the notification letter to the family, the PHA will include instructions for the family to bring the following:

Documentation of all assets

Documentation of any deductions/allowances

Personal Declaration Form completed by head of household

Verification of Information

The PHA will follow the verification procedures and guidelines described in this plan. Verifications for reexaminations must be less than 60 days old.

Tenant Rent Increases

If tenant rent increases, a thirty day notice is mailed to the family prior to the scheduled effective date of the annual recertification.

If less than thirty days are remaining before the scheduled effective date of the annual recertification, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the scheduled effective date of the annual recertification.

Tenant Rent Decreases

If tenant rent decreases, it will be effective the first day of the month following the change or when the tenant reports the change.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the PHA.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the PHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain PHA approval prior to all other additions to the household.

The PHA will conduct a reexamination to determine if household composition change will result in an adjustment to the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Increases in Income Interim Reexamination Policy

The PHA will conduct interim reexaminations when families have an increase in income.

Decreases in Income

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The PHA must calculate the change if a decrease in income is reported.

PHA Errors

If the PHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

D. OTHER INTERIM REPORTING ISSUES

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination will be scheduled for families with zero income every 60 days.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The PHA will not reduce the family share of rent for families whose welfare assistance is reduced specifically because of:

Fraud; or

Failure to participate in an economic self-sufficiency program; or

Noncompliance with a work activities requirement

However, the PHA will reduce the rent if the welfare assistance reduction is a result of:

The expiration of a lifetime time limit on receiving benefits; or

A situation where the family has complied with welfare program requirements but cannot or has not obtained employment

The PHA will notify affected families that they have the right to an informal hearing regarding these requirements. (See "Verification Procedures" chapter.)

Cooperation Agreements

The PHA will execute a cooperation agreement with the local welfare agency to ensure timely and accurate verification of noncompliance.

The PHA and the local welfare agency have mutually agreed to exchange information regarding any economic self-sufficiency and/or other appropriate programs or services that would benefit Section 8 tenant-based assistance families.

F. NOTIFICATION OF RESULTS OF RECERTIFICATIONS [HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. The PHA does not require signatures. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS) [24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

The PHA requires that families report interim changes to the PHA within 14 days of when the change occurs. Any information, document or signature needed from the family that is needed to verify the change must be provided must be provided within 7 days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures When the Change is Reported in a Timely Manner

The PHA will notify the family and the owner of any change in the housing assistance payment to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

Procedures When the Change is not Reported by the Family in a Timely Manner

Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

Procedures When the Change is Not Processed by the PHA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the PHA in a timely manner.

In this case, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the PHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

H. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES [24 CFR 982.516(c)]

(See "Subsidy Standards" chapter.)

I. CONTINUANCE OF ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.518].

Under the non-citizens rule, mixed families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

The non-citizens rule was implemented prior to November 29, 1996, and "mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:

The head of household or spouse is a U.S. citizen or has eligible immigrant status; and

All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

J. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

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

Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314, 982.353, 982.355(a)]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under portability procedures. The regulations also allow the PHA the discretion to develop policies that define any limitations or restrictions on moves. This chapter defines the procedures for moves, both within and outside of, the PHA's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if:

The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).

The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552(a)]

Families will not be permitted to move within the PHA's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside the PHA's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

The PHA will deny permission to move if there is insufficient funding for continued assistance.

The PHA may deny permission to move if:

The family has violated a family obligation.

The family owes the PHA money.

The Director of Assisted Housing may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

Subject to the restrictions on moves, if the family has not been re-certified within the last 90 days, the PHA will issue the voucher to move after the family signs a Notice of Good Standing and gives the tentative move-out date. This notice is sent to the owner who must sign and state this family is in "good standing." Good standing refers to not owing the owner money and leaving no damages. Once all this is accomplished, the family will be given a voucher to move.

The annual re-certification date will be changed to coincide with the new lease-up date.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and the PHA proper written notice of any intent to move.

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the PHA simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the PHA's jurisdiction within the United States and its territories.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the PHA's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of the PHA's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one PHA in the area in which the family has selected a unit, the PHA will choose the receiving PHA.

Restrictions on Portability

Applicants

If neither the head nor spouse had a domicile (legal residence) in the PHA's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher, unless the PHA approves such move. [NOTE: legal domicile is defined by local government.]

Upon initial issuance of a voucher the family must be income eligible under the receiving PHA income limits during the initial 12-month period after admission to the program.

Participants

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances.

The receiving and initial PHA agrees to allow the move.

The family's move relates to an opportunity for education, job training or employment

The PHA will not permit families to exercise portability:

If the family is in violation of a family obligation.

If the family owes money to the PHA.

If the family has moved out of its assisted unit in violation of the lease.

Receiving PHAs will be required to submit hearing determinations to the PHA within 30 days.

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The PHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher. If administering, the family will be issued a portable voucher by the PHA. The term of the voucher will not expire before the expiration date of any initial PHA voucher. The family must submit a request for approval of tenancy for an eligible unit to the receiving PHA during the term of the receiving PHA voucher. The receiving PHA may grant extensions in accordance with this Administrative Plan. However, if the family decides not to lease-up in the PHA's jurisdiction, they must contact the initial PHA to request an extension.

The PHA will absorb all incoming portable families provided that there is funding available**.**

When the PHA does not absorb the incoming voucher, it will administer the initial PHA's voucher and the receiving PHA's policies will prevail.

For admission to the program a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

The receiving PHA does not re-determine eligibility for a portable family that was already receiving assistance in the initial PHA Section 8 tenant-based program.

The PHA will issue a portability voucher according to its own subsidy standards. If the family has a change in family composition, which would change the voucher size, the PHA will change to the proper size based on its own subsidy standards.

Income and Total Tenant Payment of Incoming Portables [982.353(d)]

If the PHA conducts a recertification of the family it will not cause a delay in the issuance of a voucher.

If the family's income is such that a $0 subsidy amount is determined prior to lease-up in the PHA's jurisdiction, the PHA will refuse to enter into a contract on behalf of the family at $0 assistance.

Requests for Approval of Tenancy

When the family submits a Request for Tenancy Approval, it will be processed using the PHA's policies. If the family does not submit a Request for Tenancy Approval or does not execute a lease, the initial PHA will be notified within 60 days by the PHA.

If the family leases up successfully, the PHA will notify the initial PHA within 30 days, and the billing process will commence.

The PHA will notify the initial PHA if the family fails to submit a Request for Tenancy Approval for an eligible unit within the term of the voucher.

If the PHA denies assistance to the family, the PHA will notify the initial PHA within 30 days and the family will be offered a review or hearing.

The PHA will notify the family of its responsibility to contact the initial PHA if the family wishes to move outside the PHA's jurisdiction under continued portability.

Regular Program Functions

The PHA will perform all program functions applicable the tenant-based assistance program, such as:

Annual reexaminations of family income and composition;

Annual inspection of the unit; and

Interim Examinations when requested or deemed necessary by the PHA

Terminations

The PHA will notify the initial PHA in writing of any termination of assistance within 30 days of the termination. If an informal hearing is required and requested by the family, the PHA, using the regular hearing procedures included in this plan, will conduct the hearing. A copy of the hearing decision will be furnished to the initial PHA.

The initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial PHA notifies the PHA that the family is in arrears or the family has refused to sign a Payment Agreement, the PHA will terminate assistance to the family.

Required Documents

As receiving PHA, the PHA will require the documents listed on the HUD Portability Billing Form from the initial PHA.

Billing Procedures

As receiving PHA, the PHA will bill the initial PHA monthly for housing assistance payments. The billing cycle for other amounts, including administrative fees and special claims will be monthly unless requested otherwise by the initial PHA.

The PHA will bill 100% of the housing assistance payment, 100% of special claims and 80% of the administrative fee (at the initial PHA's rate) for each portability voucher leased as of the first day of the month.

The PHA will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify the PHA of changes in the administrative fee amount to be billed.

Chapter 14

CONTRACT TERMINATIONS

[24 CFR 982.311, 982.314]

INTRODUCTION

The Housing Assistance Payments (HAP) contract is the contract between the owner and the PHA, which defines the responsibilities of both parties. This chapter describes the circumstances under which the contract can be terminated by the PHA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP contract is the same as the term of the lease. The contract between the owner and the PHA may be terminated by the PHA, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the PHA to the owner after the month in which the contract is terminated. The owner must reimburse the PHA for any subsidies paid by the PHA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the PHA for vacancy loss under the provisions of certificate HAP contracts effective before October 2, 1995.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required under the lease, to provide proper notice as stated in the lease.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:

> Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease.

Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises or any drug-related criminal activity on or near the premises.

Other good cause.

During the initial term of the lease, the owner may not terminate the tenancy for “other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310)

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

The PHA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for the PHA’s decision regarding termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP contract. If the owner has begun eviction and the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The PHA will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide the PHA with the documentation, including notice of the lockout date.

The PHA must continue making housing assistance payments to the owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By endorsing the monthly check from the PHA, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new certificate or voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY PHA [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the PHA terminates program assistance for the family, and when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" chapter)

The PHA may also terminate the contract if:

The PHA terminates assistance to the family.

The family is required to move from a unit when the subsidy is too big for the family size (pre-merger certificate program) or the unit does not meet the HQS space standards because of an increase in family size or a change in family composition (voucher program).

Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Termination of Pre-merger Certificate HAPS [24 CFR 982.502(d)

The PHA must terminate program assistance under any outstanding HAP contract for a regular tenancy under the pre-merger certificate program at the effective date of the second regular reexamination of family income and composition on or after the merger date. At such termination of assistance, the HAP contract will automatically terminate. The PHA will give the owner and family at least 120 days written notice of such termination. The PHA will offer the family the opportunity for continued tenant-based assistance under the voucher program.

Notice of Termination

When the PHA terminates the HAP contract under the violation of HQS space standards, the PHA will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE

[24 CFR 982.552, 982.553]

INTRODUCTION

The PHA may deny or terminate assistance for a family because of the family's action or failure to act. The PHA will provide families with a written description of the family obligations under the program, the grounds under which the PHA can deny or terminate assistance, and the PHA's informal hearing procedures. This chapter describes when the PHA is required to deny or terminate assistance, and the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the PHA will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

Form of Denial/Termination

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

Denial for placement on the PHA waiting list

Denying a voucher or withdrawing a voucher

Refusing to enter into a HAP contract or approve a tenancy

Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

Refusing to enter into a HAP contract or approve a tenancy

Terminating housing assistance payments under an outstanding HAP contract

Refusing to process or provide assistance under portability procedures

Mandatory Denial and Termination [24 CFR 982.552(b) (10)(d)]

The PHA must deny assistance to applicants, and terminate assistance for participants:

If any member of the family fails to sign and submit HUD or PHA required consent forms for obtaining information.

If no member of the family is a U.S. citizen or eligible immigrant. (See Section D)

If the family is under contract and 180 days have elapsed since the PHA's last housing assistance payment was made. (See "Contract Terminations" chapter.)

The PHA must permanently deny assistance to applicants, and terminate the assistance of persons convicted of sales, distribution, use, possession or manufacturing of met amphetamine (speed) or any other illegal drugs in violation of any federal or state law. The PHA must permanently deny assistance to a family who is subject to a registration requirement under the state’s sex offender registration program.

If any member of the family has been evicted from federally assisted housing for a serious violation of the lease, the PHA must deny admission for three years after the eviction occurred.

The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The PHA must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.

The PHA must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)]

The PHA will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

The family violates any family obligation under the program as listed in 24 CFR 982.551.

If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family breaches an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. The PHA at its discretion may offer the family the opportunity to enter into a repayment agreement. The PHA will prescribe the terms of the agreement (see "Repayment Agreements" chapter).

The family has engaged in or threatened abusive or violent behavior toward PHA personnel.

"Abusive or violent behavior towards PHA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

"Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

Any member of the family whose drug or alcohol abuse or pattern of abuse, interferes with the health, safety or peaceful enjoyment of other project residents. Crime by Family Member (see section below).

If any member of the family commits drug-related criminal activity, or violent criminal activity. (see Crime By Family Member below and 982.553 of the regulations).

Refer to "Eligibility for Admission" chapter, “Other Criteria for Admission” section for further information.

B. CRIME BY FAMILY MEMBER

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the Springfield Metropolitan Housing Authority to fully endorse and implement a policy designed to:

Help create and maintain a safe and drug-free community

Keep our program participants free from threats to their personal and family safety

Support parental efforts to instill values of personal responsibility and hard work

Help maintain an environment where children can live safely, learn and grow up to be productive citizens

Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration

All screening and termination of assistance procedures shall be administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups.

To the maximum extent possible, the PHA will involve other community and governmental entities in the promotion and enforcement of this policy.

Screening of Applicants

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by the Notice 96-27, the PHA will endeavor to screen applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior.

Such screening will apply to any member of the household who is 18 years of age or older.

HUD Definitions

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means *on or near the* premises.

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

Standard for Violation

The PHA will deny participation in the program to applicants and terminate assistance to participants in cases where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the PHA determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

If the PHA denies assistance to an applicant because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one year before the date that the PHA provides notice to the family of the determination to deny assistance. The PHA cannot deny assistance for such possession by family member, if the family member can demonstrate that he or she:

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

Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

The PHA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous six months.

"Engaged in or engaging in" violent criminal activity means any act within the past three years by applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests. In determining whether to deny assistance based on drug-related criminal activity or violent criminal activity, the PHA may deny assistance if the preponderance of evidence indicates that a family member has engaged in such activity.

The activity is being engaged in by any family member.

The existence of the above-referenced behavior by any household member or guest, regardless of the applicant or participant's knowledge of the behavior, shall be grounds for denial or termination of assistance.

In evaluating evidence of negative past behavior, the PHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Drug Related and Violent Criminal Activity

Ineligibility if Evicted for Drug-Related Activity

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

Applicants will be denied assistance if they have been:

> arrested/convicted/evicted from a unit assisted under the Housing Act of 1937 due to violent criminal activity within the last three years prior to the date of the certification interview.

Participants will be terminated who have been:

> Arrested/convicted/evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last three years prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.

If the family violates the lease for drug-related or violent criminal activity, the PHA will terminate assistance.

In appropriate cases, the PHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the PHA may consider individual circumstances with the advice of Juvenile Court officials.

The PHA will waive the requirement regarding drug-related criminal activity if:

> The person demonstrates successful completion of a credible rehabilitation program approved by the PHA, or
>
> The circumstances leading to the eviction no longer exist.

Termination of Assistance for Participants

If the family violates the lease for drug-related or violent criminal activity, the PHA will terminate assistance.

In appropriate cases, the PHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the PHA may consider individual circumstances with the advice of Juvenile Court officials.

Notice of Termination of Assistance

In any case where the PHA decides to terminate assistance to the family, the PHA must give the family written notice, which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the PHA.

The PHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The PHA will pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

Misuse of the above information by any employee will be grounds for termination of employment. Legal penalties for misuses are contained in Ohio Revised Code.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR 982.551). "Information" includes any requested certification, release or other documentation.

The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

The family must promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child.

All information supplied by the family must be true and complete.

The family is responsible for an HQS breach caused by the family as described in 982.404(b).

The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

The family may not commit any serious or repeated violations of the lease.

The family must notify the owner and, at the same time, notify the PHA before the family moves out of the unit or terminates the lease upon notice to the owner.

The family must promptly give the PHA a copy of any owner eviction notice.

The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease.

The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

The family must promptly notify the PHA if any family member no longer resides in the unit.

If the PHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or PHA approval is denied, the family may not allow a foster child, live-in aide or any other family member as an occupant of the unit.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.

The family must not sublease or let the unit.

The family must not assign the lease or transfer the unit.

The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.

The family must not own or have any interest in the unit.

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the program.

The members of the family may not engage in drug-related criminal activity or violent criminal activity or other criminal activity, or abuse alcohol in a way that threatens the safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

The must not damage the unit or premises (other than damage from ordinary wear and tear) or permit any guest to damage the unit or premises.

