

PHA Plans

Streamlined 5-Year/Annual Version

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

OMB No. 2577-0226
(exp 05/31/2006)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937 that introduced 5-year and annual PHA Plans. The full PHA plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form allows eligible PHAs to make a streamlined annual Plan submission to HUD consistent with HUD's efforts to provide regulatory relief to certain PHAs. Public reporting burden for this information collection is estimated to average 11.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Information in PHA plans is publicly available.

Streamlined 5-Year Plan for Fiscal Years 2005 - 2009

Streamlined Annual Plan for Fiscal Year 2005

NOTE: This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue. Full reporting for each component listed in the streamlined Annual Plan submitted with the 5-year plan is required.

Streamlined Five-Year PHA Plan Agency Identification

PHA Name: Town of East Hampton
PHA Fiscal Year Beginning: 01/2005

PHA Number: NY154

PHA Programs Administered:

Public Housing and Section 8
 Section 8 Only
 Public Housing Only
 Number of public housing units: Number of S8 units: Number of public housing units:
 Number of S8 units: **189**

PHA Consortia: (check box if submitting a joint PHA Plan and complete table)

| Participating PHAs | PHA Code | Program(s) Included in the Consortium | Programs Not in the Consortium | # of Units Each Program |
|----------------------|----------|---------------------------------------|--------------------------------|-------------------------|
| Participating PHA 1: | | | | |
| Participating PHA 2: | | | | |
| Participating PHA 3: | | | | |

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 and attachments (if any) are available for public inspection at: (select all that apply)

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

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

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

Streamlined Five-Year PHA Plan

PHA FISCAL YEARS 2005 - 2010

[24 CFR Part 903.12]

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: (state mission here)

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:

Apply for additional rental vouchers:

Reduce public housing vacancies:

Leverage private or other public funds to create additional housing opportunities:
100 new units; 30 single family; 28 new apartments; 42 additional lease-ups

Acquire or build units or developments

Other : **achieve 100% lease-up**

PHA Goal: Improve the quality of assisted housing

Objectives:

Improve public housing management: (PHAS score)

Improve voucher management: (SEMAP score)

Increase customer satisfaction:

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

Renovate or modernize public housing units:

Demolish or dispose of obsolete public housing:

Provide replacement public housing:

Provide replacement vouchers:

Other: (list below)

X PHA Goal: Increase assisted housing choices

Objectives:

- Provide voucher mobility counseling:
- X** Conduct outreach efforts to potential voucher landlords
- X** Increase voucher payment standards **if funded**
- Implement voucher homeownership program:
- X** Implement public housing or other homeownership programs: **3 units**
- Implement public housing site-based waiting lists:
- Convert public housing to vouchers:
- Other: (list below)

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

PHA Goal: Provide an improved living environment

Objectives:

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

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

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

Objectives:

- Increase the number and percentage of employed persons in assisted families:
- Provide or attract supportive services to improve assistance recipients' employability:
- X** Provide or attract supportive services to increase independence for the elderly or families with disabilities. **20 assisted living units, equivalent services**
- Other: (list below)

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

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

Objectives:

- X** Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
- X** 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)

Streamlined Annual PHA Plan

PHA Fiscal Year 2005

[24 CFR Part 903.12(b)]

Table of Contents

Provide the following table of contents for the streamlined Annual Plan submitted with the Five-Year Plan, including all streamlined plan components, and additional requirements, together with the list of supporting documents available for public inspection.

4. ANNUAL STREAMLINED PHA PLAN COMPONENTS

- 1. Housing Needs
- 2. Financial Resources
- 3. Policies on Eligibility, Selection and Admissions
- 4. Rent Determination Policies
- 5. Capital Improvements Needs
- 6. Demolition and Disposition
- 7. Homeownership
- 8. Civil Rights Certifications (included with PHA Certifications of Compliance)
- 9. Additional Information
 - a. PHA Progress on Meeting 5-Year Mission and Goals
 - b. Criteria for Substantial Deviations and Significant Amendments
 - c. Other Information Requested by HUD
 - i. Resident Advisory Board Membership and Consultation Process
 - ii. Resident Membership on the PHA Governing Board
 - iii. PHA Statement of Consistency with Consolidated Plan
 - iv. (Reserved)
- 10. Project-Based Voucher Program
- 11. Supporting Documents Available for Review
- 12. FY 20__ Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report
- 13. Capital Fund Program 5-Year Action Plan
- 14. Other (List below, providing name for each item)

4. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans;

Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.

For PHAs APPLYING FOR CAPITAL FUND PROGRAM (CFP) GRANTS:

Form HUD-50070, Certification for a Drug-Free Workplace;

Form HUD-50071, Certification of Payments to Influence Federal Transactions;

Form SF-LLL & SF-LLLa, Disclosure of Lobbying Activities.

Executive Summary (optional)

[903.7©]. If desired, provide a brief overview of the contents of the streamlined 5-Year/Annual Plan.

4. Statement of Housing Needs [24 CFR Part 903.12 (b), 903.7(a)]

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

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

| Housing Needs of Families on the PHA's Waiting Lists | | | |
|---|---------------|---------------------|-----------------|
| Waiting list type: (select one) | | | |
| <input checked="" type="checkbox"/> Section 8 tenant-based assistance | | | |
| <input type="checkbox"/> Public Housing | | | |
| <input type="checkbox"/> Combined Section 8 and Public Housing | | | |
| <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) | | | |
| If used, identify which development/subjurisdiction: | | | |
| | # of families | % of total families | Annual Turnover |
| Waiting list total | 130 | | 40 |
| Extremely low income <=30% AMI | 51 | 39 | |
| Very low income (>30% but <=50% AMI) | 79 | 61 | |
| Low income (>50% but <80% AMI) | 0 | 0 | |
| Families with children | 64 | 49 | |
| Elderly families | 21 | 16 | |
| Families with Disabilities | 32 | 25 | |
| Black | 16 | 12 | |
| Asian | 2 | 2 | |
| Hispanic | 36 | 28 | |
| Characteristics by Bedroom Size (Public Housing Only) N/A | | | |
| | | | |
| 1BR | | | |
| 2 BR | | | |
| 3 BR | | | |
| 4 BR | | | |
| 5 BR | | | |
| 5+ BR | | | |
| Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | | | |
| If yes: | | | |
| How long has it been closed (# of months)? | | | |
| Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes | | | |
| Does the PHA permit specific categories of families onto the waiting list, even if generally closed? | | | |
| <input type="checkbox"/> No <input type="checkbox"/> Yes | | | |

4. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families on the PHA's public housing and Section 8 waiting lists **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

4. 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 * **subject to funding**
- 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: **working with landlords to increase lease-up**

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 * **subject to financing**
- 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: **partnered with non-profit developer**

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)

4. 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 903.12 (b), 903.7 (c)]

List on the following table 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 20__ grants) | | |
| a) Public Housing Operating Fund | | |
| b) Public Housing Capital Fund | | |
| c) HOPE VI Revitalization | | |
| d) HOPE VI Demolition | | |
| e) Annual Contributions for Section 8 Tenant-Based Assistance | | |
| f) Resident Opportunity and Self-Sufficiency Grants | | |
| g) Community Development Block Grant | | |
| h) HOME | | |
| Other Federal Grants (list below) | | |
| | | |
| 2. Prior Year Federal Grants (unobligated funds only) (list below) | | |
| | | |
| | | |
| | | |
| 3. Public Housing Dwelling Rental Income | | |
| | | |
| 4. Other income (list below) | | |
| | | |
| 4. Non-federal sources (list below) | | |
| | | |
| | | |
| | | |
| Total resources | | |

See attached

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.12 (b), 903.7 (b)]

Not Applicable

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: (state time)
- Other: **in blocks of 10**

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. Site-Based Waiting Lists-Previous Year

1. Has the PHA operated one or more site-based waiting lists in the previous year? If yes, complete the following table; if not skip to d.

| Site-Based Waiting Lists | | | | |
|--|----------------|--|---|--|
| Development Information: (Name, number, location) | Date Initiated | Initial mix of Racial, Ethnic or Disability Demographics | Current mix of Racial, Ethnic or Disability Demographics since Initiation of SBWL | Percent change between initial and current mix of Racial, Ethnic, or Disability demographics |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2. What is the number of site based waiting list developments to which families may apply at one time? ___

3. How many unit offers may an applicant turn down before being removed from the site-based waiting list? ___

4. Yes No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

d. Site-Based Waiting Lists – Coming Year

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

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

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

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

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

- At the development to which they would like to apply
 Other (list below)

(3) Assignment

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

- One
 Two
 Three or More

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

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

(4) Admissions Preferences

a. Income targeting:

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

b. Transfer policies:

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

- Emergencies
 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)

c. Preferences

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

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

Former Federal preferences:

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

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

Other preferences: (select below)

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

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

- Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

4. Relationship of preferences to income targeting requirements:

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

(5) Occupancy

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

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

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

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

(6) Deconcentration and Income Mixing

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

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

| Deconcentration Policy for Covered Developments | | | |
|--|------------------------|--|---|
| Development Name | Number of Units | Explanation (if any) [see step 4 at §903.2(c)(1)(iv)] | Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)] |
| | | | |
| | | | |
| | | | |

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):
 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: **as of right**

(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: **30% of median income**

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

2 Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- 1** Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- 3** Other preferences: **30% of median / resident**

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 903.12(b), 903.7(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 of the following two)

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

b. Minimum Rent

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

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

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

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

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

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

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

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

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

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

For household heads

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

e. Ceiling rents

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

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

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

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

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

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

f. Rent re-determinations:

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

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

Other (list below)

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

(2) Flat Rents

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

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

B. Section 8 Tenant-Based Assistance

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

(1) Payment Standards

Describe the voucher payment standards and policies.

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

- At or above 90% but below 100% of FMR
- 100% of FMR
- Above 100% but at or below 110% of FMR
- Above 110% of FMR (if HUD approved; describe circumstances below)

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

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

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

- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- Reflects market or submarket
- To increase housing options for families
- Other: **increase lease-up**

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

Annually * **subject to financing**

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: **funding**

(2) Minimum Rent

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

\$0

\$1-\$25

\$26-\$50 * **if funding necessitates**

b. Yes No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? **Federal Rules, if forced to by under funding of Section 8 program**

5. Capital Improvement Needs

[24 CFR Part 903.12(b), 903.7 (g)]

Exemptions from Component 5: Section 8 only PHAs are not required to complete this component and may skip to Component 6.

A. Capital Fund Activities

Exemptions from sub-component 5A: PHAs that will not participate in the Capital Fund Program may skip to component 5B. All other PHAs must complete 5A as instructed.

(1) Capital Fund Program

a. Yes No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 12 and 13 of this template (Capital Fund Program tables). If no, skip to B.

b. Yes No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

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

Applicability of sub-component 5B: 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.

(1) Hope VI Revitalization

- a. Yes No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to next component; if yes, provide responses to questions on chart below 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)
Development name:
Development (project) number:
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
- c. Yes No: Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year? If yes, list development name/s below:
- d. Yes No: Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? If yes, list developments or activities below:
- e. Yes No: 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:

6. Demolition and Disposition

[24 CFR Part 903.12(b), 903.7 (h)]

Applicability of component 6: Section 8 only PHAs are not required to complete this section.

- a. Yes No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 or 24 (Hope VI) of the U.S. Housing Act of 1937 (42 U.S.C. 1437p) or Section 202/Section 33 (Mandatory Conversion) in the plan Fiscal Year? (If "No", skip to component 7; if "yes", complete one activity description for each development on the following chart.)

| Demolition/Disposition Activity Description | |
|--|--|
| 1a. Development name: | |
| 1b. Development (project) number: | |
| 2. Activity type: Demolition <input type="checkbox"/> | |
| Disposition <input type="checkbox"/> | |
| 3. Application status (select one) | |
| Approved <input type="checkbox"/> | |
| Submitted, pending approval <input type="checkbox"/> | |
| Planned application <input type="checkbox"/> | |
| 4. Date application approved, submitted, or planned for submission: (DD/MM/YY) | |
| 5. Number of units affected: | |
| 6. Coverage of action (select one) | |
| <input type="checkbox"/> Part of the development | |
| <input type="checkbox"/> Total development | |
| 7. Timeline for activity: | |
| a. Actual or projected start date of activity: | |
| b. Projected end date of activity: | |

7. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program

[24 CFR Part 903.12(b), 903.7(k)(1)(i)]

(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 the next component; if "yes", complete each program description below (copy and complete questions for each program identified.)

(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, what is the maximum number of participants this fiscal year? ___

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:

c. What actions will the PHA undertake to implement the program this year (list)?

(3) Capacity of the PHA to Administer a Section 8 Homeownership Program

The PHA has demonstrated its capacity to administer the program by (select all that apply):

- a. Establishing a minimum homeowner downpayment requirement of at least 3 percent of purchase price and requiring that at least 1 percent of the purchase price comes from the family's resources.
- b. Requiring that financing for purchase of a home under its Section 8 homeownership will be provided, insured or guaranteed by the state or Federal government; comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.
- c. Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below).
- d. Demonstrating that it has other relevant experience (list experience below).

8. Civil Rights Certifications

[24 CFR Part 903.12 (b), 903.7 (o)]

Civil rights certifications are included in the *PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans*, which is submitted to the Field Office in hard copy—see Table of Contents.

9. Additional Information

[24 CFR Part 903.12 (b), 903.7 (r)]

A. PHA Progress in Meeting the Mission and Goals Described in the 5-Year Plan

(Provide a statement of the PHA's progress against the goals and objectives established in the previous 5-Year Plan for the period FY 2000 - 2004. (see attachments)

B. Criteria for Substantial Deviations and Significant Amendments

(1) Amendment and Deviation Definitions

24 CFR Part 903.7(r)

PHAs are required to define and adopt their own standards of substantial deviation from the 5-year Plan and Significant Amendment to the Annual Plan. The definition of significant amendment is important because it defines when the PHA will subject a change to the policies or activities described in the Annual Plan to full public hearing and HUD review before implementation.

- a. Substantial Deviation from the 5-Year Plan
- b. Significant Amendment or Modification to the Annual Plan

C. Other Information

[24 CFR Part 903.13, 903.15]

(1) Resident Advisory Board Recommendations

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

If yes, provide the comments below:

b. 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)

(2) Resident Membership on PHA Governing Board

The governing board of each PHA is required to have at least one member who is directly assisted by the PHA, unless the PHA meets certain exemption criteria. Regulations governing the resident board member are found at 24 CFR Part 964, Subpart E.

a. Does the PHA governing board include at least one member who is directly assisted by the PHA this year?

Yes No:

If yes, complete the following:

Name of Resident Member of the PHA Governing Board:

Method of Selection:

Appointment

The term of appointment is (include the date the term expires):

Election by Residents (if checked, complete next section--Description of Resident Election Process)

Description of Resident Election Process

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)

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)

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)

b. If the PHA governing board does not have at least one member who is directly assisted by the PHA, why not?

- The PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis
- The PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.

X Other: **PHA Board is an elected Town Board**

Date of next term expiration of a governing board member: **12/31/05**

Name and title of appointing official(s) for governing board (indicate appointing official for the next available position): **voters**

(3) PHA Statement of Consistency with the Consolidated Plan

[24 CFR Part 903.15]

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

Consolidated Plan jurisdiction: (provide name here)

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

Other: (list below)

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

(4) (Reserved)

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

10. Project-Based Voucher Program

a. Yes No: Does the PHA plan to “project-base” any tenant-based Section 8 vouchers in the coming year? If yes, answer the following questions.

b. Yes No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option?