The family must not receive housing choice voucher program housing assistance while residing in a unit owned by a parent, child, grandparent, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship would provide reasonable accommodation for a family member who is a person with disabilities.

Housing Authority Discretion [24 CFR 982.552(c)]

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The PHA will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The PHA may also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

The PHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The PHA may permit the other members of a family to continue in the program.

Enforcing Family Obligations

Explanations and Terms

The term "promptly" when used with family obligations always means "within 14 days." Denial or termination of assistance is always optional except where this plan or the regulations state otherwise.

HQS Breach

The inspector will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Director of Assisted Housing.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

If the owner terminates tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the PHA determines that the cause is a serious or repeated violation of the lease based on available evidence.

If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and

If there are police reports, neighborhood complaints or other third-party information, that has been verified by the PHA.

Notification of Eviction

If the family requests assistance to move and they did not notify the PHA of an eviction within 14 days of receiving the Notice of Lease Termination, the move will be denied. The PHA will weigh circumstances surrounding the eviction and whether the owner had "good cause." Vouchers are not issued to families who are not in good standing with their current landlord. The PHA will send a letter of good standing to the owner and must be completed by the owner stating the family owes the owner no money and has no damages to the unit.

Proposed Additions to the Family

The PHA will deny a family's request to add additional family members who are:

Persons who commit drug-related criminal activity or violent criminal activity.

Persons who do not meet the PHA's definition of family.

Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

Persons who currently owe rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Persons who have engaged in or threatened abusive or violent behavior toward PHA personnel.

Family Member Moves Out

Families are required to notify the PHA if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

The date the family member moved out.

The new address, if known, of the family member.

A statement as to whether the family member is temporarily or permanently absent**.**

Limitation on Profit-Making Activity in Unit

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business that is not available for sleeping, it will be considered a violation.

If the PHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the PHA determines the business is not legal, it will be considered a program violation.

Interest in Unit

The owner may not reside in the assisted unit regardless of whether (s) he is a member of the assisted family, unless the family owns the mobile home and rents the pad under the certificate program.

Fraud

In each case, the PHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claim (see section below)

D. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The PHA must offer the family an opportunity for a hearing. (See "Eligibility for Admission" chapter, section on Citizenship/Eligible Immigration Status.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

False or Incomplete Information

When the PHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual will be given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the PHA will give him/her an opportunity to provide a new declaration as an eligible immigrant or an opportunity to elect not to contend their status.

The PHA will then verify eligible status, deny, terminate, or prorate as applicable.

The PHA will deny or terminate assistance based on the submission of false information or misrepresentation.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the PHA either after the INS appeal or in lieu of the INS appeal.

After the PHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

E. ZERO ($0) ASSISTANCE TENANCIES

HAP Contracts On or After 10/2/95 [24 CFR 982.455 (a)]

For contracts effective on or after October 29,1995, the PHA has no liability for unpaid rent or damages, and the family may remain in the unit at $0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180-day timeframe, an owner rent increase or a decrease in the total tenant payment causes the family to be eligible for a housing assistance payment, the PHA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the PHA to overpay assistance, the PHA may choose not to terminate and may offer to continue assistance provided that the family executes a repayment agreement and makes payments in accordance with the agreement

G. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the PHA will deny or terminate assistance.

In making this determination, the PHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

H. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a family obligation to supply information, documentation, and certification as needed for the PHA to fulfill its responsibilities. The PHA schedules appointments and sets deadlines in order to obtain the required information. The obligations also require that the family allow the PHA to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the PHA, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the PHA to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

Eligibility for admissions

Verification procedures

Voucher issuance and briefings

Housing Quality Standards and Inspections

Recertifications

Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

Medical emergency

Incarceration

Family emergency

Procedure when Appointments are Missed or Information not Provided

For most purposes in this plan, the family will be given one opportunity before being issued a notice of termination or denial for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing:

The termination will be rescinded after the family cures the breach.

The notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance.

Chapter 16

OWNER DISAPPROVAL AND RESTRICTION

[24 CFR 982.54, 982.306, 982.453]

INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the voucher program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the PHA. The regulations define when the PHA must disallow an owner participation in the program, and they provide the PHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The PHA will disapprove the owner for the following reasons:

> HUD or other agency directly related has informed the PHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
>
> HUD has informed the PHA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
>
> HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.
>
> Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.
>
> In cases where the owner and tenant bear the same last name, the PHA may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.
>
> The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
>
> The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.
>
> The owner has engaged in drug-related criminal activity or any violent criminal activity.

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.

The owner has a history or practice of renting units that fail to meet state or local housing codes.

The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

Threatens the right to peaceful enjoyment of the premises by other residents;

Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing.

Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or

Is drug-related criminal activity or violent-criminal activity;

The owner has not paid state or local real estate taxes, fines or assessments.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the PHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The PHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the PHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See “Program Integrity” addendum for guidance as to how owner fraud will be handled.

C. CHANGE IN OWNERSHIP

A change in ownership does not require execution of a new contract and lease.

The PHA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title, recorded deed and the Employee Identification Number or Social Security number of the new owner.

The PHA must receive a written request by the old owner in order to change the HAP payee and/or the address to which payment is to be sent.

Chapter 17

OWNER OR FAMILY DEBTS TO THE PHA

[24 CFR 982.552]

INTRODUCTION

This chapter describes the PHA's policies for the recovery of monies, which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner; the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

Requests for lump-sum payments

Civil suits

Payment agreements

Abatements

Reductions in HAP to owner

Collection agencies

Credit bureaus

A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (b)(6-8)]

A payment agreement, as used in this plan, is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

The PHA will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the family based on the circumstances surrounding the debt to the PHA.

There are some circumstances in which the PHA will not enter into a payment agreement. They are:

If the family already has a payment agreement in place.

The maximum length of time the PHA will enter into a payment agreement with a family is 12 months.

Late Payments

A payment will be considered to be in arrears if:

> The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.
>
> If the family's payment agreement is in arrears, and the family has not contacted or made arrangements with the PHA, the PHA terminates the housing assistance

B. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

> Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the “Payment Agreement” section of this chapter.

Program Fraud

Families who owe money to the PHA due to program fraud will be required to repay in accordance with the guidelines in the “Payment Agreement” section of this chapter.

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

The maximum time period for a payment agreement will be 12 months.

C. DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP

If the family owes the PHA money for rent arrears incurred during the minimum rent period, the PHA will calculate the total amount owed and divide it by 12 to arrive at a reasonable payback amount that the family will be required to pay to the PHA monthly in addition to the family’s regular monthly rent payment to the owner. The family will be required to pay the increased amount until the arrears are paid in full to the PHA.

If the family goes into default on the repayment agreement for back rent incurred during a minimum rent period, the PHA will reevaluate the family’s financial situation and determine whether the family has the ability to pay the increased rent amount and if not, restructure the existing repayment agreement.

D. GUIDELINES FOR PAYMENT AGREEMENTS [24 CFR 982.552(b)(8)]

Payment Agreements will be executed between the PHA and the head of household.

Payments may only be made by money order or cashier's check.

The agreement will be in default when two payments are delinquent by the first of the next month.

The family's assistance will be terminated unless the PHA receives the balance of the repayment agreement in full within 30 days of the termination notice.

No move will be approved until the debt is paid in full unless the move is the result of the following cause, and the payment agreement is current:

The HAP contract is terminated due to owner non-compliance.

Additional Monies Owed: If the family already has a payment agreement in place and incurs an additional debt to the PHA:

The PHA will not enter into more than one payment agreement with the family.

If a payment agreement is in arrears more than 30 days, any new debts must be paid in full.

E. OWNER DEBTS TO THE PHA [24 CFR 982.453(b)]

If the PHA determines that the owner has retained housing assistance or claim payments the owner is not entitled to, the PHA may reclaim the amounts from future housing assistance or claim payments owed the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the PHA will:

Enter into a payment agreement with the owner for the amount owed.

Pursue collections through the local court system.

Restrict the owner from future participation.

F. WRITING OFF DEBTS

Debts will be written off if:

A determination is made that the debtor is judgment proof.

The debtor is deceased.

The independent agency has exhausted all measures to collect the account and has had the account six months.

Chapter 18

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS TO THE PHA

The PHA will respond promptly to written complaints from families, owners, employees, and members of the public. All complaints will be documented. The PHA does require that complaints other than HQS violations be put in writing. HQS emergency complaints may be reported by telephone but must be followed up in writing.

The PHA hearing procedures will be provided to families in the briefing packet.

Categories of Complaints

Complaints from families: If a family disagrees with an action or inaction of the PHA or owner.

Complaints from families will be referred to the Lead Housing Specialist. If a complaint is not resolved, it will be referred to Director of Assisted Housing.

Complaints from owners: If an owner disagrees with an action or inaction of the PHA or a family.

Complaints from owners will be referred to a Lead Housing Specialist.

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules,

Complaints from staff will be referred to the Lead Housing Specialist.

Complaints from the general public: Complaints or referrals from persons in the community in regard to the PHA, a family or an owner.

Complaints from the general public will be referred to the Lead Housing Specialist. If a complaint is not resolved, it will be referred to Director of Assisted Housing.

B. PREFERENCE DENIALS [24 CFR 5.415]

When the PHA denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for a meeting with PHA staff to discuss the reasons for the denial and to dispute the PHA's decision.

The person who conducts the meeting will be:

The Director of Assisted Housing and the PHA employee who made the decision, or

Any officer or employee of the PHA including the person who made the decision**.**

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54(d)(12), 982.554]

Informal reviews are provided for applicants who are denied assistance affecting their eligibility. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

The reason(s) they are ineligible,

The procedure for requesting a review if the applicant does not agree with the decision and

The time limit for requesting a review.

The PHA must provide applicants with the opportunity for an informal review of decisions denying:

Qualification for preference

Listing on the PHA's waiting list

Issuance of a voucher

Participation in the program

Informal reviews are not required for established policies and procedures and PHA determinations such as:

Discretionary administrative determinations by the PHA

General policy issues or class grievances

A determination of the family unit size under the PHA subsidy standards

Refusal to extend or suspend a voucher

A PHA determination not to grant approval of the tenancy

Determination that unit is not in compliance with HQS

Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an informal review must be received in writing by the close of the business day, no later than ten days from the date of the PHA's notification of denial of assistance. The informal review will be scheduled within ten days from the date the request is received.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The review may be conducted by:

An independent panel of three employees from separate departments, or

A director or manager from another department.

The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

A Notice of the Review findings will be provided in writing to the applicant within five working days after the review. It shall include the decision of the review officer or panel and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The PHA will give the family prompt notice of such determinations that will include:

The proposed action or decision of the PHA;

The date the proposed action or decision will take place;

The family's right to an explanation of the basis for the PHA's decision.;

The procedures for requesting a hearing if the family disputes the action or decision;

The time limit for requesting the hearing.

The PHA must provide participants with the opportunity for an informal hearing for decisions related to any of the following PHA determinations:

Determination of the family's annual or adjusted income and the computation of the housing assistance payment

Appropriate utility allowance used from schedule

Family unit size determination under PHA subsidy standards

Determination to terminate assistance for any reason.

Determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

Determination to deny a request for a hardship exemption to the minimum rent requirement.

The PHA must always provide the opportunity for an informal hearing before termination of assistance.

Informal hearings are not required for established policies and procedures and PHA determinations such as:

Discretionary administrative determinations by the PHA

General policy issues or class grievances

Establishment of the PHA schedule of utility allowances for families in the program

A PHA determination not to approve an extension or suspension of a voucher term

A PHA determination not to approve a unit or lease

A PHA determination that an assisted unit is not in compliance with HQS (PHA must provide hearing for family breach of HQS because that is a family obligation determination)

A PHA determination that the unit is not in accordance with HQS because of the family size

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

Notification of Hearing

It is the PHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the PHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the PHA receives a request for an informal hearing, a hearing shall be scheduled within ten days. The notification of hearing will contain:

The date and time of the hearing

The location where the hearing will be held

The family's right to bring evidence, witnesses, legal or other representation at the family's expense

The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than three days before the hearing date.

A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than three days before the hearing date.

The PHA's Hearing Procedures

After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. The rescheduled hearing must occur within fifteen (15) days of the first appointment.

Families have the right to:

Present written or oral objections to the PHA's determination.

Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the hearing officer;

Copy any relevant documents at their expense;

Present any information or witnesses pertinent to the issue of the hearing;

Request that PHA staff be available or present at the hearing to answer questions pertinent to the case; and

Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the PHA will make the copies for the family and assess a charge of $ .05 per copy. In no case will the family be allowed to remove the file from the PHA's office.

In addition to other rights contained in this chapter, the PHA has a right to:

Present evidence and any information pertinent to the issue of the hearing;

Be notified if the family intends to be represented by legal counsel or advocate;

Examine and copy any documents to be used by the family prior to the hearing;

Have its attorney present; and

Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the hearing officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The PHA appoints hearing officers who:

Are managers from other departments

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The family must request an audio recording of the hearing, if desired, three days prior to the hearing date.

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the hearing officer, the action of the PHA shall take effect and another hearing will not be granted.

The hearing officer will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the hearing findings shall be provided in writing to the PHA and the family within five working days and shall include:

A clear summary of the decision and reasons for the decision;

If the decision involves money owed, the amount owed and documentation of the calculation of monies owed;

The date the decision goes into effect.

The PHA is not bound by hearing decisions:

Which concern matters in which the PHA is not required to provide an opportunity for a hearing

Which conflict with or contradict to HUD regulations or requirements;

Which conflict with or contradict federal, state or local laws; or

Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the hearing officer's determination within five working days. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

E. HEARING AND APPEAL PROVISIONS FOR RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the PHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS's SAVE system and manual search do not verify the claim, the PHA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within 30 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 30 days of receipt of that notice.

With good cause, PHAs may extend the period to request an informal hearing related to immigration status.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

Deny the applicant family

Defer termination if the family is a participant and qualifies for deferral

Terminate the participant if the family does not qualify for deferral

The PHA must keep all denial or termination of assistance documents related to immigration status for a minimum of five years. These include any applications for initial or continued assistance.

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and total tenant payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Examples of mitigating circumstances are:

A person with a cognitive disorder may not have understood the requirement to report increases in income,

A person may not understand the need to make regular repayments on a promissory note,

Minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

Chapter 19

SPECIAL HOUSING TYPES

[24 CFR 982.601]

INTRODUCTION

The PHA will permit the use of any special housing types in its program only if the applicant/participate can demonstrate that it is needed as a reasonable accommodation for a person

with a disability. Acceptable demonstration will include documentation from one or more knowledgeable professionals who are familiar with the applicant/participant and or the type of special housing requested as accommodation.

The PHA will not set aside any program funding for special housing types, or for a special housing type.

Acceptable documentation as verification of the need for reasonable accommodation would be a letter to the PHA describing how the special housing type requested provides the accommodation of which the person is in need. The request and documentation will be reviewed by Director of Assisted Housing and a written response stating approval or disapproval will be sent to the applicant/participant within five days of receipt of the request.

A copy of the PHA's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

A. SHARED HOUSING [24 CFR 982.615]

Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The PHA may approve a live-in aide to reside with a family in order to care for a person with a disability. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the PHA. However, housing assistance may not be paid on behalf of an owner. The PHA will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five-bedroom unit, the ratio would be 3/5.

The rent to owner to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

Maximum Subsidy

For a family that resides in a shared housing unit, the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

If the PHA approves a live-in aide, the live-in aide will be counted in determining the family unit size.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The PHA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

B. MANUFACTURED HOMES [24cfr 982.620]

The PHA will permit a family to lease a manufactured home and space with assistance under the program. The PHA will provide assistance for a family that owns the manufactured home and leases only the space.

The PHA may approve a live-in aide to reside with a family to care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401. In addition, the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the PHA.

The PHA will not approve a lease for a manufactured home space until the PHA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the PHA will re-determine that the rent is reasonable.

The PHA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The PHA will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the PHA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the PHA, the owner must provide the PHA information on rents for other manufactured home space.

Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]

The FMR for a manufactured home space will be determined by HUD.

HAP for the Regular Tenancy Program

For the Regular Tenancy Program the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.

During the term of a certificate tenancy, entered prior to the merger date, the amount of the monthly housing assistance payment equals the lesser of:

The manufactured home space cost minus the:

The total tenant payment; or

The rent to owner for the manufactured home space.

"Manufactured home space cost" means the sum of the amortization cost, the utility allowance, and the rent to owner for the manufactured home space.

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the PHA determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

The PHA will not approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.

The PHA will not include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

HAP for the Voucher Tenancy

There is a separate FMR for a family renting a manufactured home space. The payment standard is used to calculate the monthly housing assistance payment for a family. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit.

Subsidy Calculation for the Voucher Program

During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

The payment standard minus the total tenant payment; or

The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the PHA:

Rent to owner for the manufactured home space

Owner maintenance and management charges for the space

The utility allowance for tenant paid utilities

Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The PHA will establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register, which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of federal rules, which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
CR	Contract Rent
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FmHA	Farmers Home Administration
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GFC	Gross Family Contribution. Note: Has been replaced by the term total tenant payment (TTP).
GR	Gross Rent
HA	Housing Agency
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee
HURRA	Housing and Urban/Rural Recovery Act of 1983
IG	Inspector General
IGR	Independent Group Residence
IPA	Independent Public Accountant

IRA	Individual Retirement Account
MSA	Metropolitan Statistical Area established by the U.S. Census Bureau
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RFLA	Request for Lease Approval
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SRO	Single Room Occupancy
SSMA	Standard Statistical Metropolitan Area. Has been replaced by Metropolitan Statistical Area (MSA)
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment

B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

ADMINISTRATIVE PLAN. The HUD-required written policy of the HA governing its administration of the Section 8 Certificate and Voucher Program. The administrative plan and any revisions must be approved by the HA's board and a copy submitted to HUD.

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

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and an HA. Under the contract, HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total annual income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES. The annual income (described above) less the HUD-approved allowances.

APPLICANT (or **APPLICANT FAMILY)**. A family that has applied for admission to a program, but is not yet a participant in the program.

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CERTIFICATE. A certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

CERTIFICATE OR VOUCHER HOLDER. A family holding a voucher or certificate with un-expired search time.

CERTIFICATE PROGRAM. Rental certificate program.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CO-HEAD. An individual in the household who is equally responsible for the lease with the head of household. (A family never has a co-head and a spouse. A co-head is never a dependent).

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

COOPERATIVE. A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151.

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

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT. (See Housing Assistance Payments contract.)

CONTRACT AUTHORITY. The maximum annual payment by HUD to an HA for a funding increment.

CONTRACT RENT. In the Section 8 Certificate Program, contract rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

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

DISABILITY ASSISTANCE EXPENSE. Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

DISABLED PERSON. A person who is any of the following:

1. A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
2. A person who has a physical, mental, or emotional impairment that:
   (a) Is expected to be of long-continued and indefinite duration;
   (b) Substantially impedes his or her ability to live independently; and
   (c) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
3. A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISABLED FAMILY. A family, where the head or spouse, meet any of the above criteria for disabled person.

DISPLACED PERSON/FAMILY. A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

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

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

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

ELDERLY HOUSEHOLD. A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted eligibility income, per se, because annual income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY (Family)**.** A family is defined by the HA in the administrative plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the annual income. It is no longer used.

EXCEPTION RENT. In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determining the initial contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the Federal Register.

FAMILY. "Family" includes but is not limited to:

1. An elderly family or single person as defined in 24 CFR 5.403(b),
2. The remaining member of a tenant family, and
3. A displaced person

***4 ["family" can be further defined by the HA.]**

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

1. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE. The size of the certificate or voucher issued to the family based on the HA's subsidy standards.

FEDERAL PREFERENCE. A preference under federal law for admission of applicant families that are any of the following:

1. Involuntarily displaced.
2. Living in substandard housing (including families that are homeless or living in a shelter for the homeless).
3. Paying more than 50 percent of family income for rent.

FEDERAL PREFERENCE HOLDER. An applicant that qualifies for a federal preference.

FMR/EXCEPTION RENT LIMIT. The Section 8 existing housing fair market rent published by HUD Headquarters or any exception rent. In the certificate program, the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the HA may adopt a payment standard up to the FMR/exception rent limit.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the state, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

FUNDING INCREMENT. Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

GROSS FAMILY CONTRIBUTION. Changed to total tenant payment.

GROSS RENT. The sum of the contract rent and the utility allowance. If there is no utility allowance, contract rent equals gross rent.

GROUP HOME. A dwelling unit that is licensed by a state as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 programs.

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

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

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING ASSISTANCE PLAN.

1. A housing assistance plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.
2. A housing assistance plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

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

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed $5,000.

INITIAL HA. In portability, the term refers to both:

1. An HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and
2. An HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

INITIAL PAYMENT STANDARD. The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO OWNER. The rent to owner at the beginning of the HAP contract term.

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

INCOME FOR ELIGIBILITY. Annual income.

INDIAN. Any person recognized as an Indian or Alaska native by an Indian tribe, the federal government, or any state.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

1. By exercise of the power of self-government of an Indian tribe, independent of state law, or
2. By operation of state law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgages of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily displaced applicants are applicants who meet the HUD definition for the federal preference.

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

LANDLORD. This term means either the owner of the property or his/her representative, or the managing agent or his/her representative, as shall be designated by the owner.

LARGE VERY LOW INCOME FAMILY. Prior to the 1982 regulations, this meant a very low-income family which included six or more minors. This term is no longer used.

LEASE.

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

LEASE ADDENDUM. In the lease between the tenant and the owner, the lease language required by HUD.

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

1. Is determined to be essential to the care and well being of the person.
2. Is not obligated for the support of the person.
3. Would not be living in the unit except to provide necessary supportive services.

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

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

MANUFACTURED HOME. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 programs, the market rate rent is that rent approved by HUD and is the contract rent for a Section 8 certificate holder. For BMIR units, market rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for elderly households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

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

MIXED FAMILY. A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

MONTHLY-ADJUSTED INCOME. 1/12 of the annual income after allowances or adjusted income.

MONTHLY INCOME. 1/12 of the annual income.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NEGATIVE RENT. Now called utility reimbursement. A negative tenant rent results in a utility reimbursement payment (URP).

NET FAMILY ASSETS. Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NET FAMILY CONTRIBUTION. Former name for tenant rent.

NON-CITIZEN. A person who is neither a citizen nor a national of the United States.

OCCUPANCY STANDARDS. [Now referred to as subsidy standards] Standards established by an HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OVER-FMR TENANCY (OFTO). In the certificate program: A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

OWNER. Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT. A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term).

PAYMENT STANDARD. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the HA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

PERSONS WITH DISABILITIES. Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

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

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

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "housing agency" (HA).

RANKING PREFERENCE. A preference used by the HA to select among applicant families that qualify for federal preference.

REASONABLE RENT. A rent to owner that is not more than rent charged:

1. For comparable units in the private unassisted market; and
2. For comparable unassisted units in the premises.

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

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

REGULAR TENANCY. In the certificate program: A tenancy other than an over-FMR tenancy.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

RESIDENT ASSISTANT. A person who lives in an independent group residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or well being. A resident assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone.

SPECIAL ADMISSION. Admission of an applicant that is not on the HA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;

6. A Public Housing Project.

SUBSIDY STANDARDS. Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

SUSPENSION/TOLLING. Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

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

TENANT RENT. (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant rent equals total tenant payment. Where some of all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, tenant rent equals total tenant payment less the utility allowance in the certificate program. In the voucher program, tenant rent is rent to owner less HAP.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family. .

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

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

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the contract rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.

VACANCY LOSS PAYMENTS. (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the contract rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations, this was described as a lower-income family which included eight or more minors. This term is no longer used.

VERY LOW INCOME FAMILY. A lower-income family whose annual income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the certificate and voucher programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

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

VOUCHER PROGRAM. The rental voucher program.

WAITING LIST ADMISSION. An admission from the HA waiting list.

WAITING LIST. A list of families organized according to HUD regulations and HA policy who are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by federal, state, or local governments.

WELFARE RENT. This concept is used ONLY for Section 8 certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

1. If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or recertification is being processed.
2. If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

C. GLOSSARY OF TERMS USED IN THE NON-CITIZENS' RULE

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

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

HA. A housing authority- either a public housing agency or an Indian housing authority or both.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD.. Department of Housing and Urban Development.

INS. The U.S. Immigration and Naturalization Service.

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

NATIONAL. A person who owes permanent allegiance to the United States; for example, as a result of birth in a United States territory or possession.

NONCITIZEN. A person who is neither a citizen nor national of the United States.

PHA. A housing authority who operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (the HA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." “Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

PROGRAM INTEGRITY ADDENDUM

[24 CFR 792.101 to 792.204, 982.54].

INTRODUCTION

The US Department of HUD conservatively estimates that $200 million is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The PHA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The PHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This chapter outlines the PHA's policies for the prevention, detection and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the PHA undertake an inquiry or an audit of a participating family arbitrarily. The PHA's expectation is that participating families will comply with HUD requirements, provisions of the certificate or voucher, and other program rules. The PHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the PHA PHAs a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the PHA' s attention, to investigate such claims.

The PHA will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips. The PHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy Internal File of the allegation will be retained in the family's file.

Review. A follow-up will be made if PHA staff discovers (as a function of a certification or recertification, an interim re-determination, or a quality control review), information or facts, which conflict with previous file data, the PHA's knowledge of the family, or is discrepant with statements made by the family.

Verification of Documentation. A follow-up will be made if independent verification or documentation, which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The PHA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

Things You Should Know. This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.

Program Orientation Session. Mandatory orientation sessions will be conducted by the PHA staff for all prospective program participants, either prior to or upon issuance of a certificate or voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a Program Briefing Certificate to confirm that all rules and pertinent regulations were explained to them.

Resident Counseling. The PHA will routinely provide participant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and Explanation of Forms. Staff will explain all required forms and review the contents of all re-certification documents prior to signature.

Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse

Participant Certification. All family representatives will be required to sign a participant certification form, as contained in HUD's Participant Integrity Program Manual.

C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The PHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews. Prior to initial certification, and at the completion of all subsequent recertifications, **5% of files** will be reviewed. Such reviews shall include, but are not limited to:

Assurance that verification of all income and deductions is present.

Changes in reported Social Security Numbers or dates of birth.

Authenticity of file documents.

All forms are correctly dated and signed.

Observation. The PHA Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances, which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

Observations will be documented in the family's file.

Public Record Bulletins may be reviewed by management and staff.

State Wage Data Record Keepers. Inquiries to state wage and employment record keeping agencies, as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits

D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The PHA staff will encourage all participating families to report suspected abuse to **Lornia Jenkins, Lead Housing Specialist.** All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The PHA will not follow up on allegations, which are vague or otherwise non-specific. They will only review allegations that contain one or more independently verifiable facts.

File Review. An internal file review will be conducted to determine:

If the subject of the allegation is a client of the PHA, determine whether or not the information reported PHAs been previously disclosed by the family.

It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there is/are facts contained in the allegation which conflict with the file data, and the fact(s) are independently verifiable, the Lead Housing Specialist will initiate an investigation to determine if the allegation is true or false.

E. OVERPAYMENT TO OWNERS

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the contract, the PHA may terminate the contract and arrange for restitution to the PHA and/or family as appropriate.

The PHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the PHA or the tenant, as applicable.

F. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the PHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the PHA will secure the written authorization from the program participant for the release of information.

Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages, which may have been previously undisclosed or misreported**.**

Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the PHA's review.

Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, the PHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records**.**

Interviews with Head of Household or Family Members. The PHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate PHA office. The PHA staff person who conducts such interviews will maintain a high standard of courtesy and professionalism. Under no circumstances will the management tolerate inflammatory language, accusations, or any unprofessional conduct or language. If possible, an additional staff person will attend such interviews.

G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate work file. In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among PHA Staff unless they are involved in the process, or have information, which may assist in the investigation.

H. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation of PHAs occurred, a violation PHA has not occurred, or if the facts are inconclusive.

I. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

The type of violation (procedural, non-compliance, fraud).

Whether the violation was intentional or unintentional.

Does the family owe any money?

If the family is eligible for continued occupancy.

J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation PHAs been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

Procedural Non-compliance. This category applies when the family fails to observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

Examples of non-compliance violations are:

Failure to appear at a pre-scheduled appointment.

Failure to return verification in the time period specified by the PHA.

Warning Notice to the Family**.** In such cases a notice will be sent to the family, which contains the following:

A description of the non-compliance and the procedure, policy or obligation that was violated.

The date by which the violation must be corrected, or the procedure complied with.

The action that will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PHA.

The consequences of repeated (similar) violations.

Procedural Non-Compliance - Overpaid Assistance**.** When the family owes money to the PHA for failure to report changes in income or assets, the PHA will issue a Notification of Overpayment of Assistance. This notice will contain the following:

A description of the violation and the date(s).

Any amounts owed to the PHA.

A 10-day response period.

The right to disagree and to request an informal hearing with instructions for the request of such hearing.

Participant Fails to Comply with PHA's Notice. If the Participant fails to comply with the PHA's notice, and a family obligation has been violated, the PHA will initiate termination of assistance.

Participant Complies with PHA's Notice. When a family complies the PHA's notice, the staff person responsible will meet with him/her to discuss and explain the family obligation or program rule, which was violated. The staff person will complete a Participant Counseling Report, give one copy to the family and retain a copy in the family's file.

Intentional Misrepresentations. When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the PHA, the PHA will evaluate whether or not:

The participant had knowledge that his/her actions were wrong, and

The participant willfully violated the family obligations or the law.

Knowledge That the Action or Inaction was Wrong. This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrongdoing.

The Participant Willfully Violated the Law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

1. An admission by the participant of the misrepresentation.
2. That the act was done repeatedly.
3. If a false name or Social Security Number was used.
4. If there were admissions to others of the illegal action or omission.
5. That the participant omitted material facts, which were known to him/her (e.g., employment of self or other household member).
6. That the participant falsified, forged or altered documents.
7. That the participant uttered and certified to statements at an interim (re) determination, which were later independently verified to be false.

Dispositions of Cases Involving Misrepresentations. In all cases of misrepresentations involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Criminal Prosecution: If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will:

> Refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

Administrative Remedies: The PHA will:

> Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the PHA's repayment policy.

The Case Conference for Serious Violations and Misrepresentations. When the PHA has established that material misrepresentation(s) have occurred, a case conference will be scheduled with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the PHA. The purpose of such conference is to review the information and evidence obtained by the PHA with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. The PHA will take any documents or mitigating circumstances presented by the family into consideration. The family will be given seven days to furnish any mitigating evidence.

A secondary purpose of the participant conference is to assist the PHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the PHA will consider:

> The duration of the violation and number of false statements.
>
> The family's ability to understand the rules.
>
> The family's willingness to cooperate, and to accept responsibility for his/her actions
>
> The amount of money involved.
>
> The family's past history
>
> Whether or not criminal intent has been established.

Notification to Participant of Proposed Action. The PHA will notify the family of the proposed action no later than seven days after the case conference by certified mail.

Springfield Metropolitan Housing Authority

Homeownership
Addendum 1 to Section 8 Administrative Plan

The Springfield Metropolitan Housing Authority (SMHA) hereby establishes a Section 8 tenant-based homeownership option in Springfield, Ohio, pursuant to the U.S. Department of Housing and Urban Development's (HUD) final rule dated October 12, 2000 and by Section 555 of the Quality Housing and Work Responsibility Act of 1998 under Section 8(y), Homeownership Option.