If yes, check which circumstances apply:

- Low utilization rate for vouchers due to lack of suitable rental units
- Access to neighborhoods outside of high poverty areas
- Other (describe below:)

c. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts):

11. List of Supporting Documents Available for Review for Streamlined Five-Year/ Annual PHA Plans

PHAs are to 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 | Related Plan Component |
| X | <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans.</i> | Standard 5 Year and Annual Plans; streamlined 5 Year Plans |
| X | State/Local Government Certification of Consistency with the Consolidated Plan. | 5 Year Plans |
| X | Fair Housing Documentation Supporting Fair Housing Certifications: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement. | 5 Year and Annual Plans |
| X | Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA's public housing and Section 8 tenant-based waiting lists. | Annual Plan: Housing Needs |
| X | Most recent board-approved operating budget for the public housing program | Annual Plan: Financial Resources |
| NA | Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure. | Annual Plan: Eligibility, Selection, and Admissions Policies |
| NA | Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. <input type="checkbox"/> Check here if included in the public housing A&O Policy. | Annual Plan: Eligibility, Selection, and Admissions Policies |
| X | Section 8 Administrative Plan | Annual Plan: Eligibility, Selection, and Admissions Policies |
| NA | Public housing rent determination policies, including the method for setting public housing flat rents. <input type="checkbox"/> Check here if included in the public housing A & O Policy. | Annual Plan: Rent Determination |
| NA | Schedule of flat rents offered at each public housing development. <input type="checkbox"/> Check here if included in the public housing A & O Policy. | Annual Plan: Rent Determination |
| X | Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan. | Annual Plan: Rent Determination |
| NA | 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 |
| NA | Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment). | Annual Plan: Management and Operations |
| NA | Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary) | Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency |
| X | Results of latest Section 8 Management Assessment System (SEMAP) | Annual Plan: Management and Operations |
| X | Any policies governing any Section 8 special housing types <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan | Annual Plan: Operations and Maintenance |

| List of Supporting Documents Available for Review | | |
|--|---|---|
| Applicable & On Display | Supporting Document | Related Plan Component |
| NA | Consortium agreement(s). | Annual Plan: Agency Identification and Operations/ Management |
| NA | Public housing grievance procedures <input type="checkbox"/> Check here if included in the public housing A & O Policy. | Annual Plan: Grievance Procedures |
| X | Section 8 informal review and hearing procedures. X Check here if included in Section 8 Administrative Plan. | Annual Plan: Grievance Procedures |
| NA | The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year. | Annual Plan: Capital Needs |
| NA | Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants. | 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 |
| NA | Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA). | Annual Plan: Capital Needs |
| NA | Approved or submitted applications for demolition and/or disposition of public housing. | Annual Plan: Demolition and Disposition |
| NA | Approved or submitted applications for designation of public housing (Designated Housing Plans). | Annual Plan: Designation of Public Housing |
| NA | 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, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937. | Annual Plan: Conversion of Public Housing |
| NA | Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion. | Annual Plan: Voluntary Conversion of Public Housing |
| NA | Approved or submitted public housing homeownership programs/plans. | Annual Plan: Homeownership |
| NA | Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan) | Annual Plan: Homeownership |
| NA | Public Housing Community Service Policy/Programs <input type="checkbox"/> Check here if included in Public Housing A & O Policy | Annual Plan: Community Service & Self-Sufficiency |
| NA | Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies. | Annual Plan: Community Service & Self-Sufficiency |
| NA | FSS Action Plan(s) for public housing and/or Section 8. | Annual Plan: Community Service & Self-Sufficiency |
| NA | Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing. | Annual Plan: Community Service & Self-Sufficiency |
| NA | Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing. | Annual Plan: Community Service & Self-Sufficiency |
| NA | Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input type="checkbox"/> Check here if included in the public housing A & O Policy. | Pet Policy |
| X | The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings. | Annual Plan: Annual Audit |
| NA | Consortium agreement(s), if a consortium administers PHA programs. | Joint PHA Plan for Consortia |
| NA | Consortia Joint PHA Plans ONLY: Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection | Joint PHA Plan for Consortia |
| | Other supporting documents (optional). List individually. | (Specify as needed) |

12. Capital Fund Program and Capital Fund Program Replacement Housing Factor Annual Statement/Performance and Evaluation Report

| Annual Statement/Performance and Evaluation Report | | | | | |
|--|---|--|---------|-------------------|-------------------------------------|
| Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary | | | | | |
| PHA Name: | | Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: | | | Federal FY of Grant: |
| <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report | | | | | |
| Line | Summary by Development Account | Total Estimated Cost | | Total Actual Cost | |
| | | Original | Revised | Obligated | Expended |
| 1 | Total non-CFP Funds | | | | |
| 2 | 1406 Operations | | | | |
| 3 | 1408 Management Improvements | | | | |
| 4 | 1410 Administration | | | | |
| 5 | 1411 Audit | | | | |
| 6 | 1415 Liquidated Damages | | | | |
| 7 | 1430 Fees and Costs | | | | |
| 8 | 1440 Site Acquisition | | | | |
| 9 | 1450 Site Improvement | | | | |
| 10 | 1460 Dwelling Structures | | | | |
| 11 | 1465.1 Dwelling Equipment—Nonexpendable | | | | |
| 12 | 1470 Nondwelling Structures | | | | |
| 13 | 1475 Nondwelling Equipment | | | | |
| 14 | 1485 Demolition | | | | |
| 15 | 1490 Replacement Reserve | | | | |
| 16 | 1492 Moving to Work Demonstration | | | | |
| 17 | 1495.1 Relocation Costs | | | | |
| 18 | 1499 Development Activities | | | | |
| 19 | 1501 Collateralization or Debt Service | | | | |
| 20 | 1502 Contingency | | | | |
| 21 | Amount of Annual Grant: (sum of lines 2 – 20) | | | | |
| 22 | Amount of line 21 Related to LBP Activities | | | | |
| 23 | Amount of line 21 Related to Section 504 compliance | | | | |
| 24 | Amount of line 21 Related to Security – Soft Costs | | | | |
| 25 | Amount of Line 21 Related to Security – Hard Costs | | | | |
| 26 | Amount of line 21 Related to Energy Conservation Measures | | | | |

13. Capital Fund Program Five-Year Action Plan

| Capital Fund Program Five-Year Action Plan | | | | | |
|---|------------------|---|---|--|---|
| Part I: Summary | | | | | |
| PHA Name | | | | <input type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No: | |
| Development Number/Name/HA-Wide | Year 1 | Work Statement for Year 2 FFY Grant: PHA FY: | Work Statement for Year 3 FFY Grant: PHA FY: | Work Statement for Year 4 FFY Grant: PHA FY: | Work Statement for Year 5 FFY Grant: PHA FY: |
| | Annual Statement | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| CFP Funds Listed for 5-year planning | | | | | |
| Replacement Housing Factor Funds | | | | | |

13. Capital Fund Program Five-Year Action Plan

| Capital Fund Program Five-Year Action Plan | | | | | | |
|---|---|------------------------------|-----------------------|--|------------------------------|-----------------------|
| Part II: Supporting Pages—Work Activities | | | | | | |
| Activities for Year 1 | Activities for Year : ____ FFY Grant: PHA FY: | | | Activities for Year: ____ FFY Grant: PHA FY: | | |
| | Development Name/Number | Major Work Categories | Estimated Cost | Development Name/Number | Major Work Categories | Estimated Cost |
| See | | | | | | |
| Annual | | | | | | |
| Statement | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total CFP Estimated Cost | | | \$ | | | \$ |

**COMPREHENSIVE ADMINISTRATIVE PLAN
FOR THE SECTION 8 RENTAL ASSISTANCE:
HOUSING CHOICE VOUCHER PROGRAM**

TOWN OF EAST HAMPTON

**OFFICE OF HOUSING
&
COMMUNITY DEVELOPMENT**

**159 Pantigo Road
East Hampton, New York 11937**

Revised August 2004
Proposed effective date January 1, 2005

Table of Contents

| | | |
|---------------|--|----|
| Chapter One | Introduction | 5 |
| | Approach and Goals | |
| | Special Programs and Housing Initiatives | |
| Chapter Two | Outreach | 6 |
| | Applications | |
| | Applicants | |
| | Owners | |
| | Equal Opportunity- Special Outreach Efforts | |
| Chapter Three | Mailing List / Waiting List | 8 |
| | Maintaining a Mailing List | |
| | Opening/ Closing the Waiting List | |
| | Family Definition | |
| | Monitoring Applications | |
| | Purging the Waiting List | |
| Chapter Four | Eligibility | 11 |
| | Provisionally Eligible | |
| | Verification Process | |
| | Social Security Card | |
| | Verification of Gross Annual Household Income | |
| | Allowances | |
| | Calculation of Total Tenant Payment and Total Family Contribution | |
| | Criminal Background Check | |
| | Live in Aide | |
| Chapter Five | Housing Choice Voucher | 14 |
| | Issuance of a Housing Choice Voucher | |
| | Continually Assisted | |
| | Suspension of a Housing Choice Voucher | |
| | Change in Family Composition | |
| | Inter- municipal Agreement | |
| Chapter Six | Denying Eligibility | 17 |
| | The grounds for Denying Eligibility | |
| Chapter Seven | Payment Standard and Income Limits | 18 |
| | Payment Standards | |
| | Payment Standard Adjustments | |
| | Calculation of Total Tenant Payment and Total Family Contributions | |
| | Tenant Portion | |
| | Interim and Annual Recalculations | |
| | Sporadic Income | |

| | |
|---|-----------|
| Asset Income | |
| Exclusion of Earned Income from Rent Determinations for Persons with Disabilities | |
| Allowance for Childcare | |
| Medical Allowance | |
| Gross Rent of Unit | |
| Adjustments to the Payment Standard | |
| Minimum Tenant Rent | |
| Change of Units | |
| Chapter Eight Portability | 24 |
| Chapter Nine Landlord’s Responsibilities for Tenant Screening | 25 |
| Chapter Ten Release of Tenant Information | 26 |
| Chapter Eleven Housing Quality Standards and Inspections | 27 |
| Chapter Twelve Assisting Family that Claims Discrimination | 29 |
| Chapter Thirteen Lease Approval, Housing Voucher Contract Execution, And Initial Payment to the Landlord | 30 |
| Chapter Fourteen Disapproval of Owners | 31 |
| Mandatory Denial | |
| Discretionary Denial | |
| Chapter Fifteen Absence from the Unit | 32 |
| Family Absence | |
| Member Absence | |
| Chapter Sixteen Basic Program Obligations | 33 |
| A Family Must | |
| The Family Must Not | |
| Chapter Seventeen Resident Advisory Board | 35 |
| Chapter Eighteen On-going Functions | 36 |
| Payments to Owners | |
| Annual and Interim Certification of participants | |
| Tenant Files | |
| Rent Reasonableness | |
| Review and Adjustment of Allowance for Utilities and Other Services | |
| Processing Requests for Rent Increases by Owners | |
| The Participant Moves into a New Unit | |
| Situations where the participant must vacate the unit | |
| By Choice | |

Denial of Request to Move

| | | |
|--------------------|--|----|
| Chapter Nineteen | Financial and Office Management | 39 |
| | Preparation of Budgets and Reports | |
| | Operating Reverse Threshold | |
| | Required Use for Administering Program | |
| | Town Board Approval for Operating Reserve Expenditures | |
| | Office Management | |
| | Monitoring Program Functions | |
| Chapter Twenty | Violations of Program Guidelines | 41 |
| | Denial of Housing Choice Voucher/ Applicant Eligibility | |
| | Termination of Tenancy | |
| | Termination of the Family’s Participation in the Section 8 Program | |
| | HAP Contract Violations by the Owner/ Landlord | |
| | Termination of the HAP Contract with the Owner/ Landlord | |
| | Welfare Sanctions | |
| Chapter Twenty-One | Complaints, Appeals, Informal Hearings and Informal Reviews | 44 |
| | Granting or Denying an Informal Review | |
| | Granting or Denying an Informal Hearing | |
| | Final Decisions Rendered for Informal Reviews or Hearings | |
| | Repayment Agreement Policy | |
| | Future Program Eligibility | |

Appendices

Chapter One **Introduction**

Approach and Goals

Through the Section 8 Tenant Based Rental Assistance Program, (Housing Choice Voucher Program), the Town of East Hampton can meet a real need and achieve the goals of the Housing and Community Development Act of 1974 by offering housing assistance to eligible persons. The Comprehensive Plan of the Town of East Hampton has identified as a critical need affordable housing in the Town of East Hampton. The Housing Assistance Plan for the County of Suffolk indicates that there is a need for housing assistance for senior citizens and extremely low and very low - income families. The Section 8 Housing Choice Voucher Program offers a viable means for assisting such families.

The Housing Choice Voucher Program will operate under general policies established by the Town of East Hampton. The Town of East Hampton will operate the Section 8 Rental Assistance Program through the Town's Office of Housing and Community Development. This office is a town department staffed by town employees. Where reference is made to staff in this document it shall refer to all employees of the Office of Housing and Community Development. Specific job titles are included for reference purposes only. These titles may change, job responsibilities may change and employees or titles may be added.

Currently, as of July 2004, the Community Relations Assistant has overall responsibility for the day to day operations of the program reporting to the Director of Housing and Community Development. The Community Development Project Supervisor handles the Section 8 housing quality inspections reporting to the Community Relations Assistant.

The rest of the staff provides supportive services to the operation of the program, as well as the rest of the affordable housing mission of the Town of East Hampton.

Special Programs and Housing Initiatives

From time to time the Office of Housing and Community Development may apply for special funding or permission to use some of the Housing Choice Vouchers for special programs. The Office of Housing and Community Development currently administers affordable home ownership for the Town of East Hampton. To that end, Section 8 participants are counseled as future first time home - buyers. Upon approval from the United States' Department of Housing and Urban Development and the Town Board of the Town of East Hampton, the Office of Housing and Community Development will proceed to administer additional home ownership initiatives. If this occurs, the approval of such programs will be added as an addendum to this plan.

Chapter Two

Outreach

Applications

Application forms will be available at the Office of Housing and Community Development at any time of the business day throughout the year. Additionally, applications will automatically be sent to potential applicants, if requested. Requests for applications can be made through the Town's website.

Preliminary applications will be processed into a database. The database will be maintained for all applicants containing the following information: date and time of application received, family name, mailing and home addresses, social security number, family size, preferences, and race/ ethnic designation of the head of household. Each application will be date and time stamped when it is received and kept on file in addition to the electronic database.

Future applications will collect the following information: information necessary to calculate the gross annual income of the household, information necessary to calculate allowances, family composition and size of unit, preferences, name and address of current and previous owners, disabilities, previous evictions from federally funded housing units, history of criminal and or drug abuse, statistical information on race, ethnicity and household size and a certification from the applicant that the information provided on the application is accurate and complete.

Applicants

Staff will make a special effort to attract extremely low-income families within the community consistent with available funding. Applications will be available year round at the Office of Housing and Community Development.

Information targeting applicants whose income is 30% of median income or less and families of very low income will be sent to all local community organizations that deal with a low-income population on a biannual basis. Special outreach will be done in order to reach minorities, the disabled, seniors and other individuals who are least likely to apply. Newspaper ads, newspaper articles, flyers and posters will be utilized twice a year to promote the program. Staff will contact the broadest spectrum of potential tenants to explain and promote involvement in the program.

Owners

The staff will be responsible for making and continuing contact with owners and managers of rental units to promote understanding of, and involvement in the Section 8 Housing Choice Voucher Program. Special points to be emphasized are: the payment standard, utility allowances, right to screen tenants, lease approval, inspections, terminations and evictions.

East Hampton Town has few areas of low income and minority concentrations. The Office of Housing and Community Development will attempt to place its participants throughout the hamlets. This will be accomplished through networking with appropriate agencies, community service organizations, religious institutions, schools, real estate agents and direct mailing to property owners least likely to know about Section 8 Rental Assistance Program. The office will make available the names and addresses of current and past landlords that the applicant has had to the new prospective landlord.

Potential owners will receive an information packet containing the following: Landlord Guide to the Section 8 Rental Assistance Program, brochures on lead paint and “A Good Place to Live”, a lead paint disclosure form, Part B and C of the Housing Assistance Payments contract and other materials deemed informative to the owner.

Equal Opportunity - Special Outreach Efforts

All notices sent to prospective applicants to notify them of the program and program guidelines will:

1. Comply with fair housing and equal opportunity requirements of the Town of East Hampton, Suffolk County, New York State and the United States Department of Housing and Urban Development.
2. Outreach efforts will target those least likely to apply such as minority groups, the elderly and disabled. A list of groups and agencies throughout the Town of East Hampton who will receive special notices is included as an appendix to this plan.
3. Outreach efforts will also target extremely low-income individuals whose income is 30% of median income or less.

Chapter Three **Mailing List/ Waiting List**

Maintaining a Mailing List

The Office of Housing and Community Development will maintain one mailing list, which will remain open throughout the year. Families who inquire about the program will be given a brief oral summary which will include the income limits, eligibility requirements, maximum rent a family may pay and screening procedures. The family will be informed that they may select a single-family house, apartment or townhouse and that they must find their own housing unit. Families will be encouraged to come to the Office of Housing and Community Development to fill out an application for Section 8 Rental Assistance. Applicants can request an application to be sent through the mail. Each application will be date and time stamped when it is received and kept on file in addition to the electronic database.

Applicants will be encouraged to come to the Office of Housing and Community Development to fill out an application. Applications will be available every business day from 9:00 am to 4:00 pm Monday through Friday excluding holidays.

Opening/ Closing the Waiting List

The Office of Housing and Community Development will keep its waiting list open year round in order to offer assistance during this affordable housing crisis. The waiting list will not close.

An electronic database will be maintained that automatically sorts applicants by two categories: local residents and non-residents. Local residents are those individuals who live or work full time within the Town of East Hampton. Non-Residents are all others. The database will then automatically sort both categories of applicants in the following order by time and date:

1. 30% of median income, if funding is available
2. Preferences: disabled member of household, homeless, substandard condition of unit; pays more than 50% of income to rent and or involuntary displacement from the unit. Preferences are weighted equally.
3. Very low income, if funding is available

Non-residents will be considered only after the pool of local residents has been exhausted. All non - residents must re - locate to the Town of East Hampton for at least one, (1) year in order to be eligible to port their voucher out to another municipality. There are and will be no exceptions.

If the information on the application is unclear or incomplete the staff will notify the applicant and give him or her ten, (10) days from the date of the notice to respond with a clarification. If they fail to respond they will not be placed on the waiting list.

Family Definition

Eligible families and individuals who may be placed on the waiting list, in addition to meeting all the other eligibility criteria, may be one or more of following:

1. A disabled family, which means a family whose head, co-head, spouse or sole member, is a person with disabilities; or one or two persons with disabilities; or one or more persons with disabilities with one or more live in aides
2. A displaced person or family in which each member or sole member is a person displaced by government action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws
3. The remaining member of a tenant family is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit
4. A homeless person or family
5. An elderly person or family whose head, co-head or spouse or sole member is at least 62 years of age; or two or more persons, each 62 years of age, living together; or one or more persons who are at least 62 living with one or more live-in aides
6. A multi - person elderly or disabled family, or one or more disabled persons living with one or more live - in aides
7. Two or more persons living as a family, irrespective of age
8. A single person who is an expectant mother or in the process of securing custody of a minor
9. A single person of any age who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family
10. A household with or without children; A child who is temporarily away from the home due to placement in foster care will be considered a member of the family

The Office of Housing and Community Development will select applicants in order from the waiting list in groups consistent with the available number of Housing Choice Vouchers or funding available.

Monitoring Applications

The staff will review all applications on a periodic basis to determine types of households applying with particular attention to family income. The staff will also update applications on the database, upon receiving written notice of a change of circumstances from the applicant, thereby monitoring those families whose changed situation may entitle them to assistance sooner, (or later), than anticipated. Also, this information is useful for identifying future needs and measuring progress toward affirmative action. If needed to meet these goals the staff will initiate additional appropriate outreach activities.

Purging the Waiting List

An applicant will be purged from the waiting list under the following conditions:

1. If the application or any other notice to the applicant from this office is returned and stamped “undeliverable” by the United States Post Office. The envelope and letter will be attached to the application.
2. If the applicant fails to submit requested documentation by a stated deadline.
3. If after a standard mailing to determine the interest of applicants on the waiting list, the applicant does not reply or misses the stated deadline. The letter will be attached to the application.

The applicant may be denied eligibility based on the information they provided on the application or after the documentation is provided at the interview. If the information on the application is unclear or incomplete the applicant will be notified and given ten, (10) days from the date of the notice to respond with a clarification. If they fail to respond they will not be placed on the waiting list.

An applicant who fails to meet a deadline and is therefore denied will be placed at the bottom of the waiting list in their respective preference group (where applicable) upon reapplication. An applicant denied because of fraud or material misstatement on their application shall not be eligible for placement on the waiting list upon reapplication except after review by the Director and at his or her sole discretion.

Chapter Four

Eligibility

Provisionally Eligible

Applicants will be called in accordance with their place on the waiting list in groups consistent with the availability of funding and Housing Choice Vouchers. The applicant will take part in two interviews during the verification process. Applicants will be notified of all appointments through the United States Postal Service. If necessary, notification will include a list of documents required in the verification of eligibility. If a disabled applicant is unable to attend either appointment at the scheduled location, a reasonable accommodation will be made to facilitate the interview.

During the first interview, the applicant will be asked to come in for a personal interview and present documents as evidence of their family composition, citizenship, income, allowable exclusions, residency, preference(s) and financial need. Applicants will be required to sign a consent form for a criminal background check at this first appointment. Following a review of the applicant's documents, the applicant will be determined eligible or ineligible for assistance.

Interpreters will be made available for those individuals who are Spanish speaking and an attempt will be made to secure interpreters for individuals whose native language is other than English, and do not speak English well.

Verification Process

Eligibility for admission must be verified no more than 60 days prior to the issuance of a Housing Choice Voucher.

Social Security Card

Applicants must present an original, valid social security card for each member of the household. If an original cannot be produced the applicant must apply for a replacement card at the Social Security office and provide proof of this application.

Verification of the Gross Annual Household Income

All employed and non-employed household members over eighteen years of age will have their income verified, regardless of age. For minors and full time students over 18 years of age the first \$480.00 of earned income will be counted toward the gross annual income for the household and the remainder will be reported as an exclusion.

The following information will be collected during the first appointment: Names and addresses of all employers, current tax returns, W-2 forms, Social Security benefit forms, Department of Social Services budget forms, child support and other sources, as appropriate, will be reviewed and verified by staff. The applicant will sign an Authorization for the Release of Information/ Privacy Act so that third party verification

can be obtained on all income sources. The applicant will sign a Tenant Information Form stating that the information presented for eligibility determination is correct and complete. The applicant will also read and sign the Tenant's Certification form acknowledging receipt and understanding of Family Obligations.

Allowances

A determination of allowances, if any, will be made in accordance with Federal Regulations regarding medical expenses, childcare or handicap care expenses, etc. Documents will be collected to support the declared allowances.

Calculation of Total Tenant Payment, (TTP) and Total Family Contribution (TFC)

The required TTP and TFC toward rent for each applicant will be calculated in accordance with Federal Regulations based on family size and gross annual income and allowances. Applicants and participants will be required to report any changes in income. Interim and annual recalculations of the Total Tenant Payment, (TTP) and Total Family Contribution (TFC) will be made as each participant's income fluctuates.

Citizenship/Immigration Certification

All non United States Citizens will present original immigration documents to be verified through Bureau of Citizenship and Immigration Services' (BCIS) SAVE program. All applicants will sign the Declaration of Citizenship at least once. Applicants will be designated as lawful residents or not eligible only after review by the BCIS. At least one member of the household must hold legal status. The subsidy will be prorated based on the legal status of the members of the household. If the family member with legal status passes away during the lease year then the family will be considered ineligible and be terminated from the program.

If this office is compelled to file a secondary verification of the family's immigration documentation then the family will be notified of the BCIS' determination (delayed, denied or terminated) in writing and advised of their right to appeal this decision through the BCIS. The family will be given a copy of the cover letter to the INS, the secondary verification form (G-845S) and all supporting documentation supplied by this office to the BCIS. This will constitute the notification packet referred to below in #3. If the family wishes to exercise its right of appeal with the BCIS, it must complete the following steps:

1. The family must submit within thirty days to the BCIS a request for an appeal.
2. A copy of this request must be submitted to this office
3. This request must include a copy of the notification packet from this office.
4. The family must supply any additional documentation that the BCIS may request.

All documents submitted during the process of Citizenship/ Immigration Certification will be kept for a period of five (5) years.

Criminal Background Check

All applicants eighteen years of age and older, live-in aids and ports from other public housing agencies who will be assumed by this office and issued a Housing Choice Voucher must consent to and sign a release for a criminal background check. All household members will be screened through the National Crime Information Center. If a match is found then the family member will be fingerprinted to verify the match. An applicant may withdraw prior to the fingerprinting if the applicant so wishes. Applicants will be notified of the match and advised of their right to appeal this decision. All information will be kept in a separate file, and destroyed when no longer necessary consistent with all applicable federal regulations.

If it is determined that an applicant poses, or could pose, based on evidence in possession of the Office of Housing and Community Development a threat to the quiet enjoyment of the neighborhood where the applicant may live, they will be denied a Housing Choice Voucher. The applicant shall have the right to appeal any decision of denial to the Director of the Office of Housing and Community Development.

Any decision, whether a denial or an appeal of a denial, shall be based on the criminal background history, testimony of neighbors, newspaper reports and other reports concerning the existing habits and performance of the applicant. Evidence of the rehabilitation, treatment or change in behavior of the applicant shall inure to the benefit of an applicant.

Live- in Aid

A live-in aid will be permitted to reside with the participant. The live-in aid will be considered when determining family unit size and maximum subsidy. The live-in aid's income will not be counted toward the gross annual income of the household. A live-in aid is a person who resides with one or more elderly persons (at least 62), near elderly persons (at least 50) or persons with disabilities. The live-in aid must meet the following criteria:

1. Is determined by appropriate agencies to be essential to the care and well being of the program participant(s)
2. Is not obligated for the support of the person(s)
3. Would not live in the unit except to provide necessary supportive services

Issuance of a Housing Choice Voucher

If eligible, the applicant will be notified through the United States Postal Service that it is time to pick up his or her Housing Choice Voucher. The applicant will attend a second interview at a mutually convenient time and location as his or her name comes up on the waiting list. During this appointment, the applicant will be given a thorough explanation of the Housing Choice Voucher program. During the appointment the discussion will emphasize how the tenant portion of the subsidy is calculated, payment standards and utility costs, how to find a suitable unit, the Housing Quality Inspection, recognizing discrimination, the termination and appeal process of assistance and the various responsibilities of tenants and landlords.

The bedroom size of the Housing Choice Voucher is based on household composition as per the family definition section of this Administrative Plan. Applicants may chose larger units but are limited to the subsidy based on the payment standard for their family size.

The Housing Choice Vouchers are issued based on the bedroom size that meets the needs of the family's composition. The bedroom size is established based on the following occupancy standards:

1. All adults 18 and over shall have a separate bedroom, except in the case of full time students.
2. Couples shall share one bedroom, if both are 62 or older they may have two bedrooms.
3. Single parents with one child shall be entitled to two bedrooms
4. Documented expectant mothers expecting their first child are eligible for two bedrooms.
5. Two children of the same sex shall share a bedroom unless the Director determines two separate bedrooms are reasonable to accommodate situations such as medical conditions or large age discrepancies.
6. Minors over five years of age, of different sexes, are not placed in the same bedroom.
7. A minor, disabled child is placed in his/her own bedroom.
8. Reasonable accommodations will be made to meet the needs of the disabled with regard to the number of bedrooms required. There will also be special consideration given to the payment standard used for that family. If a disabled person is in the qualified household the family may be entitled to a payment standard that 110% above the payment standard established for their particular bedroom size, subject to approval.
9. If one or both individuals who are a couple have documented medical conditions that require separate bedrooms they will be given a two-bedroom voucher.
10. Single persons are assigned one bedroom or smaller units, (except for (8) above).

The staff will provide a Housing Choice Voucher Holder Packet along with a copy of the applicant's Housing Choice Voucher, Request for Tenancy, Landlord Guide and various other pertinent materials. Only one Request for Tenancy form will be given out to a

family at any one time. Particular emphasis will be placed on the requirement of reporting changes in income and family composition in writing immediately. Housing Choice Voucher will be issued for the full 120 days. Once the Housing Choice Voucher expires the family will have to reapply. The appointment will culminate in a question and answer period to assure that all participants understand their responsibilities.

Continually Assisted

Any family who is receiving or in process for a subsidy but is unable to use the subsidy due to a placement in a shelter, hospital or other facility of temporary nature will be considered continually assisted for a period of 120 days. Any family who voluntarily withdraws from the program will be considered continually assisted for a period of 120 days effective the date of withdrawal. An applicant does not receive the benefits of the continually assisted rule.

Suspension of the Housing Choice Voucher

Housing Choice Vouchers will be suspended once a Request for Tenancy is received. Once an applicant has located a rental unit and has submitted a Request for Approval of Tenancy form, (RAT) the Housing Choice Voucher may be suspended for up to thirty (30) days if the unit is not yet vacant or repairs need to be made. The decision to suspend the time period will be based on advice from the inspector as to the condition of the unit.

The Office of Housing and Community Development will grant no more than two suspensions to an applicant unless there are extenuating circumstances warranting the suspension. The Director will make the final decision as to granting suspensions and the Housing Choice Voucher holder or applicant will be notified in writing of the decision.

Change in Family Composition: Who Keeps the Voucher

Generally, the adult who maintains custody of the minor children will keep the voucher and will remain in the rental unit. However, exceptions will be made on a case-by-case basis allowing for extenuating circumstances and considering such factors as health, and whether domestic violence, drug abuse or criminal activity exists. In an extreme situation the Director may decide, based on the availability of vouchers and the family circumstances to issue an additional voucher to the family for use in another rental unit.

Inter-Municipal Agreement

The Towns of Southampton and East Hampton have agreed to allow lease-ups of their current local residents in each other's jurisdiction limited to five (5) at any given time. East Hampton may lease-up and administer units in Southampton Town or Shelter Island if a resident of the Town of East Hampton is forced to relocate to either respective town. From time to time the Office of Housing and Community Development may work with other PHA's in the same manner.

Chapter Six
Denying Eligibility

If the applicant is denied admission he/she will be notified in writing. The notice will

state all of the reasons for the decision. The applicant will be informed that he or she may request an informal review of the decision.