Participant Qualification [24 CFR 982.626, 982.627]

Any Section 8 eligible applicant or program participant who has been issued a Section 8 housing voucher may utilize the subsidy to purchase rather than rent a home, subject to the following:

1. A family must meet the requirements for admission to or continued participation in the SMHA tenant-based program.
2. The homeownership option will be included in all Briefing and re-housing briefings as well as media and community announcements. Current Section 8 participants must be in compliance with their lease and program requirements and must terminate their current lease arrangement in compliance with the lease.
3. The head of household or co-head that has previously defaulted on a mortgage obtained through the homeownership option is barred from participation.
4. Participant families must be "first-time" homeowners except families with a disabled member, where a family member must not have owned title to a principal residence in the last three years. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a "first-time homeowner" for purposes of the Section 8 homeownership option. Residents of limited equity cooperative are eligible for the homeownership option. The right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest." (Title to a mobile home is not considered as homeownership for purposes of this option.)
5. Participant in the Section 8 homeownership option must enroll in the pre and post purchase homeownership-counseling program and be deemed to be "mortgage ready" before a homeownership voucher will be issued. At a minimum, the counseling will cover the following:
    - Home maintenance
    - Budgeting and money management
    - Credit counseling
    - Negotiating the purchase price
    - Financing
    - Locating the home
    - De-Concentration issues
    - Family must purchase only a home that passes HQS inspection.

6. The head of household or co-head must be employed full time and have been continuously so employed during the year before commencement of homeownership assistance. Families in which the head of household or co-head are disabled or elderly are exempted from this

requirement. Families with a disabled household member may request an exemption as a reasonable accommodation.

7. The family's income must be equal to or exceed two times the payment standard for the family's unit size. Public assistance income may not be used for meeting this requirement, except for households in which the head or co-head is elderly or disabled and households that include a disabled person other than head or co-head. (Public Assistance includes federal housing assistance or the housing component of a welfare grant; TANF assistance; SSI that is subject to an income eligibility test; food stamps; general assistance or other assistance provided under a Federal, state or local program that provides assistance available to meet family living or housing expenses.)

8. Applicants must enroll in the Family Self-Sufficiency Program. Funds accumulated the escrow account may be advanced for purchase of the home or home maintenance, subject to the guidelines of the FSS Program.

Time Frame for Utilization [24CFR 982.626 (b), CFR 982.629 (a)]

An applicant will have a minimum of 90 days from the date of issuance of a voucher to find a home and enter into a purchase agreement.

If an applicant is unable to enter into a Purchase Agreement before the end of the 90 day deadline, the applicant will be provided an additional 90 days to enter into a purchase agreement and schedule a closing date or to utilize the voucher in rental situation.

Any extension will be at the discretion of the SMHA Assisted Housing Case FSS Manager.

Portability [24 CFR 982.636]

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of SMHA's jurisdiction if the receiving public housing authority is administering a Section 8 homeownership program and is accepting new families into its Section 8 homeownership program**.**

Permitted Ownership Arrangements

The homeownership option may be utilized in two types of housing:

1. A unit owned by the family, where one or more family members hold title to the home or a home previously occupied under a lease-purchase agreement.

2. A cooperative unit, where one or more family members hold membership shares in the cooperative.

Contract for Sale and Inspection [24 CFR 982.631]

Participants in the homeownership option program must initially complete a purchase agreement with the owner of the property to be purchased.

The purchase agreement must include the home's price and terms of sale, the SMHA pre-purchase HQS inspection requirements, and an agreement that the purchaser is not obligated to pay for any necessary repairs.

The participant must obtain an independent professional home inspection of the unit's major systems at the participant's expense. In all cases, the inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical and heating systems.

> SHHA will conduct a Housing Quality Standards (HQS) inspection and will review an independent professional inspection of the unit's major systems. SMHA retains the right to disqualify the unit for inclusion in the homeownership program based on either the HQS inspection or the professional inspection report**.**

Financing [24 CFR 982.632]

The household is solely responsible for obtaining financing. All loans must meet FHA mortgage insurance credit underwriting requirements. SMHA will review lender qualifications, loan terms, or other debt to determine that the debt is affordable.

SMHA establishes a minimum homeownership down payment requirement of at least 3 percent of the purchase price for participation in its Section 8 homeownership program, and requires that at least one percent of the purchase price come from the family's personal resources.

There is no prohibition against using a local or state Community Development Block Grant (CDBG) or other subsidized financing in conjunction with the homeownership program.

SMHA prohibits owner financing. SMHA only allows owner financing if the owner is a nonprofit.

In the event of appeal, the Assisted Housing Director will appoint a review panel.

Length and Continuation of Assistance [24 CFR 982.633]

Section 8 assistance will only be provided for the months the family is in residence in the home. The maximum length of time a family may receive homeownership assistance is fifteen years if the initial mortgage incurred is 20 years or longer. In all other cases, the maximum length of time is ten years. Elderly and disabled families are exempt from this time limit.

Family Obligations [24 CFR 982.633]

1. In addition to completing the pre-counseling program, the family must complete a contract of homeowner obligations prior to the issuance of the homeownership voucher to include:
2. The family must comply with mortgage terms.
3. At any time the family is receiving homeownership assistance, the family may not sell or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home.
4. A home equity loan may not be acquired without the prior written consent of SMHA.

5. The family must provide required information regarding income and family composition in order to calculate correctly total tenant payment and homeownership assistance, consistent with Section 8 requirements.
6. While receiving homeownership assistance, the family must notify SMHA if the family defaults on a mortgage securing any debt on the home.
7. While receiving homeownership assistance, the family must notify SMHA before the family moves out of the home
8. The family must, at annual re-certification, document that he or she is current on mortgage, insurance and utility payments.
9. The family is prohibited from moving more than one time in a one-year period. The family may be required to participate in pre- or post- counseling prior to re-housing.

Assistance Payment [24 CFR 982.635]

The family's Section 8 monthly housing assistance payment will be the lower of

1. The Section 8 voucher payment standard minus the Total Tenant Payment or

2. The monthly homeownership expenses minus the Total Tenant Payment.

Monthly homeownership expense includes all of the following:

Principal and interest on mortgage debt; refinancing charges of mortgage debt; taxes and public assessments; insurance; maintenance allowance for expenses; major repairs and replacements; utility allowance per SMHA's schedule of utility allowances; replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any.

Housing assistance payments will be made directly to the lender.

A family's home ownership assistance may be changed in the month following annual recertification of the household income, but participation in the Section 8 Home Ownership program shall continue until such time as the assistance payment amounts to $0 for a period of six (6) consecutive months.

Lease-to-Purchase

Lease-to-Purchase agreements are considered rental property and subject to the normal tenant-based Section 8 rental rules. All regulations of the homeownership program will be in effect at the time that the family opts to exercise the purchase.

Default

If the family defaults on the home mortgage loan, SMHA may permit the family to move with continued Section 8 housing choice rental assistance if the family demonstrates that it has

1. Conveyed title to the home to HUD or its designee, as required by HUD, and

2. Moved from the home within the period established or approved by HUD.

Recapture [24 CFR 982.639]

SMHA will recapture a percentage of the homeownership upon the sale or refinancing of the home. Proceeds invested in the purchase of another home are exempt from recapture. At the time of purchase the family must execute documentation that secures SMHA's right to recapture the homeownership assistance. A family may refinance to take advantage of better terms without any recapture penalty, provided that no proceeds are realized (cash out). Only cash-out proceeds from refinancing and sales proceeds not used to purchase a new home with Section 8 assistance less those amounts provided for in 982.640 are subject to recapture. Further, the amount of homeownership assistance subject to recapture shall automatically be reduced in annual increments of 10% beginning one year from the purchase date. At the end of 10 years, the amount of homeownership assistance subject to recapture will be zero.

Denial or Termination of Assistance [24 CFR 982.638]

SMHA reserves the right to deny or terminate assistance for the family, and will deny voucher rental assistance for the family, in accordance with HUD regulations governing any failure to comply with the following:

- Family obligations
- Mortgage default
- Failure to demonstrate that the family has conveyed title to the home as required; or
- If the family has moved from the home before the period established or approved.

Informal Hearing [24 CFR 982.555]

SMHA will provide the opportunity for an informal hearing to program participants who are being terminated from the program because of the family's action or failure to act. SMHA will send written notice to the participant citing reason(s) for the proposed action, and stating that the participant may request an informal hearing, in writing, within 14 days of the notice. If the participant requests a hearing, the assistance will not be terminated until the final decision is made.

When a participant requests a hearing, SMHA will schedule the hearing promptly and notify the participant of the date and time of the hearing. Prior to the hearing the participant will be given an opportunity to examine and copy the documents pertinent to the family's termination. SMHA must be given the same opportunity to examine any family documents that are directly related to the hearing and to copy them at its own expense.

A hearing officer designated by the Executive Director will conduct the hearing. This person will be someone other than the person who may have approved the decision or a subordinate of this person. A lawyer or other representative, at the family's own expense may represent the family. The family will be given the opportunity to present evidence and to question any witnesses. The hearing officer will issue a written decision within five working days stating the reasons for the decision.

SMHA is not bound by the hearing decision. SMHA shall send a letter to the family if it determines SMHA is not bound by the hearing officer's determination within five working days. The letter shall include SMHA's reasons for the decision.

Conducting Business in Accordance With Core Values and Ethical Standards
Addendum II to Section 8 Administrative Plan

All members, officers and employees of the Springfield Metropolitan Housing Authority shall be subject to the provisions of the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161 that states as follows:

(A) Neither the PHA nor any of its contractors of subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any or the following classes of persons has any interest, direct or indirect, during their tenure or for one year thereafter:

(1) Any present or former member or officer of the PHA (except a participant commissioner);
(2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions, with respect to the programs;
(3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
(4) Any member of the Congress of the United States.

(a) Any member of the classes described in paragraph (A) of this section must disclose their interest or prospective interest to the PHA and HUD.
(b) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

(B) In addition, all officers or employees of the PHA, or any contractor, subcontractor or agent of the PHA shall not:

(1) Use his or her position for personal gain or engage in any transaction that is in conflict with the proper discharge of official duties;
(2) Solicit or accept any thing of value, whether in the form of service, loan, item or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with SMHA;
(3) Accept from any person, firm, or corporation doing business with SMHA any material or services for the private use or benefit;
(4) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of official duties or would tend to impair independent judgment or action regarding official duties.
(5) Have a personal interest in a contract with SMHA or use his or her position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or business associate has an interest.

(6) Have a personal interest in a contract with SMHA or use his or her position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or business associate has an interest.

Any violation of the Conducting Business in Accordance With Core Values and Ethical Standards by an employee can lead to disciplinary action up to and including termination of employment. Any violation by an officer, or agent of SMHA can lead to removal from official duties.

SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

Memorandum

To: Members of the Board of Commissioners

From: Anita Perrin, Director of Assisted Housing

Re: Recommendation to approve a written code of conduct to be placed in the Section 8 Administrative Plan

Date: March 19, 2002

The SMHA is applying for 50 Housing Choice Vouchers under the Fair Share Allocation of Incremental Voucher Funding for Fiscal Year 2002. One requirement under the application for the incremental Fair Share vouchers is to develop and maintain a written code of conduct to be incorporated in the Section 8 Administrative Plan. This code of conduct should include the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161 and also the prohibition of solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor or agent of the PHA. The PHA is required to state in the Administrative Plan the PHA's policies concerning administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA is directed to inform all officers, employees and agents of its organization of the PHA's code of conduct.

Recommendation: Adopt Resolution #1258 relating to developing and maintaining the policy on conducting business in accordance with core values and ethical standards.

Approved_____
Barbara A. Stewart
Executive Director

SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

RESOLUTION NUMBER 1258

To Approve a Written Policy on Conducting Business in Accordance With Core Values and Ethical Standards

WHEREAS, the Springfield Metropolitan Housing Authority desires to apply for additional Housing Choice vouchers and the application requires an administrative policy be developed and incorporated into the Section 8 Administrative Plan; and

WHEREAS, the Springfield Metropolitan Housing Authority has established the required policy which includes the conflict interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161; and

WHEREAS, the SMHA believes in the Conducting Business in Accordance With Core Values and Ethical Standards policy.

NOW, THEREFORE, BE IT RESOLVED, that this policy be approved by the Springfield Metropolitan Housing Authority Board of Commissioners and incorporated in the Section 8 Administrative Plan as presented effective March 19, 2002.

_____ March 19, 2002
Arlin Tolliver, Chairperson Date

_____ March 19, 2002
Barbara A. Stewart, Executive Director Date

SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

RESOLUTION NUMBER #1305

To Revise the Section 8 Utility Allowances
For Clark and Champaign Counties

WHEREAS, appropriate HUD regulations require that a tenant not pay more than 30 –40 percent of their income for rent and utilities; and

WHEREAS, Public Housing Authorities must revise the utility allowance schedules annually under Section 8 Management Assessment (SEMAP), when there is a change in rates of at least 10% or when recommended by HUD; and

WHEREAS, the Springfield Metropolitan Housing Authority desires to be in compliance with HUD's recommendation to revise the range and refrigerator utility allowances.

NOW, THEREFORE, BE IT RESOLVED by the Springfield Metropolitan Housing Authority Board of Commissioners that the attached Section 8 Utility Allowances be implemented as December 1, 2003.

BE IT FURTHER RESOLVED that the Administrative Policy be revised to incorporate the new utility allowance schedules.

_____ August 19, 2003
Sandra L. Gaier, Chair Date

_____ August 19, 2003
Barbara A. Stewart, Executive Director Date

U.S. Dpartment Of Housing And Urban Development Section 8, Existing Housing Allowances for Tenant-Furnished Utilities and Other Services						Date: December 1, 2003
Locality: Clark County			Unit Type: Two and Three Story			
	Monthly Dollar Allowances					
Utility or Service	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING						
.	18	25	32	39	50	57
a. Natural Gas	35	50	64	78	99	113
b. Bottle Gas	22	31	40	49	62	71
c. Oil	30	42	54	67	84	96
d. Electric						
AIR CONDITIONING	9	13	17	21	26	30
COOKING	3	4	5	6	7	8
a. Natural Gas	6	8	10	13	16	18
b. Electric	5	7	9	11	14	16
c. Bottle Gas						
OTHER ELECTRIC,	16	22	28	35	44	50
LIGHTING,						
REFRIGERATION, ETC.						
WATER HEATING	7	9	11	13	14	16
a. Natural Gas	18	25	32	39	50	57
b. Electric	11	16	21	25	32	37
c. Bottle Gas	9	12	16	19	25	29
d. New 80 Gallon Electric						
WATER & SEWER	29	38	46	53	61	70
TRASH COLLECTION	15	15	15	15	15	15
RANGE	8	8	10	10	10	10
REFRIGERATOR	8	8	10	12	14	16
OTHER: TOTAL:						
Actual Family Allowances (To be used by family to compute allowances. Complete for Actual Unit Rented)				Number of Bedrooms:		
Name of Family:				Address of unit:		

U.S. Department Of Housing And Urban Development Section 8, Existing Housing Allowances for Tenant-Furnished Utilities and Other Services						Date: December 1, 2003
Locality: Clark County			Unit Type: One Story			
	Monthly Dollar Allowances					
Utility or Service	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING						
a. Natural Gas	21	30	38	47	59	68
b. Bottle Gas	42	59	75	92	117	135
c. Oil	26	37	47	58	74	84
d. Electric	36	50	64	79	100	114
AIR CONDITIONING	9	13	17	21	26	30
COOKING						
a. Natural Gas	3	4	5	6	7	8
b. Electric	6	8	10	13	16	18
b. Bottle Gas	5	7	9	11	14	16
OTHER ELECTRIC,						
LIGHTING,	16	22	28	35	44	50
REFRIGERATION,						
ETC.						
WATER HEATING						
a. Natural Gas	7	9	11	12	14	16
b. Electric	18	25	32	39	50	57
c. Bottle Gas	11	16	21	25	32	37
d. New 80 Gallon Electric	9	12	16	19	25	29
WATER & SEWER	29	38	46	53	61	70
TRASH COLLECTION	15	15	15	15	15	15
RANGE	8	8	10	10	10	10
REFRIGERATOR	8	8	10	12	14	16
OTHER:						
TOTAL:						
Actual Family Allowances (To be used by family to compute allowances. Complete for Actual Unit Rented)				Number of Bedrooms:		
Name of Family:				Address of unit:		