The grounds for denying eligibility are as follows:

1. The household's gross annual income is over eligibility limit established by the United States' Department of Housing and Urban Development (HUD).
2. Applicant is considered a tenant not in good standing.
3. The applicant currently owes rent monies or other amounts to the Office of Housing and Community Development or another PHA in connection with Section 8 or other public housing assistance because the applicant has breached an agreement to repay a specified amount of money owed to the Office of Housing and Community Development or another PHA
4. The applicant has violated Family Obligations under the Section 8 program.
5. The applicant or a member of the household is a match on the National Crime Information Center and/or is a life time sex offender registrant and is ineligible based on HUD's criteria for Criminal and/or drug based activity.
6. The applicant has committed fraud in connection with any federal housing program.
7. At least one member of the household does not hold legal immigration status.
8. The applicant does not provide sufficient information to certify income or does not cooperate with the intake staff sufficiently to determine income.
9. The applicant commits fraud on the initial application.
10. The PHA may refuse to approve or withdraw approval if a proposed live-in aide commits fraud bribery or any other corrupt or criminal act in connection with any federal housing program, commits drug related criminal activity or violent criminal activity or is a life time sex offender registrant and or currently owes rent or other amounts to the PHA or another PHA in connection with Section 8 or other public housing agency.

In an instance where an applicant is determined by another PHA to not be a tenant in good standing, to owe money to another PHA or have committed fraud against another PHA, the Office of Housing and Community Development will not overrule the determination made by that PHA.

Chapter Seven **Payment Standards and Income Limits**

Payment Standard

Fair Market Rents (FRM) for Nassau/ Suffolk County are published annually in the Federal Register. The published values for Fair Market Rents are the basis of the payment standards utilized by the Office of Housing and Community Development. The

Office of Housing and Community Development allows for up to 110% over the Fair Market Rents when determining the payment standards for the Section 8 Rental Assistance Program. The payment standard does not automatically change when new FMR's are published in the Federal Register. The Office of Housing and Community Development uses a higher payment standard in order to remain somewhat competitive in the local rental market. The payment standard will be based in part on availability of funding.

There will be special consideration given to the payment standard used for a household with a disabled member. If a disabled person is in the qualified household the family may be entitled to receive approval for a payment standard that is 110% above the Office of Housing and Community Development's payment standard approved for their particular bedroom size.

Payment Standard Adjustments

At least once yearly, at the time the first budget for the new year is submitted to the United States' Department of Housing and Urban Development, the Office of Housing and Community Development may make adjustments to the payment standard for each bedroom size, (1, 2, 3 or 4). The payment standard will be based on the United States' Department of Housing and Urban Development requirements as well as market affordability in the Town of East Hampton. It is possible that an increase in the payment standard will increase the amount of subsidy available to the tenant and therefore absorb some, if not all, of the rent increase should the landlord request an increase in the contract rent at the end of the lease.

Calculation of Total Tenant Payment, (TTP) and Total Family Contribution, (TFC)

The applicant will be given a Housing Choice Voucher based on the family's household composition. The size and composition of the family will determine the payment standard the family is entitled to. There will be one payment standard for each bedroom size. The bedroom size is based on the PHA's occupancy standards, as follows:

1. All adults 18 and over shall have a separate bedroom, except in the case of full time students.
2. Couples shall share one bedroom, if both are 62 or older they may have two bedrooms
3. Single parents with one child shall be entitled to two bedrooms
4. Documented expectant mothers expecting their first child are eligible for two bedrooms
5. Two children of the same sex shall share a bedroom unless the Director determines two separate bedrooms are reasonable to accommodate such situations as medical or large age discrepancies
6. Minors over five years of age, of different sexes, are not placed in the same bedroom
7. A minor disabled child is placed in his/her own bedroom
8. Reasonable accommodations will be made to meet the needs of the disabled as to

- the number of bedrooms required. There will also be special consideration given to the payment standard used for that family. If a disabled person is in the qualified household the family may be entitled to receive approval for a payment standard that is 110% above the Office of Housing and Community Development's payment standard approved for their particular bedroom size, consistent with available funding.
9. If one or both of a couple have documented medical conditions that require separate bedrooms will be given two bedrooms.
 10. Single persons are assigned one bedroom or smaller units except where there is a live-in aid or medical equipment necessitates a second bedroom.

Tenant portion

The family will be responsible for 30% of their gross annual income as their tenant portion. The tenant portion will be subtracted from the gross rent of the unit.

Interim and Annual Recalculations:

Interim and annual recalculations of the Total Tenant Payment, (TTP) and Total Family Contribution (TFC) will be made according to the family's income fluctuations. The family must report changes in income immediately and in writing to the Office of Housing and Community Development. Immediately is defined as within fifteen calendar days from the date of change or first payment received. The family is required to notify the Office of Housing and Community Development whenever any family member has a increase or decrease in income.

Sporadic Income:

Sporadic child support payments that are determined to be not reliable sources of income will not be counted in the total household income. Reliability may be determined by the Child Support Bureau or through the review of payments by this office and at the discretion of the Director. Infrequent payments such as once or twice a year will not be counted.

Sporadic employment and jobs done through self-employment will be counted toward the gross annual income.

Asset Income

Asset income will be determined by using the current balances from any and all checking, saving, mutual fund and or stock accounts. If a current balance of an asset is not available then the interest earned for the previous year and reported on income tax returns will be used to determine the income earned by this asset.

Exclusion of Earned Income from Rent Determinations for Persons with Disabilities

The annual income for qualified disabled families may not be increased as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for a cumulative twelve (12) month period. After the disabled family receives twelve (12) cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A disabled family qualified for the earned income exclusion is a disabled family that is already receiving tenant-based rental assistance under the Housing Choice Voucher Program; and

1. Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one (1) or more years prior to employment;
2. Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities 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 who is a person with disabilities, during or within six (6) months after receiving assistance, benefits or services under any State program for Temporary Assistance to Needy Families (TANF) provided that the total amount over a six (6) month period is at least \$500.00.

The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous twelve (12) months no more than the equivalent earnings for working ten (10) hours per week for fifty (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 who is a person with disabilities 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 of TANF received in the six (6) month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

The amount that is subject to the exclusion is the amount of *incremental* increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled 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 twelve (12) month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.

Second Twelve-Month Exclusion and Phase-in: During the second cumulative twelve (12) month period after the expiration of the initial cumulative twelve (12) month period referred to above, the PHA must exclude from annual income of a qualified family fifty percent (50%) of any increase in income of a family member who is a person with disabilities as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four-Year Exclusion: The earned income exclusion is limited to a lifetime forty-eight (48) month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the exclusion only applies for a maximum of twelve (12) months of full exclusion of incremental increase, and a maximum of twelve (12) months of phase-in exclusion during the forty-eight (48) month period starting from the date of the initial exclusion.

If the period of increased income does not last for twelve (12) consecutive months, the exclusion period may be resumed at any time within the forty-eight (48) month period, and continued until the exclusion has been applied for a total of twelve (12) months of each exclusion (the initial twelve (12) month full exclusion and the second twelve (12) month phase-in exclusion).

No earned income exclusion will be applied after the forty-eight (48) month period following the initial date the exclusion was applied.

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. The PHA will maintain a tracking system to ensure correct application of the earned income exclusion.

Inapplicability to Admission: The earned income exclusion is only applied to determine the annual income of disabled families who are already participants in the Housing Choice Voucher Program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

Applicability to Childcare and Disability Assistance Expense Deductions: The amount deducted for childcare and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for disabled families entitled to the earned income exclusion, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for childcare and disability assistance expense deductions.

Allowance for Childcare

Allowances for childcare will be granted for those parents who are currently working or are actively seeking employment. Third party verification will be done on all childcare providers. Parents seeking employment will be required to provide a list of employers, including names and addresses on a quarterly basis. Reasonable childcare expenses will be reviewed once a year at the discretion of the Director.

Medical Allowance

Medical allowances will be granted for all medically related supplies and medication with a receipt or third party verification of the expense. Only medical expenses that will be incurred during the upcoming year will be allowed.

Gross Rent of the Unit

The gross rent of the unit will be determined by the contract rent of the unit set by the landlord plus the utility costs associated with that particular unit as set forth by the United States' Department of Housing and Urban Development. The gross rent of the unit cannot exceed the payment standard on new lease ups. After the applicant has resided in the unit for more than one year the gross rent can exceed the payment standard; however, the applicant will pay the rent above the payment standard not to exceed 40% of the household's gross annual income.

Adjustments to the Payment Standard

The Office of Housing and Community Development, may if needed, make additional adjustments to the payment standard seeking approval from the United States' Department of Housing and Urban Development through submission of revised budgets and requisitions during the fiscal year. A copy of the payment standards that will still be

in effect beginning January 1, 2005 is annexed to this plan as Appendix #4. These are subject to change based on changes in the housing market in the Town of East Hampton. Other considerations are the lease-up rate and the funds available to lease-up, (provide subsidy for), the units.

Minimum Tenant Rent

The minimum tenant rent may be \$50.00, depending on funding. Should the cost per unit exceed these costs funded by the United States government, a minimum rent not to exceed \$50.00 may be required. Exemptions shall be granted consistent with federal regulations.

Change of Units

There will be no restrictions on the number of moves a family may make in order to find suitable housing.

Chapter Eight **Portability**

To broaden the housing opportunities of a Housing Choice Voucher holder, a Housing Choice Voucher holder may move from the jurisdiction of the Office of Housing and Community Development to the jurisdiction of another PHA. A participant must be a tenant in good standing of the initiating PHA meeting all their family obligations. The Office of Housing and Community Development will therefore accept a Housing Voucher holder from any other PHA jurisdiction. This acceptance is mandatory, not voluntary.

The family must notify the initial PHA of the location to which it wants to move. The initial PHA will contact the PHA in the new area to ascertain if it administers a Housing Choice Voucher Program and, if it does, whether it is willing to administer the Housing Choice Voucher on behalf of the family. If another PHA accepts the Housing Choice Voucher Holder, the initial PHA shall notify the receiving PHA to expect the family and verify:

1. That the family met the income eligibility requirements for admission to the initial PHA's program, and
2. That the initial PHA issued the family a Housing Choice Voucher and the date by which the family must submit a Request for Lease Approval to the receiving PHA.

The receiving PHA shall promptly notify the initial PHA if:

1. The family leases a unit and the amount of subsidy to be paid.
2. The family fails to submit a Request for Lease Approval by the date specified by the initial PHA.
3. The family is terminated from the program by the initial PHA, or absorbed by the receiving PHA.

The receiving PHA will bill the initial PHA for the Housing Assistance Payments on behalf of the family.

The receiving PHA may elect to give the family one of its own Section 8 Housing Vouchers. If so, the billing procedure will not apply. It is the policy of the Office of Housing and Community Development to absorb all tenants as long as this office has sufficient funding and Housing Choice Vouchers.

Chapter Nine
Landlord's Responsibilities for Tenant Screening

Once a Housing Choice Voucher holder finds a suitable unit, he or she will meet with the landlord for an initial interview. It is the responsibility of the landlord to screen all potential applicants such as credit checks and other background screenings. The Office of Housing and Community Development will only provide the names and addresses of the current and all previous landlords to the owner. Information verified by the Office of Housing and Community Development will not be shared with the Landlord, unless a release is signed and then only to the extent that is necessary to meet federal, state and local affordable housing requirements such as but not limited to low income tax credit financing.

Chapter Ten

Release of Tenant Information

The Section 8 program will be conducted in a way in which the privacy of clients is protected to the maximum degree practicable consistent with applicable rules, laws and regulations. Under no circumstances will tenant information, (including names and addresses) be released to the general public. Moreover, no information will be released which could lead a person to identify the address or identity of a Section 8 participant.

Nothing herein shall prevent the disclosure of relevant information where necessary to other housing agencies, other government and law enforcement agencies following proper procedures. Information will be exchanged to determine eligibility of a prospective client or to facilitate the investigation of a client for fraud under this program.

Housing Quality Standards and Inspections

If the landlord is willing to meet the requirements for participation in the Section 8 Rental Assistance program and the limit for rent based on the Housing Choice Voucher size then the landlord will fill out the Request for Tenancy form that the Office of Housing and Community Development has provided to the applicant. The staff of the Office of Housing and Community Development will inspect the unit promptly after receiving the completed Request for Tenancy.

Landlords will provide proof of ownership such as a deed or current tax bill and a Certificate of Occupancy for the property. Social Security numbers must be provided for all listed owners of said property. Employer Identification Numbers are required for companies and housing agencies. This documentation is to accompany the Request for Tenancy. If there is more than one owner, (i.e. partners, corporation, husband and wife), then all must sign the documents unless a notarized release is signed by all parties authorizing a specific party to sign on all the party's behalf and in the case of a corporation, a corporate authorization of a signatory is required.

The United States' Department of Housing and Urban Development's Housing Quality Standards (HQS) will be used as the basis for making a determination that the unit is safe and sanitary. However, if New York State Building Code Standards, East Hampton Town Code or Suffolk County Health Department Standards are more stringent, then the more stringent standard must be met. This is because the landlord is required to meet these standards regardless of whether he/she is renting to a Section 8 participant. If the United States' Department of Housing and Urban Development standards are more stringent than the state, town or country standards referenced above, then HQS will serve as the minimum standard. Additionally, the Office of Housing and Community Development requires that all landlords provide proof that the heating unit for the rental premises has passed inspection by a licensed heating technician or plumber on a yearly basis.

Office of Housing and Community Development staff will explain the inspection process to the owner/manager so that she/he will allow time for the inspection to be completed. If the unit fails inspection the staff will notify the owner, the owner will be given time to make the necessary repairs appropriate to the situation and a re-inspection date will be scheduled. Staff will notify the family by telephone and/or mail of the unit's failure and the date of re-inspection. The appropriate staff will have the final determination regarding the acceptability of the unit. In addition to passing the Section 8 inspection, the unit must comply with the Town of East Hampton's zoning requirements.

To assure the general housing quality standards of the rental units on the program, the Office of Housing and Community Development may conduct occasional supervisory inspections. These inspections will be by appointment. Participants will be given ample notice in order to schedule these inspections at the convenience of the tenant.

Staff will maintain records of all inspections and all units will be inspected every eleven months. All actions taken by the Office of Housing and Community Development will comply with New York State Real Property and Real Property Actions and Proceedings

Law, (RPAPL). Staff may inspect a unit at the request of the landlord or tenant. If requested a final inspection will be conducted.

If the repairs are not completed in the specified time, the housing subsidy will be withheld at the Director's discretion until the unit passes inspection. The Director may grant extensions as seem reasonable. The Director will abate the rent if the landlord refuses to make the repairs within the specified time period allowed even after the rent has been withheld. The tenant will be notified that they are required to relocate if the landlord fails to correct the violations of HQS and the tenant's health and safety are threatened.

Chapter Twelve

Assisting a Family That Claims Illegal Discrimination

Assistance will be provided when a family alleges that illegal discrimination is preventing that family from finding a suitable unit. In such cases, families will be

referred to appropriate local, county, or state human rights organizations for assistance.

Applicants or participants claiming to have been subjected to discrimination because of race, color, religion, sex, disability, familial status, or national origin in the search for housing, or in the housing they currently occupy will be asked to fill out a Housing Discrimination Complaint Form and mail it to the nearest United States' Department of Housing and Urban Development office. The Office of Housing and Community Development will provide assistance in completing the form and mailing it to the United States' Department of Housing and Urban Development.

Chapter Thirteen

Lease Approval, Housing Voucher Contract Execution and Initial Payment to the Landlord

The Office of Housing and Community Development will generate the leases in an approved format once the unit passes inspection and has been found to have a reasonable

rent. Reasonableness of the rent will be determined by comparing the individual unit rents to comparable units in the area, considering the location and the amenities offered. The lease must be for at least one year. The staff will prepare the Housing Choice Voucher Contract and all necessary documents. The information will be re-checked for verification of computations. The amount of the housing subsidy will be determined for payments to the landlord. This lease will supercede any standing verbal or written lease between the tenant and landlord.

Leases with HUD addendum are executed in triplicate between the owner and the tenant. HAP Contracts, Part A, B and C are executed in duplicate between the owner and the Town of East Hampton. The tenant receives a fully executed original lease with addendum(s) and the owner and the Office of Housing and Community Development receive fully executed original leases with addendum(s) and Contracts Part A, B, and C. (The owner may submit an additional lease addendum to the Office of Housing and Community Development to customize a lease to include items not addressed in the standard lease template employed by the Town. If approved the addendum will be affixed to the lease prior to signing, kept on file and rolled over from year to year with annual review.)

The initial rental subsidy payment is released to the new landlord when required documents are signed. Monthly payments will be sent to the landlord based on the subsidy that the tenant is qualified for.

Security Deposits are between the owner and tenant. The Office of Housing and Community Development neither negotiates nor provides security deposits to participants.

Chapter Fourteen **Disapproval of Owners**

The Office of Housing and Community Development owner's disapproval policy only applies at the time the family initially receives the Housing Choice Voucher for occupancy of a particular unit.

Mandatory Denial

The Office of Housing and Community Development must deny occupancy of a unit when presented with appropriate documentation by the United States' Department of Housing and Urban Development or an enforcement agency that any of the following apply:

1. 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.
2. A court or administrative agency has determined that the owner violated The Fair Housing Act or other federal equal opportunity requirements.
3. The owner is engaged in drug trafficking and/or manufacture of drugs.

Discretionary Denial

The Office of Housing and Community Development may deny subsidy of a unit based on the following grounds:

1. The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act
2. The owner has committed fraud, bribery or any other corrupt criminal act in connection with any federal housing program
3. The owner has engaged in drug related criminal activity
4. The owner has a history or practice of noncompliance with HQS for units leased under the Section 8 program or other federally assisted programs*
5. The owner has a history or practice of renting units that fail to meet State or local housing codes*
6. The owner has not paid State or local real estate taxes, fines or assessments.

*History or practice is defined as failed HQS inspections with inadequate owner response to making repairs following the Housing Inspector's recommendations as to the overall substandard condition of any rental unit.

Chapter Fifteen **Absence From the Dwelling Unit**

Family Absence

Family absence refers to the unit being vacant so that no family members are present. A family absent over thirty (30) consecutive calendar days must report the absence to the Office of Housing and Community Development. Absences beyond thirty (30)

consecutive days that are not reported to the Office of Housing and Community Development are grounds for termination of Section 8 assistance.

Generally, a family may not be absent from the dwelling unit for more than sixty (60) consecutive days, even if prior notice is given to the Office of Housing and Community Development. However, if prior notice is given to the Office of Housing and Community Development an additional thirty (30) days may be granted above and beyond the initial sixty (60) day maximum absence if there are health related circumstances that warrant special consideration, for an absolute maximum of ninety (90) days. The Director will review the request for absence from the rental unit on a case-by case basis.

Member Absence

Any member of the household will be considered permanently absent if s/he is away from the unit for thirty (30) days without prior approval and after any ninety (90) day period with prior approval.

A full-time student who attends school away from the home and lives with the family during school breaks will be considered only temporarily absent from the household but still a member.

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 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 or other facility, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than one hundred eighty (180) consecutive days, the family member will not be considered permanently absent.

Chapter Sixteen **Basic Program Obligations**

A family must:

1. Provide such certification, releases of information, consent and/or documentation as the Office of Housing and Community Development and/or the United States' Department of Housing and Urban Development determines to be necessary. Submissions are required for an annual or interim re - examination of family

- income and composition, including evidence of citizenship or eligible immigration status and criminal background checks
2. Tenants must report changes immediately and in writing to the Office of Housing and Community Development. Immediately is defined as within fifteen calendar days from the date of change.
 3. Notify the Office of Housing and Community Development whenever any family member has any change in income, increase or decrease. The Housing Choice Voucher Holder must report this change in income immediately and in writing to the Office of Housing and Community Development. Failure to report is cause for termination.
 4. Notify the Office of Housing and Community Development whenever a guest stays longer than thirty consecutive days in the unit with the family. The family must immediately submit all the necessary documentation for the verification of the new household member. Failure to report is cause for termination.
 5. Allow the Office of Housing and Community Development to inspect the rental unit on an annual basis at a reasonable time and with reasonable notice, allow the Office of Housing and Community Development to inspect the unit for supervisory inspections and as requested by the tenant or landlord.
 6. Notify the Office of Housing and Community Development and landlord before vacating the dwelling unit
 7. Use the dwelling unit solely for residence by the family as specified on the lease, contract and certification form as the family's principal place of residence;
 8. Disclose and verify social security numbers and sign and submit consent forms for obtaining information;
 9. Provide information that is true and complete;
 10. Be responsible for any breach of housing quality standards caused by the family
 11. Notify the Office of Housing and Community Development before they terminate the lease with the landlord
 12. Promptly give the Office of Housing and Community Development a copy of any eviction notice
 13. Notify the Office of Housing and Community Development in writing of changes in family composition through birth, death, adoption or court awarded custody
 14. Report any changes of income, assets or other benefits immediately in writing to the Office of Housing and Community Development
 15. Supply requested information to verify that the family is living in the unit or is vacant from the unit or that someone claiming "guest" status is in fact living at another location.

The family must not:

1. Own or have any interest in the dwelling unit, other than per the United States' Department of Housing and Urban Development specified exceptions
2. Rent from a relative
3. Commit any fraud, bribery or other corrupt or criminal act in connection with the Section 8 program
4. Engage in any drug - related or violent criminal activity or permit guests to do so
5. Threaten or harass any employee of the Office of Housing and Community

Development

6. Sublease any part of the rental unit or any part thereof, or assign the lease
7. Violate the terms and conditions set forth in the Lease and/or Lease Addendum for the rental unit subsidized on the Section 8 program;
8. Receive additional rent subsidy from any Section 8 agency or Public Housing Agency
9. Allow a guest to stay in the subsidized rental unit more than thirty (30) consecutive days, or thirty days (30) in any one calendar year without the express written permission of the Office of Housing and Community Development. The office shall require such proof at its sole discretion to establish that the guest has a bonafied place of residence elsewhere.
10. Violate other obligations as specified on their Housing Voucher and material distributed to them notifying them of the United States' Department of Housing and Urban Development regulations.

Chapter Seventeen
Resident Advisory Board

The Office of Housing and Community Development has established a Resident Advisory Board. The Resident Advisory Board is comprised of current participants who reflect and represent those tenants who receive assistance. The role of the Resident Advisory Board is to assist this office in the development and modification of the annual plan.

This board is consulted at the beginning of the development phase of the annual plan and at any point during the year when a modification is proposed to the plan. Membership in the Resident Advisory Board is voluntary. There is no fixed term or officers assigned. A listing of the membership in the Resident Advisory Board will be found as an attachment to the plan.

The Resident Advisory Board formally meets every summer. Additionally, the Resident Advisory Board meets at other times as needed to review changes to the plan. Members will be formally invited to attend the meeting by invitation at least two weeks in advance of the date of the meeting. The invitation will disclose the time, the place and the agenda for the meeting. A copy of the complete plan will be available at the meeting for the members to review.

Meeting times will reflect those times when most members are likely to attend.

The Office of Housing and Community Development will consider the recommendations of the Resident Advisory Board. However, the Office of Housing and Community Development is not bound to agree or utilize the suggestions by the Resident Advisory Board. The recommendations of the Resident Advisory Board will be attached to the annual plan.

Chapter Eighteen

On-going Functions

Payments to Owners

The Town of East Hampton will mail a check to the landlord in the amount determined as the Housing Assistance Payment (HAP). Payment will occur on the first of the month thereafter for the duration of the lease. The staff will review payment procedures and amounts to make certain that owners are receiving their checks for the proper amount at the appropriate time.

Annual and Interim Certification of Participants

Annually, staff will certify the gross annual income, asset income and composition of families participating in the Section 8 Program. Verification of all required information will be done no more than 120 days prior to the lease date. Families will be notified through the United States Postal Service as to the time and date of their annual certification appointment. The family will be asked to fill out certification forms. This procedure will occur annually for all households. Staff will record any changes in family composition, household income and make appropriate changes in the amendment to the Housing Voucher Contract and renewing the lease and Tenancy Addendum. Interim certifications will be done if there is a change in family composition, if there is a decrease in income, or if there is an increase in income. Tenants sign a form acknowledging it is their responsibility to report these changes in writing immediately to the Office of Housing and Community Development and failure to do so can result in termination of their participation in the Section 8 program.

Reasonable accommodation(s) will be made to meet with participants at alternative locations if their disability hinders them from coming to the office at normally scheduled times. Every effort is made to access supportive services for those participants who find it difficult to meet their family obligations without assistance.

Tenant files

Tenant files will be kept for the entire assisted tenancy and for three (3) years thereafter. Documents to be kept are copies of the executed leases, HAP contracts, application, HUD required reports, unit inspection reports and lead based paint records. Additionally, the application and notice of ineligibility for each ineligible applicant will be kept for three (3) years.

Rent Reasonableness

Rental units leased under the Section 8 program will meet rent reasonableness guidelines set by the United States' Department of Housing and Urban Development. No new unit will be lease approved and no renewal of a leased will be approved if the rent charged is above the rent for comparable unassisted rental units. Factors such as location, quality, size, age, amenities, utilities, services and maintenance provided will be used to determine comparability. A rent reasonableness comparison will be done at the beginning of a new lease, a rent increase, and if the United States' Department of Housing and Urban Development lowers the FMR by five percent.

The staff of the Office of Housing and Community Development will survey existing housing stock and prepare a list of comparable units for each bedroom size. The survey will be updated as needed. The staff will prepare and sign a rent reasonableness form for each leased unit to be maintained in the participant's file.

Review and Adjustment of Allowances for Utilities and Other Services

The utility schedule used for the Section 8 program will be adjusted periodically to reflect current utility rates. Utility fees will be closely monitored to be certain that the certified family is not required to pay a disproportionate amount for utilities. The utility schedule is an estimate and therefore must remain flexible. Changes in utility allowances will be noted by written memo to record the necessary adjustments or by a new utility schedule. Currently, a revised utility schedule is published yearly by the Association of Long Island Housing Agencies, (ALIHA), and all the member agencies in Long Island participate in the process and adopt ALIHA's schedule.

Processing Requests for Rent Increase by Owners

Landlords must request a rent increase in writing at least sixty, (60) days prior to the expiration of the current lease. The rent must be reasonable and within the price range of other similar units. If the rent increase is above the payment standard, the increase must not burden the tenant beyond 40% of their gross annual income. If the increase is above the 40% limit the Director may approve the increase if failure to approve the increase will cause the tenant to become homeless. A tenant may choose to move to a different unit if the rent burden is too great.

The Town may annually increase the payment standard for the program to assure affordability. Currently, as per the United States' Department of Housing and Urban Development regulations, new tenants may not pay more than 40% of their adjusted income for rent and utilities. Tenants who are having their leases renewed have more discretion, but must have sufficient income to pay for their rent and utilities.

If necessary and in order to accommodate requests for rent increase, extensions to the lease, up to one hundred twenty, (120) days/four months, may be granted by the Director on a case - by - case basis. No rent increases will be given during the extension period. The Office of Housing and Community Development will prepare an extension agreement to cover the period the lease is extended for. If sufficient funding is not available to the Section 8 program all rent increases may be denied, reasonableness notwithstanding.

The Participant Moves to a New Unit

Situations where the participant must vacate the unit:

1. If the participant does not move from the unit as scheduled then they will lose program eligibility.
2. It is mandatory for the participant to move when the owner, with proper notification to the Office of Housing and Community Development, terminates the lease, Tenancy Addendum and HAP contract for cause.
3. It is mandatory for the participant to move when the Office of Housing and Community Development terminates the contract with the owner who has failed to comply with Housing Quality Standards (HQS) or other contractual requirements.

By Choice: If the family chooses to move they must take the following action to remain eligible for continued participation on the Section 8 program:

1. The family must give the Landlord proper notice in accordance with their lease or receive permission from the owner for early termination during the first year of their lease.
2. The family must give the Office of Housing and Community Development thirty (30) days notice of their intent to move. The tenants can move out of the unit at the end of the lease term once notice is given. The participant may move during the term of the lease with proper notice and approvals from the landlord and Office of Housing and Community Development.

Denial of Request to Move: The Office of Housing and Community Development will deny the family's request to move and remain eligible as a participant in the Section 8 program even if the tenant is forced to move because of Housing Quality Standards violations by the landlord if:

1. The family owes money to the Office of Housing and Community Development
2. The participant or a member of the household committed fraud while living in the rental unit.
3. The family has violated other Section 8 program obligations.
4. The family moves during the initial term of the lease, which is the first twelve-month period.

Chapter Nineteen **Financial and Office Management**

Preparation of Budgets and Reports

1. Budgets and Requisitions: The Director will assure that annual budgets and requisitions of funds will be submitted to the United States' Department of Housing and Urban Development (HUD) at least two months prior to the end of the fiscal year. Revisions to the budget during the fiscal year will be made as required by HUD. All financial filings with HUD will also be copied to the Town Budget Office for review.
2. Program Status Reports: The Community Relations Assistant shall prepare leasing and voucher issuance reports as requested and submit them to the Director for review and to assist in preparation of calculation of administrative fees earned.

3. Year-End Statements and Balance Sheets: After receiving reconciliation of the Section 8 bank accounts from the Town Budget Office that maintains the accounts, the Community Relations Assistant will prepare account breakdowns by category as required by HUD, (i.e. HAP payments, administrative fees, repayment by tenants), and submit them to Director for review.
4. The required forms will be submitted to HUD in the allotted time period for review and approval. All copies of these financial documents filed with the HUD will be copied to the Town Budget Office.
5. Annual Contributions Contract, (ACC) and renewals and amendments; HUD will forward ACC's to the Office of Housing and Community Development upon approval of a new allocation, renewal of a prior allocation or an amendment to an existing allocation. The Director of the Office of Housing and Community Development will prepare the required documents, and if required, will prepare a resolution authorizing the Town Supervisor to sign the required documents.
6. Accounts and other supporting budget and financial statements for the program will be kept for a period of three (3) years.

Operating Reserve Threshold

This account is credited with earned administrative fees and recapture fraud monies that exceed expenditures for Program administration during the Town of East Hampton's fiscal year.

Required Use for Administering Program

The operating reserve must be used to pay Section 8 administrative costs that exceed administrative fees earned for the East Hampton Town's fiscal year.

Town Board Approval for Operating Reserve Expenditures

The East Hampton Town Board's approval is required for expenditures from the operating reserve for any purposes. Recommendation of the Director and resolution of the Town Board are required.

Office Management

The Community Relations Assistant will supervise daily operations of the Section 8 Program and monitor program performance. His/her duties will include preparation of all program materials, and supervising and monitoring the characteristics of applicants, assuring that all participants are very low - income families and that income targeting guidelines required by the United States' Department of Housing and Urban Development are followed. The Community Relations Assistant will also review Housing Voucher contracts, supervise data collection, monitor waiting lists, and investigate complaints. In addition, he/she will provide continuing outreach efforts to owners and managers and act as a liaison between the Office of Housing and Community Development and the real estate community.

The Director will review all files prepared by the Community Relations Assistant. He/she shall reconcile all financial records with the Town Budget Officer as well as supervise the preparation and submission of all data required by the United States' Department of Housing and Urban Development for their record keeping.

The Community Relations Assistant or Director will assign preparation of all Section 8 documents to the administrative staff once the file(s) have been approved.

Monitoring Program Functions

The staff will constantly monitor the number of applicants as well as the number of Housing Choice Vouchers issued and participants under lease. Special outreach efforts will be made if participants have difficulty locating rental housing, if there is a shortage of local applicants or the mix of family size is deficient. Because of the difficulty of locating year - round housing from April to August special efforts will be made to assist applicants and to open the waiting list during the time of year applicants are most likely to locate suitable housing in the town.