U.S. Department Of Housing And Urban Development Section 8, Existing Housing Allowances for Tenant-Furnished Utilities and Other Services	Date: December 1, 2003
Locality: Champaign County	Unit Type: Two and Three Story

	Monthly Dollar Allowances					
Utility or Service	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING						
a. Natural Gas	18	25	32	39	50	57
b. Bottle Gas	35	50	64	78	99	113
c. Oil	22	31	40	49	62	71
d. Electric	26	36	46	57	73	88
AIR CONDITIONING	8	11	15	18	23	26
COOKING						
a. Natural Gas	3	4	5	6	7	8
b. Electric	5	7	9	11	14	16
c. Bottle Gas	5	7	9	11	14	16
OTHER ELECTRIC,						
LIGHTING,	14	19	24	30	38	43
REFRIGERATION,						
ETC.						
WATER HEATING						
a. Natural Gas	7	9	11	12	14	16
b. Electric	15	21	28	34	43	49
c. Bottle Gas	11	16	21	25	32	37
d. New 80 Gallon	8	11	14	17	22	24
WATER & SEWER	27	36	43	50	58	66
TRASH COLLECTION	15	15	15	15	15	15
RANGE	8	8	10	10	10	10
REFRIGERATOR	8	8	10	12	14	16
OTHER:						
TOTAL:						

Actual Family Allowances (To be used by family to compute allowances. Complete for Actual Unit Rented)	Number of Bedrooms:
Name of Family:	Address of unit:

U.S. Department Of Housing And Urban Development Section 8, Existing Housing Allowances for Tenant-Furnished Utilities and Other Services	Date: December 1, 2003
Locality: Champaign County	Unit Type: One Story

	Monthly Dollar Allowances					
Utility or Service	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING						
a. Natural Gas	21	30	38	47	59	68
b. Bottle Gas	42	59	75	92	117	135
c. Oil	26	37	47	58	74	84
d. Electric	31	43	55	67	86	98
AIR CONDITIONING	8	11	15	18	23	26
COOKING						
a. Natural Gas	3	4	5	6	7	8
b. Electric	5	7	9	11	14	16
c. Bottle Gas	5	7	9	11	14	16
OTHER ELECTRIC,						
LIGHTING,	14	19	24	30	38	43
REFRIGERATION,						
ETC.						
WATER HEATING						
a. Natural Gas	7	9	11	12	14	16
b. Electric	15	21	28	34	43	49
c. Bottle Gas	11	16	21	25	32	37
d. New 80 Gallon	8	11	14	17	22	24
WATER & SEWER	27	36	43	50	58	66
TRASH COLLECTION	15	15	15	15	15	15
RANGE	8	8	10	10	10	10
REFRIGERATOR	8	8	10	12	14	16
OTHER:						
TOTAL:						

Actual Family Allowances (To be used by family to compute allowances. Complete for Actual Unit Rented)	Number of Bedrooms:
Name of Family:	Address of unit:

PAYMENT STANDARDS

January 1, 2004

	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
	$454.00	$508.00	$648.00	$836.00	$939.00
FMRs	$413.00	$462.00	$589.00	$760.00	$854.00

STATE OF OHIO INCOME LIMITS

FY 2004

MSA: Dayton-Springfield, OH

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
30% OF MEDIAN	12650	14450	16250	18050	19500	20950	22400	23850
VERY LOW-INCOME	21050	24100	27100	30100	32500	34900	37300	39750
LOW-INCOME	33700	38550	43350	48150	52000	55850	59700	63550

COUNTY: CHAMPAIGN

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
30% OF MEDIAN	12450	14250	16000	17800	19200	20650	22050	23500
VERY LOW-INCOME	20750	23700	26700	29650	32000	34400	36750	39150
LOW-INCOME	33200	37950	42700	47450	51250	55050	58850	62600

Housing Mobility Plan

The Springfield Metropolitan Housing Authority encourages families to move from neighborhoods where the families' income is very low, crime is rampant, jobs are scarce and schools struggle with inadequate resources, to move to neighborhoods where they can feel safe. Neighborhoods where jobs are plentiful and schools are more effective. SMHA's Housing Mobility Plan provides the following:

(1) Notification of participant eligibility
(2) Home visits and screening by a case manager
(3) Individual and group briefings
(4) Landlord outreach
(5) Assistance with rent negotiations
(6) Post move assistance and counseling
(7) Financial assistance for moving cost

At the voucher briefings, families who live in census tracts 1,2, 3,9.01, 9.02, 11.01, 11.02, 12 are encouraged to search for housing in non-impacted areas and the HA will provide assistance to families who wish to do so. Families are encouraged to move to Survey Area 1, which is comprised of the following census tracts:
13,14,15,16,18,19,20,23,24,25,26,27,28,29,30,31,32,33 and 35.98.

In certain circumstances financial assistance for moving cost is given. Participants must demonstrate that due to moving to outlining areas of Survey Area 1, the family has experienced a hardship to move there.

The HA has maps that show various areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas. The HA will provide counseling to the family and speak with the landlord to promote understanding of the Voucher Program. The HA allows for higher rents, up to 110% of the FMR, to lease units located in areas with low concentration of poor families.

The HA holds formal and informal discussions with landlord groups, social service agencies and fair housing groups to encourage owner participation in offering units in areas of low concentration of poor families.

Assistance to tenants – landlord listings updated frequently, at briefings search tips and techniques for finding units, Case Manager concept, work with service agencies to inform:

Radio and newspaper ads
Landlord Association
Landlord orientation
Landlord surveys
Mass correspondence to landlords

In October 1999 we held an informal meeting with eight landlords some of who were members of the Landlord Association. At this meeting we discussed Fair Market Rents and allowing higher rents for units located in non-impacted areas of low income and minority families.

We held a Landlord Outreach session on May 2000 and more recently July 5, 2002.

RENT REASONABLENESS

Policy:

The PHA must determine and document on a case-by case basis that the approved rent is reasonable in comparison to rents for other comparable unassisted units in the market.

Procedure:

SMHA's Rent Reasonableness Program is established into three survey areas comprised of several census tracts. The information used to compile the census tracts was contained in the City of Springfield's 2000-2004 Consolidated Plan and information divulged from the Springfield Chamber of Commerce.

Survey Area 1 is comprised of census tracts 13,14,15,16,18,19,20,23,24,25,26, 27,28,29,30, 31,32,33,and 35.98. Survey Area 2 is comprised of census tracts 4,5,6,7,8,9,10,11,12,17,21 and 22. Survey Area 3 is comprised of census tracts 1, 2 and 3.

Survey Area 1 has the lowest concentration of low income and minority and the highest average rents. The median incomes range from $20, 395 to $36,196 according to the 1990 Census information.

Survey Area 2 has median incomes ranging from $14,887 to $18,894 and rents higher than average rents.

Survey Area 3 has median incomes ranging from $9,885 to $13,045 and these census tracts have a high concentration of low income and minority families.

A unit is then compared to unit types such as apartment or duplex. From the unit type, the unit is then compared with other units with the same number of bedrooms, quality, age of unit, amenities, housing services provided, maintenance provided and utilities. A straight comparison is used to compare exact matches of features. SMHA uses an automated database to identify the average rent for units of like size and type within the same market or survey area.

The data for other unassisted units will be gathered from newspapers, realtors, professional associations, inquiries of landlords, market surveys and other available sources. The data on unassisted units for use by staff in making rent reasonableness determinations is updated on an ongoing basis and purged when it is more than 12 months old.

Three comparable unassisted units in the private market, unless two are only available, must accompany the Request of Lease Approval and the passed initial HQS inspection in order for staff to execute a HAP contract. At recertification, a re-determination of the current rent is done to verify that the rent to the landlord does not exceed a reasonable rent and when rent increases are requested after the FMR has decreased by 5% from the last's year FMR. The three comparables are placed in the tenant's file at recertification to confirm rent.

A unit's rent will be considered reasonable if it is within (+) or (-) $50 of the average of the survey units' contract rent. Any variance from this policy will require the approval of the Section 8 Assisted Housing Director.

SPRINGFIELD METROPOLITAN HOUSING AUTHORITY

Retroactive Rents

Purpose: To correct SMHA's overpayment of HAP to landlord due to inaccurate income reporting by the family.

Who Uses: Assisted Housing Case Managers and Lead Housing Specialist.

Policy: If it is found that the family has misrepresented or failed to report to Section 8 the facts upon which his/her rent paid to the landlord is less than what should have been paid, the increase in rent would be made retroactive. Failure to report accurate and complete information is grounds for termination of Section 8 Housing Assistance.

Steps:

1. Families who owe money to SMHA due to the family's failure to report increases in income will be required to repay in accordance with a Repayment Agreement set up between the tenant and SMHA. If the family refuses to sign the Repayment Agreement, a 30-day notice of termination of assistance will be sent to the family and landlord for the family's failure to adhere to program obligations. (See Step 8).

2. A copy of the Repayment Agreement will be given to the Accounting Department for proper recording. The Repayment Agreement and any payments made on the repayment agreement will be receipted, a copy given or sent to the tenant a copy placed in tenant's file, a copy filed in a monthly log and a copy given to the Accounting Department.

3. The maximum amount of time for a Repayment Agreement is twelve months.

4. If the Repayment Agreement is not followed and tenant fails to pay two payments, a 30-day notice will be sent to the tenant and

landlord stating the Section 8 Housing Assistance Payment will be terminated for violation of tenant obligations.

5. If the tenant is able to make up the missed payments before the 30 days expire; the Section 8 Housing Assistance will be reinstated.

6. SMHA will employ an independent collection agency for final collection if full amount is not paid.

7. If the independent collection agency notifies SMHA after 6 months that they have been unsuccessful in their collections efforts, SMHA will write off the amount due. The independent collection agency will maintain records for possible collection at a later day.

8. Former tenants who owe balances will not receive housing assistance from SMHA until balance owed is paid in full.

SECTION 8 WRITE-OFF OF UNPAID BALANCES
Terminated Families Only

Purpose:

Paying the proper housing assistance subsidy is regarded as a key evaluation factor in measuring SMHA's Section 8 Housing Choice Voucher Program administration. When families pay accurate rent, fraud, waste and abuse are eliminated while increasing the amount of housing assistance to serve eligible families.

Procedure:

In order to provide final collection efforts on terminated families before they are written off, a statement of the amount owed is sent to the tenant at the last known address. The statement allows 30 days for the former tenant to pay the account balance before the account is turned over to an independent collection agency. This notice explains that the family will never receive housing assistance from SMHA until the balance is paid in full and that the unpaid balance will become a part of their credit record.

The Assisted Housing Case Manager or Lead Housing Specialist compiles the following information on the former resident and submits to the independent collection agency:

a. Name and last known address
b. Copy of the Repayment Agreement and the balance outstanding
c. Copy of the Lease and Lease Addendum
d. Social Security number
e. Copy of original tenant application
f. Copy of former tenant's employment verification or source of income

The Assisted Housing Case Manager or Lead Housing Specialist must add the name to a log of all accounts referred to the independent collection agency.

The independent collection agency shall attempt to collect the entire outstanding balance or negotiate reasonable payment arrangement with debtors.

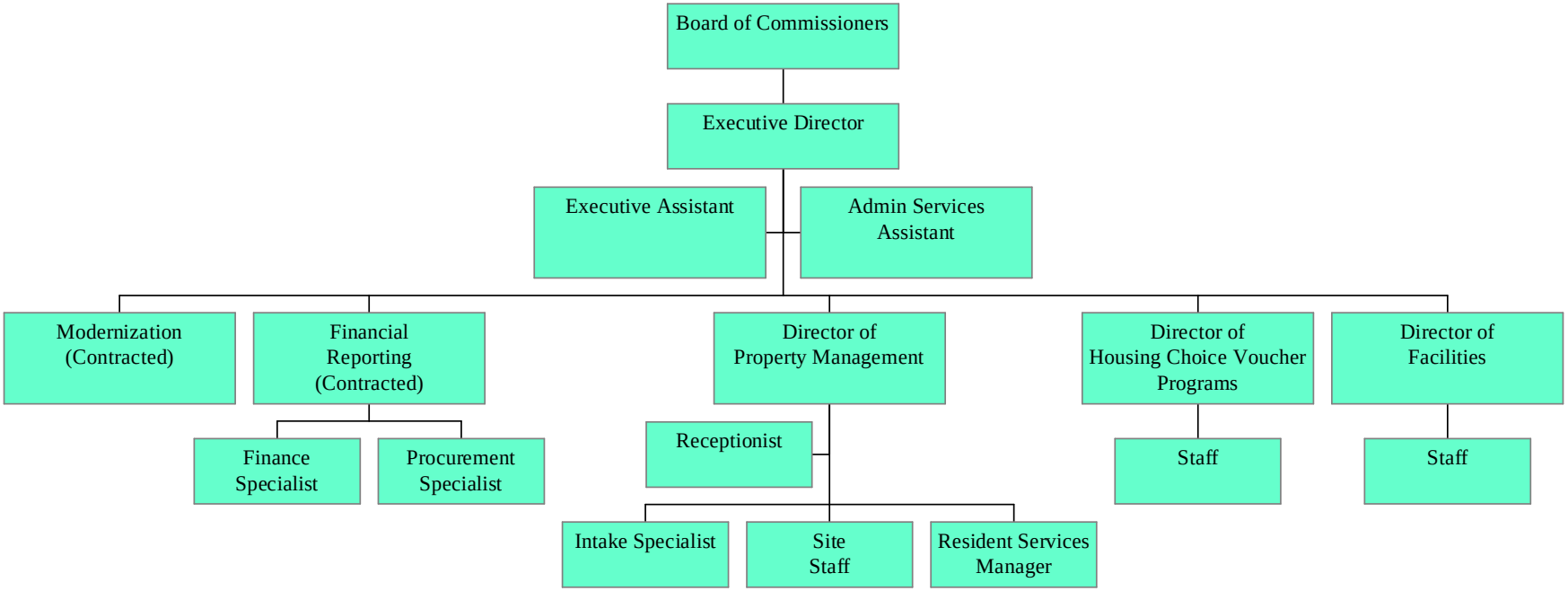
A quarterly status report on the collection activities of each debtor is sent to SMHA. After the independent collection agency has exhausted all measures to collect and has had the account six months, SMHA will make arrangements to write-off the account. The independent collection agency can continue to try to collect even after the write-off of the account.

6/10/2003

Springfield Metropolitan Housing Authority

Organization Chart by Function

March 1, 2004



PART II **Supporting Pages**

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

CAPITAL FUND PROGRAM (CFP)

Work Statement for Year 1 FFY: 2004				Work Statement for Year 1 FFY: 2004		
Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost		Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost
HA-WIDE				HA-WIDE		
1406 OPERATIONS		70,000		1460 DWELLING STRUCTURES		
Sub Total		**70,000**		OH21-01 LINCOLN PARK		30,000
				OH21-02 COLE MANOR		30,000
HA-WIDE				OH21-03 GRAYHILL		100,000
1408 MANAGEMENT IMPROVEMENTS				OH21-04 MURRAY		50,000
A. Employee Training		10,000		OH21-05 HUGH TAYLOR		225,000
B. Applicant Screening & Temporary Employees		40,000		OH21-06 WOODFORD		30,000
C. A & E, Consultants, Computer & Software Upgrades		125,000		OH21-07 SCATTERED SITES		50,000
Sub Total		**175,000**		OH21-08 ROBERT C. HENRY		75,000
				OH21-09 SCATTERED SITES		50,000
				OH21-11 SCATTERED SITES		50,000
HA-WIDE				OH21-12 SCATTERED SITES		50,000
1410 ADMINISTRATION				OH21-13 SCATTERED SITES		50,000
A. Salaries		85,000		OH21-14 SCATTERED SITES		50,000
B. Advertising - Bid Packets		10,000				
C. Printing		5,000		A. Improvements Include Building Envelope, Interior/Exterior		
Sub Total		**100,000**		Dwelling Units, Mechanical/Electrical/Plumbing Systems,		
				and Security Systems.		
HA-WIDE				**Sub Total**		**840,000**
1430 FEES & COSTS		100,000				
Sub Total		**100,000**		HA WIDE		
				1465 Equipment, Non-Expendable		15,000
				1470 Non-Dwelling Structures		20,000
HA-WIDE				1475 Non-Dwelling Equipment		50,000
1450 SITE IMPROVEMENTS		80,000		1502 Contingency		35,000
Sub Total		**80,000**				
				Sub Total		**120,000**
				TOTAL		**1,485,000**

PART II **Supporting Pages**

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

CAPITAL FUND PROGRAM (CFP)

Work Statement for Year 2 FFY: 2005				Work Statement for Year 2 FFY: 2005		
Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost		Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost
HA-WIDE				HA-WIDE		
1406 OPERATIONS		70,000		1460 DWELLING STRUCTURES		
Sub Total		**70,000**		OH21-01 LINCOLN PARK		30,000
				OH21-02 COLE MANOR		30,000
HA-WIDE				OH21-03 GRAYHILL		300,000
1408 MANAGEMENT IMPROVEMENTS				OH21-04 MURRAY		50,000
A. Employee Training		10,000		OH21-05 HUGH TAYLOR		25,000
B. Applicant Screening & Temporary Employees		40,000		OH21-06 WOODFORD		30,000
C. Consultants, Computer & Software Upgrades		125,000		OH21-07 SCATTERED SITES		50,000
Sub Total		**175,000**		OH21-08 ROBERT C. HENRY		75,000
				OH21-09 SCATTERED SITES		50,000
				OH21-11 SCATTERED SITES		50,000
HA-WIDE				OH21-12 SCATTERED SITES		50,000
1410 ADMINISTRATION				OH21-13 SCATTERED SITES		50,000
A. Salaries		85,000		OH21-14 SCATTERED SITES		50,000
B. Advertising - Bid Packets		10,000				
C. Printing		5,000		A. Improvements Include Building Envelope, Interior/Exterior		
Sub Total		**100,000**		Dwelling Units, Mechanical/Electrical/Plumbing Systems,		
				and Security Systems.		
HA-WIDE				**Sub Total**		**840,000**
1430 FEES & COSTS		100,000				
Sub Total		**100,000**		HA WIDE		
				1465 Equipment, Non-Expendable		15,000
				1470 Non-Dwelling Structures		20,000
HA-WIDE				1475 Non-Dwelling Equipment		50,000
1450 SITE IMPROVEMENTS		80,000		1502 Contingency		35,000
Sub Total		**80,000**				
				Sub Total		**120,000**
				TOTAL		**1,485,000**

PART II **Supporting Pages**

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

CAPITAL FUND PROGRAM (CFP)

Work Statement for Year 3 FFY: 2006				Work Statement for Year 3 FFY: 2006		
Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost		Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost
HA-WIDE				HA-WIDE		
1406 OPERATIONS		70,000		1460 DWELLING STRUCTURES		
Sub Total		**70,000**		OH21-01 LINCOLN PARK		10,000
				OH21-02 COLE MANOR		20,000
HA-WIDE				OH21-03 GRAYHILL		300,000
1408 MANAGEMENT IMPROVEMENTS				OH21-04 MURRAY		50,000
A. Employee Training		10,000		OH21-05 HUGH TAYLOR		35,000
B. Applicant Screening & Temporary Employees		40,000		OH21-06 WOODFORD		10,000
C. Consultants, Computer & Software Upgrades		125,000		OH21-07 SCATTERED SITES		50,000
Sub Total		**175,000**		OH21-08 ROBERT C. HENRY		85,000
				OH21-09 SCATTERED SITES		50,000
				OH21-11 SCATTERED SITES		50,000
HA-WIDE				OH21-12 SCATTERED SITES		50,000
1410 ADMINISTRATION				OH21-13 SCATTERED SITES		50,000
A. Salaries		85,000		OH21-14 SCATTERED SITES		50,000
B. Advertising - Bid Packets		10,000				
C. Printing		5,000		A. Improvements Include Building Envelope, Interior/Exterior		
Sub Total		**100,000**		Dwelling Units, Mechanical/Electrical/Plumbing Systems,		
				and Security Systems.		
HA-WIDE				**Sub Total**		**810,000**
1430 FEES & COSTS		100,000				
Sub Total		**100,000**		HA WIDE		
				1465 Equipment, Non-Expendable		15,000
				1470 Non-Dwelling Structures		20,000
HA-WIDE				1475 Non-Dwelling Equipment		80,000
1450 SITE IMPROVEMENTS		80,000		1502 Contingency		35,000
Sub Total		**80,000**				
				Sub Total		**150,000**
				TOTAL		**1,485,000**

PART II **Supporting Pages**

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

CAPITAL FUND PROGRAM (CFP)

Work Statement for Year 4 FFY: 2007				Work Statement for Year 4 FFY: 2007		
Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost		Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost
HA-WIDE				HA-WIDE		
1406 OPERATIONS		70,000		1460 DWELLING STRUCTURES		
Sub Total		**70,000**		OH21-01 LINCOLN PARK		10,000
				OH21-02 COLE MANOR		0
HA-WIDE				OH21-03 GRAYHILL		200,000
1408 MANAGEMENT IMPROVEMENTS				OH21-04 MURRAY		50,000
A. Employee Training		20,000		OH21-05 HUGH TAYLOR		25,000
B. Applicant Screening & Temporary Employees		40,000		OH21-06 WOODFORD		0
C. Consultants, Computer & Software Upgrades		125,000		OH21-07 SCATTERED SITES		50,000
Sub Total		**185,000**		OH21-08 ROBERT C. HENRY		100,000
				OH21-09 SCATTERED SITES		50,000
				OH21-11 SCATTERED SITES		50,000
HA-WIDE				OH21-12 SCATTERED SITES		50,000
1410 ADMINISTRATION				OH21-13 SCATTERED SITES		50,000
A. Salaries		85,000		OH21-14 SCATTERED SITES		50,000
B. Advertising - Bid Packets		10,000				
C. Printing		5,000		A. Improvements Include Building Envelope, Interior/Exterior		
Sub Total		**100,000**		Dwelling Units, Mechanical/Electrical/Plumbing Systems,		
				and Security Systems.		
HA-WIDE				**Sub Total**		**685,000**
1430 FEES & COSTS		100,000				
Sub Total		**100,000**		HA WIDE		
				1465 Equipment, Non-Expendable		20,000
				1470 Non-Dwelling Structures		40,000
HA-WIDE				1475 Non-Dwelling Equipment		75,000
1450 SITE IMPROVEMENTS		120,000		1502 Contingency		90,000
Sub Total		**120,000**				
				Sub Total		**225,000**
				TOTAL		**1,485,000**

PART II **Supporting Pages**

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

CAPITAL FUND PROGRAM (CFP)

Work Statement for Year 5 FFY: 2008				Work Statement for Year 5 FFY: 2008		
Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost		Development Number / Name / General Description of Major Work Categories	Quantity	Estimated Cost
HA-WIDE				HA-WIDE		
1406 OPERATIONS		70,000		1460 DWELLING STRUCTURES		
Sub Total		**70,000**		OH21-01 LINCOLN PARK		10,000
				OH21-02 COLE MANOR		0
HA-WIDE				OH21-03 GRAYHILL		75,000
1408 MANAGEMENT IMPROVEMENTS				OH21-04 MURRAY		35,000
A. Employee Training		20,000		OH21-05 HUGH TAYLOR		25,000
B. Applicant Screening & Temporary Employees		40,000		OH21-06 WOODFORD		0
C. Consultants, Computer & Software Upgrades		175,000		OH21-07 SCATTERED SITES		35,000
Sub Total		**235,000**		OH21-08 ROBERT C. HENRY		75,000
				OH21-09 SCATTERED SITES		35,000
				OH21-11 SCATTERED SITES		35,000
HA-WIDE				OH21-12 SCATTERED SITES		35,000
1410 ADMINISTRATION				OH21-13 SCATTERED SITES		35,000
A. Salaries		85,000		OH21-14 SCATTERED SITES		35,000
B. Advertising - Bid Packets		10,000		NEW DEVELOPMENT		300,000
C. Printing		5,000		A. Improvements Include Building Envelope, Interior/Exterior		
Sub Total		**100,000**		Dwelling Units, Mechanical/Electrical/Plumbing Systems,		
				and Security Systems.		
HA-WIDE				**Sub Total**		**730,000**
1430 FEES & COSTS		100,000				
Sub Total		**100,000**		HA WIDE		
				1465 Equipment, Non-Expendable		20,000
				1470 Non-Dwelling Structures		40,000
HA-WIDE				1475 Non-Dwelling Equipment		50,000
1450 SITE IMPROVEMENTS		50,000		1502 Contingency		90,000
Sub Total		**50,000**				
				Sub Total		**200,000**
				TOTAL		**1,485,000**

Capital Fund Program Five-Year Action Plan
Part I: Summary

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

PHA Name	Springfield Metropolitan Housing Authority			[X] Original 5 Year Plan [ ] Revision No:

Development Number/Name/HA-Wide	Year 1	Work Statement Year 2 FFY Grant 2005 PHA FY: 2005	Work Statement Year 3 FFY Grant 2006 PHA FY: 2006	Work Statement Year 4 FFY Grant 2007 PHA FY: 2007	Work Statement Year 5 FFY Grant 2008 PHA FY: 2008
1406 Operations		70,000	70,000	70,000	70,000
1408 Mgmt Improvements		175,000	175,000	185,000	235,000
1410 Administration		100,000	100,000	100,000	100,000
1430 Fees & Costs		100,000	100,000	100,000	100,000
1450 Site Improvements		80,000	80,000	120,000	50,000
HA WIDE					
1460 Dwelling Structures		840,000	810,000	685,000	730,000
OH21-01 LPC					
OH21-02 Cole Manor					
OH21-03 Grayhill					
OH21-04 Sherman Ct.					
OH21-05 Hugh Taylor					
OH21-06 Woodford					
OH21-07 Scattered					
OH21-08 R.C. Henry					
OH21-09 Scattered					
OH21-11 Scattered					
OH21-12 Scattered					

OH21-13 Scattered					
OH21-14 Scattered					
1465 Equipment, Non-Expendable		15,000	15,000	20,000	20,000
1470 Non-Dwelling Structures		20,000	20,000	40,000	40,000
1475 Non-Dwelling Equipment		50,000	80,000	75,000	50,000
1502 Contingency		35,000	35,000	90,000	90,000
Total Estimated CFP Funds		**1,485,000**	**1,485,000**	**1,485,000**	**1,485,000**
Total Replacement Housing Factor Funds: N/A					

OMB Approval No 2577-0157 (Exp. 7/31/98)

Annual Statement / Performance and Evaluation Report
Capital Fund Program (CFP) **Part I Summary**

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

HA Name		Capital Fund Program Number	FFY of Grant Approval
OH021	Springfield Metropolitan Housing Authority	OH16P021501-01	2001

☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☒ Revised Annual Statement/Revision Number _2_ Performance and Evaluation Report for Program year Ending _____

☐ Final Performance and Evaluation Report

Line No	Summary by Development Account	Total Estimated Cost Original	Total Estimated Cost Revised (2)	Total Actual Cost (2) Obligated	Total Actual Cost (2) Expended
1	Total Non-CGP Funds				
2	1406 Operations (May not exceed 10% of line 19)	155,267	316,804	316,804	316,804
3	1408 Management Improvements	65,000	40,447	40,447	40,447
4	1410 Administration	155,267	146,604	146,604	146,604
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	155,267	88,795	88,795	88,795
8	1440 Site Acquisition				
9	1450 Site Improvement	3,000	10,741	10,741	10,741
10	1460 Dwelling Structures	1,018,872	968,221	968,221	968,221
11	1465-1 Dwelling Equipment - Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment		12,408	12,408	12,408
14	1485 Demolition				
15	1490 Replacement Reserve Nondwelling Equipment				
16	1495.1 Relocation Costs				
17	1499 Development Activity				
18	1502 Contingency (may not exceed 8% of line 19)				
19	Amount of Annual Grant (Sum of lines 2 - 18)	1,552,673	1,584,020	1,584,020	1,584,020
20	Amount of line 19 Related to LBP Activities				
21	Amount of line 19 Related to Section 504 Compliance				
22	Amount of line 19 Related to Security				
23	Amount of line 19 Related to Energy Conservation Measures				

Signature of Executive Director and Date	Signature of Public Housing Director Office of Native American Programs Administrator and Date
X	X

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
(2) To be completed for the Performance and Evaluation Report

Annual Statement/
Performance and Evaluation Report
Part II: Supporting Pages
Capital Fund Program (CFP)

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

OMB Approval No. 2577-0157 (Exp 7/31/95)

PHA Name:	Springfield Metropolitan Housing Authority	Grant Type and Number OH16P02150101				Federal FY Grant: 2001		
Development Number/Name HA-Wide Activities	**General Description of Major Work Categories**	**Development Account Number**	**Quantity**	Total Estimated Cost		Total Actual Cost		Status of Proposed Work
				Original	**Revised (2)**	**Funds Obligated**	**Funds Expended**	
HA-WIDE	**OPERATIONS**	1406		155,267	316,804	316,804	316,804	COMPLETE
HA-WIDE	**MANAGEMENT IMPROVEMENTS**	1408						
	A. TEMPORARY EMPLOYEES			0	31,382	34,843	34,843	COMPLETE
	B. APPLICANT SCREENING			0	5,604	5,604	5,604	COMPLETE
	C. OTHER			65,000	0			
HA-WIDE	**ADMINISTRATIVE**	1410		155,267	146,604	146,604	146,604	COMPLETE
HA-WIDE	**A & E CONTRACT COST & FEES**	1430		155,267	88,795	88,795	88,795	COMPLETE
SITES IDENTIFIED	**DWELLING STRUCTURES**	1460						
OH21-02	A. NEW BOILERS, DOMESTIC WATER			35,000	239,800	239,800	239,800	COMPLETE
COLE MANOR	B. REPLACE H/W CIRCULATION PUMP			1,500	0			Complete501-00
	C.INSTALL EMERG GEN. & LANDSCAP			0	0			Complete501-00

	D. INSTALL MAIN ELECTRIC DISCONNECT			35,000	0			Complete501-00
	E. INSTALL SAFETY GATES GROUND FLOOR			1,000	1,000	1,000	1,000	COMPLETE
	F. MAINTAIN CEMENT BALCONY REPAIRS			13,000	10,741	10,741	10,741	COMPLETE
	G. COMPLETE ELEVATOR OVERHAUL			0	323,108	323,108	323,108	COMPLETE
OH21-03	A. INSTALL SAFETY GATES GROUND FLOOR	1460		1,188	1,188	1,188	1,188	COMPLETE
GRAYHILL	B. REPLACE EMERGENCY PULL CORD			22,000	0			Complete501-00
	C. INSTALL STAIR TREADS			9,000	0			Moved to 501-02
	D. INSTALL NEW BOILERS, DOMESTIC WATER			0	150,400	150,400	150,400	COMPLETE
	E. INSTALL EMERG GENERATOR			0	91,300	91,300	91,300	COMPLETE
	F. INSTALL CORRIDOR HAND RAILS			0	16,676			Operations
OH21-04	A. INSTALL NEW HANDRAILS TO MEET 504	1460		5,000	5,000			Operations
MURRAY	B. UPGRADE FIRE ALARM SYSTEM			45,000	0			Moved to 501-02
	C. INSTALL EMERG. GENERATOR			0	0			Move to 501-02
OH21-05	A. COMPLETE ELEVATOR OVERHAUL	1460		140,000	0			Complete501-00
HUGH TAYLOR	B. REPLACE FIRE PUMP & UPGRADE SYSTEM			135,000	0			Moved to 501-02
	C. INSTALL FIRE PROTECTION SPRINKLER			130,000	0			DELETED
	D. REPLACE BOOSTER PUMP FOR WATER			50,000	0	11,272	11,272	Moved to 501-02
	E. REPLACE EMERGENCY PULL CORD			25,000	36,800	36,800	36,800	COMPLETE
	F. INSTALL SAFETY GATES GROUND FLOOR			1,000	1,000			DELETED
	G. INSTALL OUTSIDE AIR SYSTEM			50,000	0			Moved to 501-02
	H. REPAIR A/C OPENINGS ON EXTERIOR			33,000	0			Moved to 501-02
	I. INSTALL EMERG. GENERATOR			0	71,600	71,600	71,600	COMPLETE