The Community Relations Assistant will be responsible to the Director for keeping accurate fiscal records. This activity includes the responsibility for making sure housing assistance payments are promptly and correctly made to owners/landlords and managers. The Town of East Hampton Bookkeeping Department, under supervision of the Town Budget officer will issue all payments, maintain and monitor the rental accounts.

Complete files with accurate statistics will be kept of all participating families and unit sizes available, to satisfy program requirements and limitations. The Office of Housing and Community Development will record the time it takes families to be certified and the length of time it takes them to find an adequate unit. Should it take a number of families an inordinate amount of time, the staff will look into and determine the problems.

Chapter Twenty **Violations of Program Guidelines**

Denial of a Housing Choice Voucher/Applicant Eligibility

An applicant for Section 8 assistance may be denied program eligibility for the following reasons:

1. Misinformation or fraud on the preliminary application or subsequent certification documents
2. Failure to respond to requests for information in a timely manner
3. Inconsistent or incomplete documentation
4. Failure to sign consent forms
5. Over income
6. Does not meet the definition of a family
7. Does not meet criteria of legal immigration status

8. Eviction for serious violation of a lease, (and therefore family obligation) in a previous Section 8 program or federally assisted housing project
9. Threatening or abusive or violent behavior towards the Office of Housing and Community Development personnel
10. Past Section 8 program violations that resulted in the applicant's loss of Section 8 program participation
11. Violent criminal or drug related activity by household members or guests
12. Life time registration as a sex offender
13. Such other grounds as allowed by the United States' Department of Housing and Urban Development and by federal regulation(s) that may be amended from time to time.

Termination of Tenancy

The landlord may terminate the tenancy for cause under the terms and conditions specified in the lease and tenancy addendum and after giving the Office of Housing and Community Development proper notice and copies of any legal papers.

The Office of Housing and Community Development may move to terminate the family's participation in the Section 8 program if the grounds for violating the lease can be substantiated. Termination of tenancy is not automatically grounds for termination of Section 8 assistance. The tenant /participant may terminate the tenancy as well for the grounds specified in this Plan. The Office of Housing and Community Development may move only to terminate the HAP contract with the owner, not the tenancy. If the tenant chooses to remain in the rental unit after the HAP contract with the landlord is terminated, the tenant is responsible to the owner for the entire rent and the Office of Housing and Community Development has no contractual obligations to the owner.

Termination of the Family's Participation in the Section 8 Program

The Office of Housing and Community Development may move to terminate the family's participation in the Section 8 program for the following reasons:

1. Fraud related to the Section 8 program
2. Drug - related criminal activity and other criminal activity
3. Life time registration as a sex offender
4. Failure to repay outstanding monies owed to Office of Housing and Community Development, another PHA or federally assisted housing project
5. Threatening, abusive or violent behavior towards Office of Housing and Community Development personnel
6. Failure to meet other family obligations as per the guidelines of the United States' Department of Housing and Urban Development
7. If the family member with legal status passes away during the lease year then the family will be considered ineligible and be terminated from the program.

HAP Contract Violations by the Owner/Landlord

The Director will notify the owner in writing if there is reason to believe that the owner has violated the terms of the HAP contract. If the allegations are that the owner is responsible for the breach of the contract, the owner will be given a time period to respond. The notice may be withheld if the disclosure would compromise the investigation by all appropriate enforcement agencies.

Violations include but are not limited to; uncorrected violations of Housing Quality Standards, creating an illegal secondary dwelling unit during the term of the contract, collecting more rent from the tenant than is permitted under the terms of the contract, violating the lease or tenancy addendum with the tenant and evicting the family without cause or without proper notification to the Office of Housing and Community Development.

Termination of the HAP Contract with the Owner/Landlord

Prior to moving to terminate the contract the Office of Housing and Community Development will take the following actions:

1. Give written notice to the owner and the Section 8 participant;
2. The notice will state the reasons for termination and possible remedies if any, the effective date, a statement of the family's responsibility to pay the entire rent if they choose to remain in the unit after the termination of the contract.

Welfare Sanctions

If the Department of Social Services, (DSS) has sanctioned a family by reducing welfare assistance, then the family's rent will not be reduced to reflect the decrease in income, if this reduction by DSS is due to:

1. Fraud
2. Failure to participate in an economic self - sufficiency program
3. Failure to comply with work requirement activities

Chapter Twenty-One

Complaints, Appeals, Informal Hearings and Informal Reviews

Complaints or appeals of Section 8 staff rulings, decisions or actions will be reviewed by the Director and must be requested in writing. When required, an informal review will be granted for an applicant and an informal hearing for a participant. If an informal review or hearing is not applicable the Director or his or her designee, after receiving a written request, will contact the applicant or participant and schedule an informal meeting to discuss the matter further if necessary.

All applicants and participants entitled to an informal review or hearing will be given prompt written notice of the reasons for the action taken by the Office of Housing and Community Development. They will be notified that they have an opportunity to appeal this decision and given a time limit to submit the appeal in writing to the Office of Housing and Community Development.

Granting an Informal Review

An informal review for the applicant with the Director will be granted for the following

reasons:

1. Applicant is denied a place on the waiting list
2. Applicant is denied issuance of a voucher
3. Applicant is denied participation in the program after the voucher is issued

Denying an Informal Review

An opportunity for an informal review will not be offered in the following cases:

1. To review discretionary administrative determinations by the Office of Housing and Community Development, or to consider general policy issues or class grievances;
2. To review the sequencing of selection and offering assistance to a family from the waiting list;
3. To review the decision not to offer an extension to a voucher holder once allotted time to locate a rental unit has expired.

Granting or Denying and Informal Hearing

Participants will be given a written statement of the reason behind the informal hearing. This notice will inform the participant that he or she is entitled to an informal hearing and will include the statement that they are entitled to legal representation at his or her own expense. The Hearing Officer will be an individual familiar with Section 8 regulations who is not employed by the Town of East Hampton.

Granting an Informal Hearing

An opportunity for an informal hearing will be offered to a participant under the following conditions:

1. Denial or Termination of assistance
2. Dispute of TTP, TFC or tenant rent calculations
3. Determinations of bedroom size entered on the voucher

Denying an Informal Hearing

An opportunity for an informal hearing will **not** be offered in the following cases:

1. To review discretionary administrative determinations by the Office of Housing and Community Development, or to consider general policy issues or class grievances;
2. To review the determination that the unit does not comply with Housing Quality Standards, that the owner has failed to include all services, maintenance and utilities required under the contract to provide decent, safe and sanitary housing lease, or that the contract unit is not decent, safe and

- sanitary because of an increase in family size or composition;
3. To review a decision by the Office of Housing and Community Development to exercise any remedy against the owner under an outstanding contract, including the termination of Housing Assistance Payments to the owner;
 4. To review the agency's decision not to approve the family's request for an extension of term of the certificate or voucher when an assisted family is looking for another rental unit and the current unit is no longer subsidized.

Final Decisions Rendered for Informal Reviews or Hearings

The person who conducts the informal review or hearing will make his or her best effort to render a written decision, stating briefly the reasons for the decision within ten (10) days from the date of the hearing. A copy of the decision will be sent to the applicant or participant. Factual determinations relating to the evidence presented and the individual applicant's or participant's circumstances will be considered. Minutes will be kept of the hearing and available to the participant upon request.

Repayment Agreement Policy

It is the policy of the Office of Housing and Community Development not to provide rental assistance to a family who has indebtedness to the United States' Department of Housing and Urban Development incurred through their participation the Section 8 program until either the balance is paid in full or a repayment agreement is executed.

A monthly payment amount will be established after a review of all relevant family income information. A minimum monthly payment of \$20 will be required. The family must make an initial payment of 10% of the total owed. The applicant or participant will remain in good standing as long as the payments are received in a timely manner. Failure to abide by the repayment agreement will result in one of the following actions:

1. Section 8 applicants will have their applications denied until full payment has been received
2. Section 8 participants will have their rental assistance terminated, provided proper notice to the owner has been given
3. The Office of Housing and Community Development will refer the case to the Town Attorney's Office for further legal remedies for the remaining unpaid balance.

The repayment agreement will be in default when two (2) payments are delinquent. When the repayment agreement is in default no future repayment agreements shall be made with the same family. All monies are due in full.

Future Program Eligibility

A family that applies for Section 8 rental assistance and has been a previous participant in any Section 8 program, will be denied assistance if:

1. The family owes the Office of Housing and Community Development or any other agency administering Section 8 program monies and has failed to repay the monies owed in a satisfactory manner
2. An informal hearing has been held and it has been determined fraud has been committed by the family in connection with their Section 8 assistance even if the amount of money owed to the agency cannot be determined
3. A family member who has been convicted of felonious criminal activity during their residency in a Section 8 assisted rental unit

The applicant will be notified that they are entitled to request an informal review of their case upon the declaration that they are not eligible to participate in the Section 8 program.

Housing Plan for Town of East Hampton for
period from 2005 to 2009
Five Year Plan*

Includes adopted Community Housing Fund
Opportunity plan as attachment

Housing Plan

Existing Conditions

Population, Rate of Home-ownership, and Housing Costs

The Town of East Hampton has a year-round population of 19,719, according to the 2000 federal census. Excluding the incorporated Villages of East Hampton and Sag Harbor, the Town's population is 17,437. It has been estimated that the Town accommodates an additional population of 64,178 during the summer months, again excluding the incorporated villages. With the seasonal population comes a seasonal demand for employees necessary to service the resort economy.

The total number of housing units in 2000 in East Hampton was 19,640, including the incorporated Village of East Hampton and the portion of Sag Harbor that lies within the Town. This represents an increase of 2,572 units, or 15 percent, between 1990 and 2000. When excluding the areas of the incorporated Villages, the increase is slightly more pronounced, with an increase of 16.7 percent. By comparison, Suffolk County added 41,006 new housing units from 1990 to 2000, representing an increase of only 8.5 percent.

Housing Units 1990 –2000

The total number of occupied housing units Town-wide in 2000 was 8,101, representing an increase of 1,219 since 1990, when there were 6,882 occupied housing units. The number of vacant housing units identified as for seasonal use grew from 8,886 in 1990 to 10,693 in 2000.

According to the 2000 Census, of all occupied housing units in the Town, 76.1 percent were owner-occupied and 23.9 percent were renter-occupied. This represents a slight shift in the homeownership versus rental rate since 1990, when 21 percent of housing units were renter-occupied and 79% were owner-occupied. The change since 1970 is more dramatic, when 18.6 percent of year-round housing units were renter occupied and 81.4 percent were owner occupied.

East Hampton Town

| Area | # Housing Units in 1990 | # Housing Units in 2000 | Additional housing units 1990-2000 | % change |
|---|-------------------------|-------------------------|------------------------------------|--------------|
| East Hampton Town (entire) | 17,068 | 19,640 | 2,572 | 15% |
| East Hampton Town (excluding villages) | 14,602 | 17,047 | 2,445 | 16.7% |
| Sag Harbor Village (part) | 782 | 848 | 66 | 8.4% |
| East Hampton Village | 1,684 | 1,745 | 61 | 3.6% |
| Amagansett | 1,504 (1) | 1,664 | 160 | 10.6% |
| East Hampton North | 1,889 | 2,251 | 362 | 19.2% |
| Montauk | 3,996 | 4815 | 819 | 20.5% |
| Napeague | 803 (1) | 624 | -179 (4) | (22.3%) |
| Northwest Harbor | 2,310 | 3,008 | 698 | 30.2% |
| Springs | 3,459 | 3,878 | 419 | 12.1% |
| Wainscott | 631 (1) | 764 | 133 | 21.1% |
| Remainder of Town (2) | 10 (3) | 43 | NA | NA |

Source: U.S. Census 1990 and 2000

Notes:

1. In 1990 Amagansett, Napeague and Wainscott were not census-designated places; census tract and block group data from the 1990 census was used to determine 1990 housing units in these areas.
2. "Remainder of Town" is a category used to indicate areas of the Town not included in a census designated place (CDP). In 2000, there were two areas of Town not covered by a CDP: Gardiner's Island, and a small area between Gardiner Cove Road and Soak Hides Road at the base of Three Mile Harbor that was part of the Northwest Harbor CDP in 1990. In 2000, only 2 housing units were counted on Gardiner's Island, indicating that the 41 housing units in the "Remainder of Town" category represents growth in the area defined as Northwest Harbor in 1990.
3. The 1990 figure for "Remainder of Town" was derived by subtracting the housing units in all other defined areas from the Town-wide total. It is noted that in 1990, 3 housing units were counted on Gardiner's Island.
4. The apparent loss of 179 housing units in Napeague may be due to the identification of units counted as housing units in 1990 as motel units in 2000. The 2000 census indicates that there were 197 less housing units in the category of structures containing 10 or more units than in 1990.

According to the 2000 Census, the median value of occupied housing units Town-wide was \$293,300. Of the unincorporated areas of Town, Amagansett had the highest median value, at \$489,600 and Springs had the lowest median value at \$230,300. It is noted that the median value determined in the Census is based on the respondent's estimate of how much the property would sell for if it were for sale, is not based on actual sales or professional

appraisals, and does not take into account the price of seasonal homes (since these are not usually occupied at the time of the census). Notwithstanding the likely possibility that the 2000 median value was low due to homeowners undervaluing their homes, this figure represents a 32 percent increase since 1990, when the median value of occupied housing units in East Hampton was \$222,200. Based on the Census, East Hampton had the highest median value for occupied housing units of all Suffolk County Towns in 2000, and the increase in value from 1990 to 2000 also represented the greatest increase of all Suffolk County Towns. The median asking price for vacant, for-sale housing units Town-wide, according to the 2000 Census, was \$432,400 in 2000, significantly higher than the median value of housing units occupied year round. More recent data indicates a significant increase in median values since 2000. According to the Suffolk Research Service, Inc., the median sales price for homes in 2003 in East Hampton Town was \$590,000, which, in the first 2 months of 2004 has risen to \$600,000.

The median gross rent for renter-occupied units in East Hampton Town was \$1,061 in 2000 according to the census. The median gross rent in Suffolk County in 2000 was \$945.

Gross rent is defined in the census as the amount of the contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels. Due to the timing of the census, some winter rental rates, which can be significantly lower than year-round rental rates, would be factored into the median gross rent. Summer rentals, which are significantly higher than year-round or winter rates, would not be reflected in the median gross rent.

Median Income, Poverty Level and Cost-Burdened

While the Census-generated median value of occupied housing units in East Hampton was \$293,300 in 2000 (which, as discussed above, is significantly lower than the \$630,000 which is the current median based on actual sales), and median monthly owner costs for mortgaged property was \$1,670, the median household income in East Hampton was only \$52,201. Comparatively, the median value of occupied housing units in all of Suffolk County was \$185,200 in 2000 and the median monthly owner costs for mortgaged property was \$1,663, while the median household income in the County was \$65,288. Median family income in

East Hampton (which does not include single-person households) was \$60,743 in 2000, as compared to the County-wide median family income of \$72,112. The extreme disparity between the median income and the median house price in East Hampton reveals the significant obstacle to home ownership for many East Hampton residents.

The 2000 census identified the median household income in the various areas of Town, showing the Northwest Harbor CDP as the area with the highest median household income, at \$61,808. Montauk CDP had the lowest median household income, at \$42,329 (see Table – in Demographics Section of Comprehensive Plan). The Census also identified the percentage of families living below the poverty level, which was 6.7% Town-wide. East Hampton North CDP had the highest percentage of families living below poverty at 10.3 percent. The next highest was Napeague at a rate of 9.7 percent, followed by Montauk at 8.3 percent.