OH21-06	A. REMOVE/REBUILD ROOF STRUCTURES	1460		183,000	0			DELETED
OH21-07	A. STRUCTURAL REPAIRS	1460		1,267	0			Moved to 501-02
OH21-08	A. INSTALL SAFETY GATES GROUND FLOOR	1460		1,000	1,000			DELETED
OH21-09	A. REPLACE ROOFING	1460		50,000	10,000	10,000	10,000	COMPLETE
	B. REPLACE SIDING			40,000	4,000	4,000	4,000	COMPLETE
	C. REPLACE SPOUTING,SOFFITS, FASCIA			9,000	2,893	12,000	12,000	COMPLETE
	D. REPLACE ENTRY DOORS & LOCKS			4,000	0			Moved to 501-02
	E. REPLACE STORM DOORS			1,917	1,917	1,917	1,917	COMPLETE
	F. INSTALL/REPLACE FENCING			0	14,000	13,836	13,836	COMPLETE
HA WIDE	A. FURNITURE & EQUIPMENT	1475		0	12,408	12,408	12,408	COMPLETE
	TOTAL GRANT AMOUNT			**1,552,673**	**1,584,020**	**1,584,020**	**1,584,020**	

1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

2) To be completed for the Performance and Evaluation Report

Signature of Executive Director and Date

HUD 52837 (1/05/95)
Handbook 7485.3

OMB Approval No 2577-0157 (Exp. 7/31/98)

Annual Statement / Performance and Evaluation Report
Capital Fund Program (CFP) **Part I Summary**

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

HA Name		Capital Fund Program Number	FFY of Grant Approval
OH021	Springfield Metropolitan Housing Authority	OH16P021501-02	2002

☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement/Revision Number ____ 3 Performance and Evaluation Report for Program year Ending _____
☐ Final Performance and Evaluation Report

Line No	Summary by Development Account	Total Estimated Cost Original	Total Estimated Cost Revised (3)	Total Actual Cost (2) Obligated	Total Actual Cost (2) Expended
1	Total Non-CGP Funds				
2	1406 Operations (May not exceed 10% of line 19)				
3	1408 Management Improvements	147,543	175,000	175,000	19,734
4	1410 Administration	147,542	169,543	169,543	129,671
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	105,000	340,000	340,000	91,228
8	1440 Site Acquisition				
9	1450 Site Improvement	60,339	46,000	46,000	21,836
10	1460 Dwelling Structures	910,000	656,623	656,623	337,418
11	1465-1 Dwelling Equipment - Nonexpendable				
12	1470 Nondwelling Structures	20,000	49,591	49,591	49,591
13	1475 Nondwelling Equipment	55,000	38,667	38,667	38,667
14	1485 Demolition				
15	1490 Replacement Reserve Nondwelling Equipment				
16	1495.1 Relocation Costs				
17	1499 Development Activity				
18	1502 Contingency (may not exceed 8% of line 19)	30,000	-		
19	Amount of Annual Grant (Sum of lines 2 - 18)	1,475,424	1,475,424	1,475,424	688,145
20	Amount of line 19 Related to LBP Activities	10,000	-		
21	Amount of line 19 Related to Section 504 Compliance	60,000	60,000	BALANCE=	787,279
22	Amount of line 19 Related to Security	-	100,000		
23	Amount of line 19 Related to Energy Conservation Measures	225,000	225,000		

Signature of Executive Director and Date	Signature of Public Housing Director Office of Native American Programs Administrator and Date
X	X

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
(2) To be completed for the Performance and Evaluation Report

Annual Statement /
Performance and Evaluation Report
Part II: Supporting Pages
Comprehensive Grant Program (CGP)

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

OMB Approval No, 2577-0157 (Exp. 7/31/95)

PHA Name	Springfield Metropolitan Housing Authority		Grant Type and Number OH16P021501-02 Federal FY Grant 2002					
Development Number/Name HA-Wide Activities	**General Description of Major Work Categories**	**Development Account Number**	**Quantity**	Total Estimated Cost **Original**	**Revised**	Total Actual Cost **Funds Obligated (2)**	**Funds Expended**	Status of Proposed Work (2)
HA-Wide	**MANAGEMENT IMPROVEMENTS**	**1408**			**175,000**	**175,000**	**19,734**	
	A. TEMP EMPLOYEES & REHAB CREW			20,000	65,000	65,000		IN PROCESS
	B. EMPLOYEE TRAINING			20,000	10,000	10,000		IN PROCESS
	C. TENANT SCREENING			20,000	0	0		Moved to Operating
	D. CONSULTANTS HOPE VI			87,543	0	0		Moved to 1430
	E. SPRINGFIELD POLICE CONTRACT			0	100,000	100,000		IN PROCESS 7/1/04 - 6/30/05
HA-WIDE	**ADMINISTRATION**	**1410**			**169,543**	**169,543**	**129,671**	
	A. SALARIES			130,000	105,000	105,000		IN PROCESS
	B. ADVERTISING BID PACKETS			10,000	10,000	10,000		IN PROCESS
	C. PRINTING			7,542	7,543	7,543		IN PROCESS
	D. ACCOUNTING FEES			0	47,000	47,000		IN PROCESS
HA-WIDE	**A & E FEES AND COSTS**	**1430**			**340,000**	**340,000**	**91,228**	
	A. DAN MARSH A & E			50,000	110,000	110,000		IN PROCESS
	B. ENERGY AUDIT			45,000	0	0		
	C. LBP ABATEMENT			10,000	0	0		
	D. ABT ASSOCIATES				174,000	174,000		IN PROCESS
	E. BEGARLY GROUP				56,000	56,000		IN PROCESS

	SITE IMPROVEMENT	**1450**			**46,000**	**46,000**	**21,836**	
HA-WIDE	A. CONCRETE REPAIRS			10,339	17,200	17,200		IN PROCESS
	B. TREE & OVERGROWTH REMOVAL			20,000	10,000	10,000		IN PROCESS
	C. REMOVE/REPLACE FENCING			30,000	10,000	10,000		IN PROCESS
	D. LANDSCAPE STEPS LPC				8,800	8,800		
	DWELLING STRUCTURES	**1460**			**656,623**	**656,623**	**337,418**	
OH21-02	A. INSTALL NEW MAIN ELECTRIC		1	35,000	35,000	35,000	COMPLETE	MISC. UPGRADES-STARCO
COLE MANOR	B. REPLACE BOOSTER PUMP DOMESTIC		1	5,000	5,000	5,000	COMPLETE	MISC. UPGRADES-STARCO
	C.INSTALL NEW GENERATOR/LANDSCAPE		1	0	89,160	89,160	COMPLETE	MISC. UPGRADES-STARCO
OH21-03	A. REPLACE EMERGENCY PULL CORDS		1	50,000	0			DELETE
GRAYHILL	B. INSTALL CARPETING		100%	10,000	50,000	50,000		
OH21-04	A. UPGRADE FIRE ALARM SYSTEM		100%	50,000	0			DELETE
MURRAY	B. INSTALL NEW GENERATOR		1	0	39,033	39,033	COMPLETE	MISC. UPGRADES-STARCO
OH21-05	A. REPLACE FIRE PUMP & UPGRADE		100%	135,000	0			
HUGH TAYLOR	WATER SYSTEM							
	B. INSTALL APARTMENT A/C UNITS		100%	130,000	0			
	C. REPLACE BOOSTER PUMP DOMESTIC		1	50,000	0			MISC. UPGRADES-STARCO
	D. INSTALL OUTSIDE AIR SYSTEM		1	50,000	0			MOVE TO 501-03
	E. REPAIR A/C EXTERIOR OPENINGS		100%	35,000	0			MOVE TO 501-03
	F. INSTALL NEW BOILERS		100%	0	58,927	58,927	COMPLETE	MISC. UPGRADES-STARCO
	G. MAJOR RENOVATION CONTRACT				339,503	339,503		
OH21-06	A. REMOVE & REBUILD ROOF		100%	250,000	0			MOVE TO 501-03
WOODFORD								
OH21-07	A. STRUCTUAL REPAIRS, GREENBRIAR		1	5,000	0	0		MOVE TO 501-03
SCATTERED								

OH21-09	A. REPLACE ROOFING, SIDING, SPOUTING,			105,000	40,000	40,000		GERALD DRIVE LOCATION
SCATTERED	ENTRY DOORS & LOCKS, MISC.							
	NON-DWELLING STRUCTURES	**1470**			**49,591**	**49,591**	**49,591**	
OH21-08	A. PURCHASE NEW LOBBY FURNITURE			10,000	4,492	4,492	COMPLETE	COMPLETE
R.C.HENRY								
OH21-01	A. LINCOLN PARK PLAYGROUND			10,000	45,099	45,099	COMPLETE	COMPLETE.
LINCOLN PARK								
0H21-01,03,05	C. INSTALL EXTERIOR AWNINGS			0	0		COMPLETE	COMPLETE
	NON-DWELLING EQUIPMENT	**1475**			**38,667**	**38,667**	**38,667**	
OH21-01	A. PURCHASE ON-CALL VAN & TRUCK		1	35,000	31,920	31,920	COMPLETE	COMPLETE
MAINT. SHOP	B. REPLACE MAINT. BLDG A/C				0		COMPLETE	COMPLETE
	C. PURCHASE STORAGE SHEDS		2	10,000	0			DELETED
REC CENTER	D. UPGRADE ASPHALT			0	6,747	6,747	COMPLETE	COMPLETE
HA-WIDE	CONTINGENCY	**1502**		**30,000**	**0**			
					1,475,424	1,475,424	668,411	

1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Reporty.

Signaturoe of Executive Director and Date

form HUD 52837 (01/05/95) ref Handbook 7485.3

OMB Approval No 2577-0157 (Exp. 7/31/98)

Annual Statement / Performance and Evaluation Report
Capital Fund Program (CFP) **Part I Summary**

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

HA Name		Capital Fund Program Number	FFY of Grant Approval
OH021	Springfield Metropolitan Housing Authority	OH16P021501-03	2003

☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement/Revision Number ____ 2 Performance and Evaluation Report for Program year Ending _____
☐ Final Performance and Evaluation Report

Line No	Summary by Development Account	Total Estimated Cost Original	Total Estimated Cost Revised (2)	Total Actual Cost (2) Obligated	Total Actual Cost (2) Expended
1	Total Non-CGP Funds				
2	1406 Operations (May not exceed 10% of line 19)	-	-	-	
3	1408 Management Improvements	120,000	205,000	-	
4	1410 Administration	110,000	140,000	-	
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	55,000	75,000	-	
8	1440 Site Acquisition				
9	1450 Site Improvement	40,000	30,000	-	
10	1460 Dwelling Structures	800,000	719,604	674,604	
11	1465-1 Dwelling Equipment - Nonexpendable				
12	1470 Nondwelling Structures	25,000	7,500	-	
13	1475 Nondwelling Equipment	74,000	64,000	64,000	
14	1485 Demolition				
15	1490 Replacement Reserve Nondwelling Equipment				
16	1495.1 Relocation Costs				
17	1499 Development Activity				
18	1502 Contingency (may not exceed 8% of line 19)	17,104	-		
19	Amount of Annual Grant (Sum of lines 2 - 18)	1,241,104	1,241,104	738,604	-
20	Amount of line 19 Related to LBP Activities	10,000	-		
21	Amount of line 19 Related to Section 504 Compliance	60,000	100,000		
22	Amount of line 19 Related to Security				
23	Amount of line 19 Related to Energy Conservation Measures	150,000	150,000		

Signature of Executive Director and Date	Signature of Public Housing Director Office of Native American Programs Administrator and Date
X	X

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
(2) To be completed for the Performance and Evaluation Report

Annual Statement / Performance and Evaluation Report

Part II: Supporting Pages

Comprehensive Grant Program (CGP)

U. S. Department of Husing and Urban Development

Office of Public and Indian Housing

OMB Approval No, 2577-0157 (Exp. 7/31/95)

PHA Name	Springfield Metropolitan Housing Authority		Grant Type and Number OH16P021501-03 Federal FY Grant 2003					
Development Number/Name HA-Wide Activities	**General Description of Major Work Categories**	**Development Account Number**	**Quantity**	Total Estimated Cost		Total Actual Cost		Status of Proposed Work (2)
				Original	**Revised**	**Funds Obligated (2)**	**Funds Expended**	
HA-Wide	**MANAGEMENT IMPROVEMENTS**	**1408**		**120,000**	**205,000**	**0**	**0**	
	A. TEMP EMPLOYEES & REHAB CREW			15,000	65,000	0		IN PROCESS
	B. EMPLOYEE TRAINING			15,000	10,000	0		IN PROCESS
	C. TENANT SCREENING			20,000	0	0		Moved to Operating
	D. CONSULTANTS HOPE VI			70,000	0	0		Moved to 1430
	E. SPRINGFIELD POLICE CONTRACT			0	50,000	0		IN PROCESS 7/1/05 - 12/31/05
	F. NEW COMPUTERS/SOFTWARE			0	80,000	0		
HA-WIDE	**ADMINISTRATION**	**1410**		**110,000**	**140,000**	**0**	**0**	
	A. SALARIES			110,000	105,000	0		
	B. ADVERTISING BID PACKETS			0	5,000	0		
	C. PRINTING			0	0	0		Moved to Operating
	D. ACCOUNTING FEES			0	30,000	0		
HA-WIDE	**A & E FEES AND COSTS**	**1430**		**55,000**	**75,000**	**0**	**0**	
	A. CONTRACT FOR A & E			40,000	40,000	0		
	B. ENERGY AUDIT			10,000	0	0		
	C. LBP ABATEMENT			5,000	0	0		
	E. BEGARLY GROUP			0	35,000	0		

	SITE IMPROVEMENT	**1450**		**40,000**	**30,000**	**0**	**0**	
HA-WIDE	A. CONCRETE REPAIRS			15,000	20,000	0		
	B. TREE & OVERGROWTH REMOVAL			10,000	10,000	0		
	C. REMOVE/REPLACE FENCING			15,000	0	0		
	D. LANDSCAPE			0	0	0		
	DWELLING STRUCTURES	**1460**		**800,000**	**719,604**	**674,604**	**0**	
OH21-02	A. RESURFACE BALCONY WALKWAYS			120,000	15,000	0		
COLE MANOR					0			
OH21-03	A. UPGRADE LIGHTING			35,000	0			
GRAYHILL	B. INSTALL HANDRAILS			25,000	30,000	0		
OH21-04	A. UPGRADE LIGHTING			25,000	0			
MURRAY	B. IMPROVE SECURITY SYSTEMS			23,000	0	0		
OH21-05	A. REPLACE ROOFING & FENCING			88,000	0			
HUGH TAYLOR								
	B. INSTALL APARTMENT A/C UNITS			130,000	0			
	C. INSTALL OUTSIDE AIR SYSTEM			39,000	0			
	D. REPAIR A/C EXTERIOR OPENINGS			35,000	0			
	E. IMPROVE DRAINAGE SYSTEMS			75,000	0	0		
	F. MAJOR RENOVATION CONTRACT			0	634,604	634,604		
OH21-06	A. REMOVE & REBUILD ROOF			150,000	0			
WOODFORD								
OH21-07	A. STRUCTUAL REPAIRS			5,000	0	0		
SCATTERED								

OH21-09	A. REPLACE ROOFING, SIDING, SPOUTING,			50,000	40,000	40,000		
SCATTERED	ENTRY DOORS & LOCKS, MISC.							
	NON-DWELLING STRUCTURES	**1470**		**25,000**	**7,500**	**0**	**0**	
HA-WIDE	A. RENOVATE 437 JOHN STREET			20,000	2,500	0		
OH21-01	A. REHAB LEARNING CENTER			5,000	5,000	0		
LINCOLN PARK								
	NON-DWELLING EQUIPMENT	**1475**		**74,000**	**64,000**	**64,000**	**0**	
OH21-01	A. REPLACE MAINTENANCE VEHICLES			64,000	64,000	64,000		IN PROCESS
MAINT. SHOP	B. STOCKROOM SHELVING/CAGES			10,000	0	0		
HA-WIDE	CONTINGENCY	**1502**		**17,104**	**0**	**0**	**0**	
				1,241,104	1,241,104	738,604	0	

1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Reporty.