According to the Comprehensive Housing Affordability Strategy (CHAS) data, which is provided by the United States Department of Housing and Urban Development (HUD), more than half (54.5 percent) of all East Hampton renter households are cost-burdened or have other housing problems (i.e., living in substandard conditions). Cost burdened is defined as paying more than 30 percent of income for housing costs. For family households of five or more, the percentage of renter households in East Hampton that are cost-burdened or have other housing problems is 79.8 percent (see CHAS data sheets in Appendix B of “Housing Report for the Town of East Hampton”). Comparatively, in Suffolk County less than half (46.5 percent) of all renter households and 64 percent of large family renter households are cost burdened or have other housing problems. The percentage of all owner households in Town that are cost burdened or have other housing problems was 35.6 percent.

The CHAS data indicates that while renters are afflicted with more housing problems overall, the cost burden on owner households is more severe than on renter households. In the lowest income category (households making less than or equal to 30 percent of the median family income) 80.3 percent of owners were cost burdened as compared to 51.3 percent of renters. Among the other low and moderate income household categories, the

percentage of owners and renters who are cost burdened is more closely aligned, with slightly more owners than renters cost burdened.

In comparison, sample data from the 2000 Census indicates that 47 percent of renter-occupied housing units in all income categories have a gross rent that is 30 percent or more than the household's income, and 35.8 percent of owner-occupied units have monthly owner costs that are 30 percent or more than the household's income. It is noted that these figures include households that are paying 30 percent of income on housing costs, whereas the CHAS data identifies the cost burdened as those households paying greater than 30 percent. Since households receiving Section 8 rental subsidies pay 30 percent of their income towards rent, those households are represented in the census figures noted above. However, these figures exemplify the comparative numbers of renters and owners that are living on the edge of the cost-burden definition. According to the census, almost a quarter (24.1 percent) of all renter-occupied households Town-wide spent 50 percent or more of their household income on rent in 2000. 16.13 percent of owner households Town-wide spent over 50 percent of household income on housing costs.

The CHAS data also indicates, predictably, that the percentage of households that are cost-burdened or have other housing problems increases as the household income decreases. Of renters in East Hampton Town with household incomes less than 30 percent of the median family income, about two-thirds (74.5 percent) had housing problems, and more than half (51.3 percent) were cost burdened. For renters that had household incomes greater than 80 percent of the median family income, only 30.3 percent had housing problems, and 19.4 percent were cost burdened.

Substandard conditions

The East Hampton Town Code Enforcement Office has received over 230 complaints regarding substandard housing conditions since 1999. Springs had the highest number of complaints of all the hamlets, with over 100 confirmed housing violations. Violations included overcrowding, electrical hazards, failure to provide heat, illegal basement living

quarters, and lack of emergency access. Motels, some in a deteriorated state, have been converted to year round residences.

The 2000 census provides sample data regarding housing conditions. In 2000, 40 occupied housing units (0.5 percent of all occupied housing units) lacked complete plumbing facilities, 49 occupied housing units lacked complete kitchen facilities, and 135 units lacked telephone service. Of the 40 units lacking complete plumbing facilities, 32 were renter occupied; of the 49 units lacking complete kitchen facilities, 37 were renter-occupied; and of the 135 units lacking telephone service, 102 were renter-occupied. The CHAS data also indicates that renter-occupied housing units have more inadequate facilities than owner-occupied units.

Seasonal Labor Housing Needs

Because of the seasonal nature of the economy, especially in Montauk, there is a high demand for seasonal employees. The labor force is needed mostly in the summer months when the Town is at its highest occupancy. The lack of adequate affordable rentals to house the labor force is exacerbated by the demand for rentals by those seeking to summer in the Town. There are no reliable numbers regarding the amount of seasonal worker housing required. The best source of information regarding numbers of seasonal workers are the businesses that employ them.

Affordable Housing Need

The need for affordable housing is exemplified by the above statistics, which indicate a cost-burdened population of both renters and homeowners. Census data regarding the median price of homes reveal that home-ownership for those who make the median income is an unlikely prospect. Census 2000 sample data indicates that about 900 renter-occupied households are cost-burdened, and CHAS data provides an indication of other housing problems relating to substandard conditions. Additionally, it is estimated that 400 people who work in East Hampton rent elsewhere (2,100 people work in East Hampton but don't live in Town, of which 20% are likely to be renters according to Suffolk County averages.)

This indicates that 1,300 people, renters who live or work in East Hampton, need affordable housing in East Hampton.

The need for affordable housing is also exemplified by the number of people on the Town-maintained waiting lists for affordable housing developments and rental programs.

There are currently 271 households on the home ownership waiting list who live or work in the Town of East Hampton. As of October 27, 2003 a total of 270 people are on the waiting list for Section 8 Rental Assistance applications, of which 110 are residents of the Town of East Hampton, 148 are non-residents, and 12 are Sag Harbor residents.

The Housing Authority of the town of East Hampton, which manages the Accabonac and Avallone apartments has, as of July 18, 2003, a total of 752 applicants on the Accabonac waiting list, 228 of which are Town residents.

The Windmill I Senior Housing facility, as of October 27, 2003 had 50 names on the waiting list and an additional 61 inquiries; and as of November 6, 2003, Whalebone Village had 308 names on its waiting list, 184 of whom are currently Town residents.

Affordable Housing Programs

East Hampton Town has a full time department created in 1990, the Office of Housing and Community Development (OHCD) with seven staff members devoted to the provision of affordable housing. The OHCD oversees programs involving the sale of affordable units or lots, as well as the operation of rental assistance and community development programs.

There is also a Housing Authority created by the State Legislature in 1983. The board members are appointed by the East Hampton Town Board. The Housing Authority develops and manages affordable rental housing. The Housing Authority employs a full time executive director and two other staff members.

Chapter 160 of the East Hampton Town Code establishes a “Community Housing Opportunity Fund.” A fifteen-member Advisory Board provides advice to the Town Board regarding expenditures from this fund. As per Chapter 160, the fund may be used for the provision of no-interest or low-interest loans to eligible residents of the town for the purchase of a first home; the actual production of community housing for sale to eligible residents of the Town, which may be done in conjunction with a private/public partnership; the actual production and maintenance of rental housing for rent to eligible residents of the Town; the rehabilitation of existing buildings and structures for use as community housing for sale or rental to eligible residents; and the provision of housing counseling services by not-for-profit corporations. Chapter 160 also provides for the adoption of a Town housing implementation plan for the provision of community housing opportunities by the Fund.

The Town of East Hampton has undertaken a number of home-ownership projects since the 1980s.

In 1980, Olympic Heights was developed through the sale of fourteen half-acre lots at reduced prices to eligible buyers. The buyers were required to build their own houses, with the Town retaining a 78% interest in the value of the land. There is no right of first purchase.

In 1984, Camp Hero Estates was developed in Montauk through the acquisition by the Town of 27 houses from the federal government. The houses were rehabilitated and sold to eligible buyers for \$41,500 with the Town retaining the right of recapture. After 30 years from the date of sale, the owners will own them free of restriction or recapture. People who refinanced and paid off their HUD subsidies are permitted to rent their properties.

In 1986, Whalebone Woods was created by the Town using its urban renewal powers. A 78-lot affordable subdivision was created on properties within old-filed maps. The Town built 32 single-family affordable houses and rehabilitated two existing houses. The houses were sold to qualified buyers. The price of the houses was reduced by the New York State Affordable Housing Corporation (AHC) subsidies of \$15,000 per house. The remaining 44 lots were sold to eligible buyers who then had to build their own homes. All lots have been

sold. The Town retains a right of first purchase and a recapture interest equal to 60% of the value of the land. In the past, the Town has been able to keep the homes in the affordable housing program. However, recently the recapture amount has been returned to the Town when the house is sold because values have increased to a point where they cannot be kept affordable.

In 1989 Whalebone Woods North was created, consisting of 32 three-bedroom traditional style single-family houses built on half-acre lots, ranging from \$47,600 to \$73,700. Eligible low and moderate-income families were chosen by lottery. The sales price of each house was reduced by \$25,000 AHC grants. The Town also retains the right of first purchase and 60% of the value of the land has to be returned to the Town when sold.

In 1991, the Town sold five lots to eligible moderate-income families through a lottery, and each family built their own home. Similar to Whalebone Woods, the Town retains right of first purchase and 35 percent of the value of the land is returned to the Town when the house is sold.

In 1996, the Town sold five new homes in Accabonac Woods to low- and moderate-income families. The houses ranged in price from \$69,884 to \$88,984. The purchase price was reduced by HOME subsidies from HUD through Suffolk County in the amount of \$34,000. The Town retains the right of first purchase. Fifty percent of the land value is returned to the Town when the house is sold.

In 1999 the Town sold five new homes to low- and moderate-income families in the Maidstone Homes development. The houses ranged in price from \$86,000 to \$98,000. The Town retains the right to first purchase. Fifty percent of the land value is returned to the Town when the house is sold. The house prices were reduced through HOME grants of \$25,000 per house and AHC grants of \$20,000 per house.

To date a total of 166 single-family homes have been made available to residents who were low to moderate-income households. The bulk of the housing is in the East Hampton

school district. Camp Hero is in Montauk and three of the Maidstone Homes are in Springs. None have been built in Amagansett or Wainscott.

Currently, a subdivision, known as Green Hollow, is proposed that would create 20 to 25 half-acre lots in East Hampton. Residents will be chosen through a prescreening and lottery process. In addition, the Town is securing approvals to develop 10 scattered lots throughout the Town.

In addition to home ownership housing programs, the town is authorized to issue 189 HUD Section 8 Housing Choice Vouchers to eligible low-income families. Current lease-up in Town is at approximately 150 residents. All of the Windmill II and some of the residents of Whalebone, Accabonac and Avallone receive Section 8 subsidies from the Town.

Under this program, eligible families must locate their own rental units, which must then pass HUD inspection guidelines. To qualify, a family's income cannot exceed the HUD's very low-income guidelines. HUD defines very low income families as those with incomes less than or equal to 50 percent of the median family incomes. (HUD factors in other data in addition to the federal census when estimating median family income). A family pays approximately 30% of their income for rent. The balance of the rent is paid directly to the landlord from HUD funds as long as the rent remains at or below payment standards.

The Town has also facilitated the development of several affordable rental housing developments in Town.

Windmill Village Apartments, built in 1987, consists of 40 studios and 1-bedroom rental units for low-income senior citizens and handicapped persons. Eligible residents pay only 30 percent of their income for rent. The complex is owned and managed by the Windmill Housing Development Fund Co., Inc. A mortgage subsidy is provided by HUD.

Whalebone Village Apartments, built in 1989, are owned and managed by the Whalebone Housing Development Fund Co., Inc. and consists of 45 units comprising 1,2, and 3-bedroom apartments for eligible low-income families. Families pay approximately 30% of

their income for rent. The mortgage subsidy is provided by the United States Department of Agriculture and some units receive Section 8 subsidies from the State of New York.

Avallone Apartments, built in 1992, consist of 17 rental units in Montauk. The project is owned and managed by the East Hampton Housing Authority. Funds for the project were provided by the New York State Housing Trust Fund.

Accabonac Apartments, built in 1999 consist of 50 rental units in East Hampton. The East Hampton Housing Authority manages the project for the Seymour Schutz Limited Partnership. The bonds are guaranteed by the Town and tax credit financing was received from New York State. Section 8 vouchers were obtained through the Community Development Corporation of Long Island.

Windmill II Apartments, built in 2002, consist of 47 rental units for senior citizens 55 and older. Five of the units were designated for the mobility impaired. All residents are participants of the Town's Section 8 Rental Assistance Program. The complex is owned and managed by the Windmill Housing Development Fund Co., Inc. Bond financing is provided by the Suffolk County Industrial Development Agency, and Federal Tax Credits financing is through the State of New York.

Plans are currently being developed by the Town OHCD and the Housing Authority to create 26 affordable apartments adjacent to the Town's Senior Center and the Windmill II Senior Facility.

Town Code Provisions

The Town of East Hampton Code provides guidelines for affordable housing that includes the identification of an Affordable Housing Overlay District , and requirements for affordable housing units.

The purpose of the Affordable Housing Overlay District is to identify areas in the Town that are most appropriate for the creation of affordable housing, while assuring that the

development is compatible with its surroundings and the character of the Town. Lots within the Affordable Housing Overlay District are developed with affordable housing through a Special Permit process. Among the special permit provisions are a minimum site size of 125,000 square feet (170,000 square feet for multiple residences), a maximum unit count of 60, and a maximum permitted density of eight units per acre for apartments and one unit per 20,000 square feet for single family residences or lots. All units or lots created are to be for the use of moderate income families. The applicant/owner of the affordable housing development is required to execute legal agreements that ensure, among other things, that the price of lots, residences or apartments sold and resold or the rentals charged for the units fall within previously agreed-upon minimum and maximum guidelines, that leases provide for year-round rentals, and that the development continues to house residents of the income class for which it was originally developed.

Another means of affordable housing provided for in the Code by means of a special permit is apartments over stores, and apartments in single family residences. All such units are required to be for the use of and available to moderate-income families.

For apartments over stores, written approval from the Town Fire Prevention Inspector is required, and certain locations (such as over filling stations) that pose safety or health hazards are prohibited. In addition, only the second story of the building shall be occupied by apartments, and a maximum of three is permitted per building. The habitable floor area of the apartment is required to have a minimum of 450 square feet and a maximum of 1,000 square feet. A separate access distinct from the store entrance must be provided for the tenants. Every apartment is required to have at least one on-site parking space. As a condition of approval of such apartments is the requirement that legal agreements be executed that will insure that the apartments are not sold to any party except as part of the sale of the entire building, that the rental charged remains within the previously agreed upon minimum and maximum guidelines, and that the apartment be available for year round rental. In addition, the apartment must continue to be used by residents of the income class for which it was originally created.

Apartments created in single-family residences have the same dimensional requirements as apartments in stores, but also must have no more than two bedrooms. Such apartments require the same executed legal agreements as those over stores, and require approval by the Town Fire Prevention inspector. In addition, the house in which the apartment is proposed must have a valid certificate of occupancy as of December 31, 1984 and shall be owner-occupied. Use of the apartment is tied to the continued owner-occupancy of the house. The house in which the apartment is located must have at least 1,600 square feet of livable floor area above the ground. The provisions also require that no more than one apartment shall be created in a single-family house, and at the time that the apartment is rented, there shall be no rental of guest rooms within the residence. On site parking is to be provided for the family occupying the apartment for no more than two cars.

As defined by the Code, an affordable rental unit is one in which the monthly rent (including heat and hot water) does not exceed 110 percent of the Fair Market Rent for Existing Housing for the Nassau-Suffolk area, as established annually by the U.S. Department of Housing and Urban Development (HUD). The rent of the affordable unit may be adjusted thereafter in accordance with the “Annual Adjustment Factor” published annually by HUD. The sales price of an affordable multiple residence dwelling unit must not exceed 250 percent of the maximum annual aggregate family income for a moderate-income family, nor 300 percent of this income figure for single-family residences. The Town Code defines moderate income as 80 percent of the median income in Nassau and Suffolk Counties.

The Town Code also establishes minimum bedroom count for affordable units based on family size. For example, an affordable unit can consist of an efficiency apartment for a one-person household, while a family of 6 requires a 3-bedroom unit.

In addition to establishing requirements for housing units, the code also specifies requirements for the sale of unimproved affordable house lots. To date this has never been used.