Signaturoe of Executive Director and Date

form HUD 52837 (01/05/95) ref Handbook 7485.3

OMB Approval No 2577-0157 (Exp. 7/31/98)

Annual Statement / Performance and Evaluation Report
Capital Fund Program (CFP) **Part I Summary**

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

HA Name		Capital Fund Program Number	FFY of Grant Approval
OH021	Springfield Metropolitan Housing Authority	OH16P021502-03	2003

☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☒ Revised Annual Statement/Revision Number ____ 1 Performance and Evaluation Report for Program year Ending _____
☐ Final Performance and Evaluation Report

Line No	Summary by Development Account	Total Estimated Cost Original	Total Estimated Cost Revised (1)	Total Actual Cost (2) Obligated	Total Actual Cost (2) Expended
1	Total Non-CGP Funds				
2	1406 Operations (May not exceed 10% of line 19)	24,000	-		
3	1408 Management Improvements	12,000	-		
4	1410 Administration	12,000	-		
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	86,000	-		
8	1440 Site Acquisition				
9	1450 Site Improvement	13,347	-		
10	1460 Dwelling Structures	50,000	217,347	217,347	
11	1465-1 Dwelling Equipment - Nonexpendable	15,000	-		
12	1470 Nondwelling Structures	10,000	-		
13	1475 Nondwelling Equipment	10,000	30,000	30,000	
14	1485 Demolition				
15	1490 Replacement Reserve Nondwelling Equipment				
16	1495.1 Relocation Costs				
17	1499 Development Activity				
18	1502 Contingency (may not exceed 8% of line 19)	15,000	-		
19	Amount of Annual Grant (Sum of lines 2 - 18)	247,347	247,347	247,347	
20	Amount of line 19 Related to LBP Activities	-			
21	Amount of line 19 Related to Section 504 Compliance	55,000			
22	Amount of line 19 Related to Security				
23	Amount of line 19 Related to Energy Conservation Measures				

Signature of Executive Director and Date	Signature of Public Housing Director Office of Native American Programs Administrator and Date
X	X

(1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
(2) To be completed for the Performance and Evaluation Report

Annual Statement / Performance and Evaluation Report

Part II: Supporting Pages

Comprehensive Grant Program (CGP)

U. S. Department of Husing and Urban Development

Office of Public and Indian Housing

OMB Approval No, 2577-0157 (Exp. 7/31/95)

PHA Name	Springfield Metropolitan Housing Authority		Grant Type and Number OH16P021502-03 Federal FY Grant 2003					
Development Number/Name HA-Wide Activities	**General Description of Major Work Categories**	**Development Account Number**	**Quantity**	Total Estimated Cost **Original**	**Revised (1)**	Total Actual Cost **Funds Obligated (2)**	**Funds Expended**	Status of Proposed Work
HA-WIDE	**OPERATIONS**	1406						
	A. TEMPORARY EMPLOYEES			24,000	0			
HA-WIDE	**MANAGEMENT IMPROVEMENTS**	1408						
	A. EMPLOYEE TRAINING			12,000	0			
HA-WIDE	**ADMINISTRATION**	1410						
	A. CONTRACT MGMT/REHAB UNITS			12,000	0			
HA-WIDE	**A & E FEES AND COSTS**	1430						
	A. PLANNING CONSULTANT			86,000	0			
	for MASTER PLANNING and REVITALIZATION							
	SITE IMPROVEMENT	1450						
HA-WIDE	A. LANDSCAPING			13,347	0			
	DWELLING STRUCTURES	1460						
OH21-05	A. RECONFIGURE FRONT ENTRANCE,			50,000	217,347			
HUGH TAYLOR	SAFETY & ADA IMPROVEMENTS,							
	SEAL EXTERIOR BRICK, NEW DOORS.							

	DWELLING EQUIPMENT-Nonexpendable	1465-1						
HA-WIDE	A. APPLIANCES/WATER HEATERS			15,000	0			
	NON-DWELLING STRUCTURES	1470						
HA-437 JOHN ST	A. EXTERIOR IMPROVEMENTS			10,000	0			
	NON-DWELLING EQUIPMENT	1475						
HA-WIDE	A. COMPUTER UPGRADES			10,000	0			
HA-WIDE	B. MAINTENANCE VEHICLES				30,000			
HA-WIDE	CONTINGENCY	1502		15,000				
	TOTAL GRANT AMOUNT			247,347	247,347	0	0	

1) To be completed for the Performance and Evaluation Report or a Revised Annual Statement

(2) To be completed for the Performance and Evaluation Reporty.

Signaturoe of Executive Director and Date

form HUD 52837 (01/05/95) ref
Handbook 7485.3

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name: Springfield Metropolitan Housing Authority	**Grant Type and Number** Capital Fund Program No: OH16P021501-01 Replacement Housing Factor No:	**Federal FY of Grant:** 2001

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
HA-Wide	9-30-03			9-30-04			

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name: Springfield Metropolitan Housing Authority	**Grant Type and Number** Capital Fund Program No: OH16P021501-02 Replacement Housing Factor No:	**Federal FY of Grant:** 2002

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
HA-Wide	6-10-04			9-30-05			

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name: Springfield Metropolitan Housing Authority	**Grant Type and Number** Capital Fund Program No: OH16P021501-03 Replacement Housing Factor No:	**Federal FY of Grant:** 2003

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
HA-Wide	9-30-05			9-30-06			

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name: Springfield Metropolitan Housing Authority	**Grant Type and Number** Capital Fund Program No: OH16P021502-03 Replacement Housing Factor No:	**Federal FY of Grant:** 2003

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
HA-Wide	2-13-06			2-13-08			

VOLUNTARY CONVERSION ANALYSIS

Developments subject to initial assessments:

Development	**Unit**	**Occupancy Level (4/30/02)**
Lincoln Park	210	88%
Woodford	32	91%
Scattered Site (21-4)	97	95%
Scattered Site (21-7)	40	100%
Scattered Site (21-9)	30	100%
Scattered Site (21-11)	11	100%
Scattered Site (21-12)	15	100%
Scattered Site (21-13)	11	88%
Scattered Site (21-14)	32	95%

SMHA hereby certifies that is has reviewed each general occupancy family development's operations as public housing, has considered the implications of converting the public housing to tenant based assistance and has concluded that at the present time it would be inappropriate to convert these developments.

SMHA believes that the conversion would not principally benefit the residents of the developments if they were converted and that any conversion would adversely affect the availability of affordable housing in the community. SMHA offers the following information to support its determination of inappropriateness:

- Each development has an acceptable occupancy level
- There is significant demand for the units as evidences by the number of families on the waiting list- approximately 354
- There is no rental housing under construction in the community with rent affordable to families earning less than 40% of median income

SMHA therefore concludes that residents of its public housing developments would not benefit from conversion because of the difficulty they might encounter in finding alternative housing with a Section 8 Voucher. Conversion would reduce and adversely affect the availability of affordable housing in the community since there is no new construction underway with rents targeted at families earning less than 40% of median income.

SECTION 8 HOMEOWNERSHIP CAPACITY STATEMENT

The Springfield Metropolitan Housing Authority has established a minimum homeowner down payment requirement that requires:

- a down payment of at least three (3) percent of the purchase price of the home and

- at least one (1) percent of the purchase price must come from the family's personal resources for participation in the Section 8 Homeownership Program

SMHA also requires the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FHA, Ginnie Mae, Fannie Mae, Freddie Mac, USDA Rural Housing Services, the Federal Home Loan Bank or other private lending institutions.

SMHA has applied under the FY 2002 NOFA for Housing Choice Voucher FSS Program Coordinators for the FSS coordinator in support of the FSS Homeownership activities. SMHA will have the capacity to operate this program fully, if funded.

SPRINGFIELD METROPOLITAN HOUSING AUTHORITIY
FOLLOW-UP PLAN

SECTION TWO OF REAC SURVEY: COMMUNICATION

AREA OF CONCERN:

Inability of Residents to Communicate With Management Regarding Problems and Issues

Clear communication of services, procedures, neighborhood-related issues and activities is a critical component in the success of a development. This section measures the level of that communication in the area of events, activities, and programs available to residents, and the ability of residents to communicate with management regarding problems and issues. The following are action items that will be implemented for making improvements in this area.

ACTION ITEMS

1. Establish Communication Linkages.

SMHA will develop and implement a schedule of regular group meetings with Residents, Resident Councils, or meet individually with residents to discuss resident concerns and perceptions on an issue. If problem situations improve, then this is an indication that service has improved.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

2. Institute a Resident-Oriented Service Training Program.

SMHA will schedule a series of training sessions and seminars that will focus on Resident-Oriented Service Delivery by SMHA staff and personnel. These workshops will train SMHA staff and personnel to effectively and politely communicate with residents.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

3. Ensure Written Policies and Procedures Are In Place.

SMHA will conduct a review of its written policies and procedures to determine if all applicable policies and procedures have been documented and are accessible to residents. The Housing Authority will ensure that resident councils have copies of Housing Authority policies and procedures and will encourage residents to participate, as much as

possible, in policy development. Care will be taken to assure that Housing Authority management does not dictate unwritten policy.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

4. Institute A Common Point of Reference For Notices.

SMHS will identify and institute an effective and easily accessible method of communicating with residents. Suggested methods will include, but will not be limited to the following: flyers and/or letters sent by mail, flyers and/or letters placed in doors or mailboxes, community bulletin board, newsletters, flyers posted in the site-managers offices, main office, etc…
Suggestions Boxes will also be located in these areas where residents can make suggestions on how to improve housing authority services.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

5. Encourage Resident Involvement.

SMHA will schedule a series of training sessions and seminars that will focus on resident involvement. Suggested topics may include: Resident Leadership Training, Community Building, Volunteer Training, Entrepreneurship Training, etc. The workshops will be a part of SMHA's plan to assist and encourage residents to be part of the solution. Residents will be encouraged to join and develop committees and organizations that will help to improve the communities they live in.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

6. Institute a New Resident Orientation Program.

SMHA will institute an orientation program for new residents that will explain the lease and housing policies in detail before residents move in to their apartment. New residents will receive an information packet and the opportunity to answer questions and to talk with resident council members about resident council meetings and activities. New residents will also receive a 3month follow-up visit from their site manager to establish that they are abiding by SMHA lease requirements and policies. And to help them with any concerns or problems they may be having.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

SPRINGFIELD METROPOLITAN HOUSING AUTHORITY
FOLLOW-UP PLAN

SECTION THREE OF REAC SURVEY: SAFETY

AREA OF CONCERN:

Failure of Agency to Convince Residents That It Is Making Efforts to Provide Safe Living Conditions

The goal of this section is to capture how safe residents feel and to assess if the housing agency is making efforts to provide safe living conditions. The following are action items that will be used to make improvements in this area.

ACTION ITEMS:

1. Establish Working Relations With Police.

SMHA will establish a partnership with the local law enforcement agencies in order for officers to develop meaningful relationships with Housing Authority residents. This partnership will include, but not be limited to the following activities:

- Establish periodic and regular meetings between the local law enforcement agencies and Housing Authority management.
- SMHA will provide access to local law enforcement officers to vacant units in order to facilitate surveillance of Housing Authority sites.
- SMHA will provide community space for law enforcement\community meetings.
- SMHA will invite law enforcement input into the development and implementation of the drug elimination grants.
- SMHA will invite law enforcement input into modernization planning.
- Law enforcement will embrace the concept of community policing with SMHA housing sites.
- Law enforcement will help establish neighborhood crime watch programs and train residents on how to secure their housing sites against crime.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

2. Ensure All Crimes Are Reported.

SMHA will institute a policy that site managers will report all criminal activity to local law enforcement agencies. This policy will be put in place to establish a continuous line of communication between local law enforcement agencies and SMHA thereby creating a credible, working relationship between both groups.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

3. Refine Resident Screening Processes.

SMHA will seek to institute and implement a policy of revamping and upgrading a resident screening process that denies housing admissions to those individuals who do not meet the legal criteria established by HUD or SMHA to include resident participation on the screening committee.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

4. Establish Safe Behavior Policies For Residents.

SMHA will develop and institute a clearly understood and mutually agreed upon policy that defines what constitutes safe behavior for residents with the correct level of repercussions for violating policy. SMHA and resident councils will work together to find ways of providing weekend site management for increase safety of housing sites. The installation of security cameras is seen as a method of providing such safety.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

5. Institute An Evaluation of Lighting.

SMHA will create a plan for evaluating, inspecting, and installing additional lighting where necessary in common areas. This plan will also included a means for SMHA to periodically check all lights in common areas to make sure they are working.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

6. Provide More Recreational Areas.

SMHA will plan and implement a long-term program to seek resources for the building and maintaining of neighborhood playgrounds and basketball courts. In addition, SMHA will create youth programs to discourage crime and drug use.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

7. Teach Basic Resident Safety.

SMHA will seek to develop and implement a training program for residents on basic safety in the home and in the community. Topics to be presented will include, but not limited to: How Residents Can Better Protect Themselves, Their Families and Their Property, and Working With Police Agencies to Create Safer Neighborhoods, etc.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

8. Establish Working Relationships to Implement Grants.

SMHA will establish policies and procedures for working with resident councils or other formal resident groups in the implementation of drug elimination grants and other related program. SMHA and resident councils will work together to find ways to keep the SMHA policing program once drug elimination program funding is no longer available.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

SPRINGFIELD METROPOLITAN HOUSING AUTHORITY
FOLLOW-UP PLAN

SECTION FIVE OF THE REAC SURVEY:
NEIGHBORHOOD APPEARANCE

AREA OF CONCERN:

Dissatisfaction With Upkeep In Different Areas Of The Development

A poorly maintained development can lead to a number of problems. The appearance of the housing development should be neat and orderly. Ideally, the development should compliment the community and there should not be a clear line that defines the borders of the development due to perpetual problems such as litter, broken glass, and vandalism. Residents are encouraged to be part of the solution. There is an established process in place for residents to report problems. Management responds in a timely and professional manner to appearance problems the community. The following are action items that the Housing Authority will undertake to make improvements in this area.

ACTION ITEMS:

1. Establish Communication Linkages.

The Housing Authority will develop and implement a schedule of regular group meetings with Residents, Resident Councils, or meet individually with residents to discuss resident concerns and perceptions on this issue.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004

2. Be Proactive About Improving The Appearance Of Neighborhoods.

The Housing Authority will develop and implement a program for improving the overall appearance of the housing sites. This program will include, but will not be limited to the following activities:

- Conduct an assessment (at least visually) of the community on a daily basis.
- Management and Executive Staff will become personally involved in this assessment and not rely only on staff for input.
- Start a neighborhood appearance council made up of residents. Award prizes or recognize residents with the yard best kept. Residents will be recognized in the Housing Authority newsletter.
- The Housing Authority will eliminate graffiti within 24 hours of a report.
- Place special emphasis on improving the Lincoln Park housing site in regards to neighborhood appearance. Replace soil that has eroded in Lincoln Park and grow grass in these areas. Improve the outward appearance of buildings by removal of

graffiti and the replacement of window and door screens that are missing or torn. SMHA will stress to residents the importance of trash and litter removal and enforce the lease when necessary to have residents maintain their yards trash and litter free.

Task Start Date: May 12, 2004 Target Date of Completion: Dec. 1, 2004