Proposed Affordable Housing Implementation Techniques

1. Seasonal Employees Housing Overlay District-

Existing conditions and problem: Montauk has the largest number of motel rooms of any community in Suffolk County. Some of the older, less desirable motels have been purchased by restaurant and resort business owners to house their seasonal employees. Many of these motels, built at a density of 40 units per acre or more with little or no sewage treatment are in need of extensive repair. Given their condition and the intended change of use from motel to seasonal housing, some owners have asked the town if they could tear down these structures and build new seasonal housing from scratch. But the existing densities of these facilities far exceed current Suffolk County Health Department and municipal zoning regulations. In Montauk, using standard septic systems, Suffolk County Health Department regulations allow a maximum of 6 units per acre where public water is available. Where the units have kitchenettes, have more than 400 sq. ft., or there is no public water available, the maximum density permitted is even lower.

Municipal zoning has classified most of these facilities as Resort Zone, which allows for 12 units/acre for motel units and 6 units per acre for the larger, more luxurious resort units. The combined affect of the Town and County Health Department regulations has been to prevent motel owners from making desirable renovations and conversions from substandard facilities to suitable seasonal housing.

Simply changing the municipal zoning code to allow motels to completely rebuild at their current densities will raise problems with parking shortages, sewage waste, drinking water supplies and overcrowding in general. Further, this provision could encourage investors to

buy up dilapidated motels in order to create new expensive motel units rather than employee housing and add to the existing shortage of decent affordable housing.

Proposal to allow conversion of existing motels to provide for seasonal housing:

Revise regulations to allow motels in certain locations, delineated by an overlay district to rebuild at their existing density provided that all units are for seasonal housing or all units which exceed that allowable by Resort zoning are for seasonal housing. The seasonal housing must be closed for a portion of the year, must have common bathroom facilities, common cooking facilities, and small bedrooms. If we assume that seasonal employees do not own cars or have fewer cars than motel users, the conversion from motel to dormitory should not increase parking needs. The design of the units will help target these units for seasonal employees rather than for expensive tourist units. Site plan approval will be required but the parking requirements are to be left to the discretion of the Planning Board on a case-by-case basis. The seasonal requirement will help address the overcrowding and infrastructure impacts. In order to assure that the units remain available for seasonal employees, a covenant and restriction will have to be filed with the Town and attached to the deed to the property. This provision is designed to assure that the property remains affordable and seasonal in perpetuity and to assure that a purchaser of the property in the future will have notice of these requirement that the units remain for seasonal employees.

The Suffolk County Health Department has five grandfathering provisions which allow motels that exceed current Health Department standards to be rebuilt at their existing, nonconforming density. First, the operation of the motel must not have ceased or been abandoned for a period of 2 years or more. Second, the motel must not exceed the number of units on record with the Division of Public Health as of 1984. Third, the use must remain the same. Fourth, the rebuilt motel must actually install a system to meet current septic flow standards. Fifth, the lot must be served by public water.

To illustrate how the provisions of the overlay district would work, let's use the example of a 19 unit motel with an accessory office, in downtown Montauk, on a 25,000 sq. ft. lot, having an average room size of 325 sq. ft.

The sanitary design flow for this facility is based on 100 gallons per day per unit or 1,900 gallons per day. To meet current Health Department standards, this facility would need to install a septic tank which holds two days storage capacity, or 3,800 gallons plus a leaching field to accommodate 1,900 gallons per day. To accommodate this waste, two ten foot diameter by four foot liquid depth septic tanks and two 10 foot diameter by 20 foot effective depth leaching rings would be required.

A larger septic system capacity may be needed if there are some kitchenettes installed for the seasonal housing. On the other hand, if the rebuilt facility is classified as a dormitory/rooming house, the septic system design flow can be reduced from 100 to 75 gpd per unit. However, the facility will need approval from the Suffolk County Health Department Board of Review if there is a change of use. For the purposes of calculating the number of dormitory beds allowed each motel room shall be presumed to house two adults. Therefore a twenty-unit motel would be entitled to forty dormitory beds.

Downtown Montauk, as well as other locations in town, has a very limited depth to groundwater and leaching rings must maintain a minimum 2 foot separation between the bottom of the ring and groundwater plus a one foot separation between the top of the ring and the ground surface. If the conditions are such that there is only a five foot separation to groundwater, 20 two foot deep leaching rings would be required. To provide the minimum 8 foot separation between leaching rings and the 10 foot property boundary separation, an area approximately 8,000 sq. ft., or one third of the entire site area would be required just for leaching. Additional area would be needed to accommodate the septic tank. To meet these minimum health department standards, it is unlikely that small lots with pre-existing motels will be able to rebuild at 40 units per acre. However, densities which exceed current standards can be rebuilt provided all the necessary health department requirements are met on site.

2. Apartments over stores-

Existing conditions and problems- There seems to be general agreement that affordable apartments over stores can be good for hamlet centers by allowing additional, but not overwhelming, development. There are a number of apartments over stores which pre date zoning. Many existing stores throughout the town are only one story high, possibly due to the greatly reduced commercial value on the second floor combined with the large expense for the installation of required elevators.

The existing zoning code allows for apartments over stores in the business districts (Limited Business Overlay District, Neighborhood Business and CentralBusiness) provided the units are available for moderate income families and certain other conditions are met (Sect. 255-5-50). While several new building projects have taken advantage of these regulations and have been constructed with apartments over stores, few existing buildings have been renovated to add a second story addition. The barriers seem to be the ability to meet the Suffolk County Department of Health Services requirements and the town parking requirements.

Some existing buildings just meet or already exceed Suffolk County Health Department standards for on-site treatment of sewage. Without advanced sewerage treatment, these buildings cannot meet the additional sewerage requirements needed to construct apartments on the second story. The Suffolk County Health Department will allow these sites to construct second story apartments provided they conform to the transfer the development rights standards promulgated by the Health Department. However, this has not provided enough of an incentive to build second story affordable apartments, probably due to the costs associated with purchasing development rights in East Hampton.

Proposal to facilitate the construction of apartments over stores:

East Hampton has an aggressive open space acquisition program, which successfully protects environmentally sensitive land. To facilitate the construction of second story affordable apartments, the Town should allow the development rights from the environmentally sensitive land it purchases to be transferred to applicants for apartments over stores for the purpose of meeting the Suffolk County Health Department standards. The Town will provide these development rights to an applicant in exchange for the applicant agreeing to provide affordable housing in perpetuity.

Another problem identified with constructing apartments over stores is the town zoning requirement that one parking stall be provided for each apartment. While this is a reasonable provision for new construction, sites with existing one story retail buildings often do not have the land area needed to meet this requirement. Yet, existing on-site parking may be adequate to meet the parking need for the apartment. To solve this problem it is recommended that the schedule of off-street parking (Sec. 255-11-45) be amended to grant the Planning Board discretion in deciding the parking requirement for apartments over existing stores.

It is recommended that the zoning code be clarified to correspond to the existing Planning Board policy regarding apartments over stores. Accordingly, apartments over stores should be explicitly classified as an accessory use to the main business rather than a separate use. The requirement that only the second story of a commercial building can be occupied by an apartment should remain but the limit of 3 apartments per building should be deleted.

Provisions of Suffolk County Health Department TDR program

The TDR program allows the population density equivalents (300 or 600 gpd per acre) to be doubled provided certain additional standards are met. In order for the density to be transferred from one parcel to another, the sending parcels must be permanently sterilized by a legal covenant and must remain as open space. Actively farmed land is not considered open space. Ownership of the sending parcel is flexible. It is acceptable for the sterilized parcel to be donated to the Town, a bona fide non-profit land trust such as The Nature

Conservancy or the Peconic Land Trust, or a private landowner. Whatever the ownership, the Health Department wants to prevent the future potential problem whereby the ultimate owner of the sending parcel defaults on payment of property taxes, leaving the county the option to sell the land for back taxes, even though the development rights have been extinguished.

A covenant must also be filed for the receiving parcel, acknowledging the transfer of development rights.

To compute density, the Health Department accepts either a yield map or a mathematical calculation. The yield map actually depicts roadways, solutions to drainage, avoidance of unbuildable areas etc. The mathematical calculation assumes 25% of every parcel will be needed for these unbuildable areas and adjusts the yield accordingly.

In downtown areas such as Amagansett and Montauk where existing buildings occupy most of the site, an overall plan using an area greater than the individual lots can be incorporated into an acceptable TDR plan. In Amagansett, for example, a plan can be developed incorporating the municipal parking lot, formerly part of the individual lot areas, and even adjacent farmland to calculate the overall maximum sewage flow. This issue could be addressed in a future hamlet study.

With all TDR's the on-site septic system must be upgraded to accommodate the additional development. In other words, if a site containing a store is allowed to double its density to create apartments on the second floor using a TDR plan, the site with the store must upgrade its septic system to accommodate the sewage flow from the apartments. Where possible and consistent with good planning practices, the Town will allow the use of road rights of way and alley ways in order to accommodate sewerage structures where necessary.

Town acquisitions using CPF and other funds could be used for TDR's. To advance this technique and facilitate the TDR process, the Town Attorney's Office will work with the County Attorney's Office to develop a protocol.

3. Apartments in Residences-

Apartments within residences have been allowed by special permit and site plan approval from the Planning Board for approximately 20 years. Although few people have applied for these permits, there are existing apartments within homes that are providing housing in East Hampton. Many of these units do not meet current health, safety and welfare requirements. Eliminating review and permits now required for the construction of apartments within residences could create hazardous new conditions. Further, without town controls, the provision of apartments within residences could allow for the doubling of East Hampton's density without providing for affordable housing.

Changes to the existing legislation coupled with aggressive code enforcement could help to legalize existing apartments within residences, ensure that they are safe and encourage the construction of new affordable apartments.

All of the existing requirements pertaining to safety, health hazards, habitable floor area, access, affordability, and parking should be retained. All provisions of the New York State Uniform Fire Prevention Code, Building Code and Suffolk County Sanitary Code must be met. The residence in which the apartment is proposed shall have a valid certificate of occupancy and shall be the primary residence of the owner. Only the owner of the residence can apply for the permit. All apartments created must be for year round use for people who live or work in East Hampton. The apartment must be attached to or part of the primary dwelling unit and any new clearing or construction for the apartment must meet all clearing, coverage and primary structure setback requirements. No more than one apartment will be permitted in any single-family house. During the period in which the apartment is being occupied, the rental of guest rooms within the primary residence will not be allowed. A survey depicting two parking stalls for the primary residence and 2 parking stalls for the apartment must be submitted for review to determine that the parking does not harm a natural feature. The owner of the residence must file a private covenant, enforceable by the town, to assure the apartment remains affordable and meets the conditions outlined above. No variances from these conditions will be allowed.

However, the requirement for obtaining site plan and special permit approval from the Planning Board should be replaced with the requirement for obtaining a permit from the Division of Public Safety. Input from the Building Inspector, Housing Office, Health Department and Planning Department should be obtained before a permit is granted, but no public hearing or Planning Board review would be required. The regulation which restricts apartments within residences to homes built before the year 1984 should be changed to the year 2004 to allow more of the existing housing stock to be eligible, while assuring that the residence is owner occupied. However, this provision should be periodically revisited to allow owner occupied homes built after 2004 to be eligible for an apartment within the residence. The restriction which limits the expansion of a residence to 200 square feet to accommodate an apartment should also be eliminated but all clearing, coverage and setback regulations should still apply. The Office of Housing and Community Development will be granted permission to conduct regular inspections to determine the conditions of the permit are being met.

Without limits, this technique could potentially allow for East Hampton's year round housing units and population to double, which could rapidly overwhelm the ability of East Hampton's schools, infrastructure and services to meet the needs of the community. To prevent these potential impacts, the construction of apartments within residences should be allowed without Planning Board approval, in accordance with an overall town growth management plan. The school districts should be consulted in the preparation of the growth management plan.

In a case where an owner wishes to create an apartment in an existing structure but lacks the resources necessary to make the changes necessary to meet code, the Town could provide financial assistance in the form of deferred loans to make it possible for the apartment to be created. Funds for this could come from Community Development block grant allocations.

4. Town purchase of Existing Homes-

By far, the single largest land use in East Hampton is single-family homes. The problem isn't so much that there are not enough homes, but that the housing stock is not affordable for even moderate-income families. By developing a program to make some of the existing housing stock affordable for East Hampton residents and employees, the town would be tapping into one of the largest resources currently available. While East Hampton citizens have overwhelmingly supported the protection of open space and the reduction of potential build-out, some have argued that these programs have resulted in exclusionary practices. By making a program of affordable homeownership for the existing housing stock in all zoning districts, in all parts of town, the program would have a beneficial, inclusionary impact, while not increasing build-out or harming the environment.

Proposal to facilitate home ownership by moderate income families using existing housing stock:

Augment the ability for moderate income families to purchase existing houses in East Hampton Town with a municipal equity sharing program to purchase an equity interest in the property. Here's how it would work:

- Homebuyers would be pre-screened to determine eligibility by the Town Housing Office;
- Homebuyer then looks to buy a house on the open market;
- Once a suitable house has been found, the sales price must be verified as fair market value by a third party appraisal and both the sales price and appraised value cannot exceed 80 percent of the mean value of homes as recently sold in the Town of East Hampton as determined by the Town or a lesser amount determined by the Town;
- The purchase price to the homebuyer will be no more than three times the purchaser's income with the town purchasing an equity interest in the property in perpetuity to make up the difference between actual sales price and the ability of the homebuyer to pay, thus effectively reducing the effective purchase price.
- In the event of resale of the house, the town's equity interest will help to keep the house permanently within the affordable housing inventory because the Town will not seek repayment of its interest but rather will assign it to a qualified purchaser.

The potential funding source for this program could be the one half percent addition proposed transfer tax to the Community Preservation Fund tax, a yearly budget allocation, private donations, other Federal, State County or municipal funds or a municipal bond. The Town could use the approach most cost-efficiently repurchasing homes built in prior affordable housing programs such Whalebone Woods where the Town has a right of first purchase.

5. Equity Interest in New Residential Construction-

Similar to the program described above, the town could develop a program to purchase an equity interest in new residential construction. Since the price of vacant land and new residential construction has soared, this program may not be as cost effective as the one sited above. However, this program could target the homebuilder who already owns the land or has found a reasonably priced property. The builder would receive fair value, yet have an opportunity to provide housing for the year round population.

6. Inclusionary Zoning-

Currently, a bill which has passed the New York State Assembly and is likely to be adopted, will mandate on a subdivision or site plan of five or more lots that 10% percent of the lots be set aside for the provision of affordable housing (rounding up) and further provides for density bonuses to developers to accomplish this goal. It also allows for under certain circumstances payments into a trust fund in lieu of the provision of affordable housing. Once the final version is adopted, the Town should develop guidelines on how this program will be implemented.

As East Hampton approaches Buildout, the number of subdivisions involving 5 or more lots has already substantially declined. The Town should conduct additional legal research to

determine whether payments into a trust fund for affordable housing, or an affordable housing impact fee, could be imposed on all subdivisions regardless of size.

7. Tax Incentives-

There is a myriad of different tax exemption programs the Town can develop to promote new affordable housing and to help keep housing affordable. One program could target existing homeowners. As home values continue to rise every year, some homeowners may be interested in selling or donating a permanent affordable deed restriction on their home in exchange for property tax relief while they live in their home. Another program could offer reduced property tax options for low and moderate income housing projects, depending on how they are financed.

8. Donations-

Encourage people to donate property, houses and/or money to the “East Hampton Community Housing Opportunity Fund” which will be segregated from regular town funds. In addition, the Town can help facilitate the creation of a community land trust to privately raise money for affordable housing.

9. Expedited Planning Review-

Require all town agencies and departments to give an expedited, priority review to all affordable housing projects.

Existing successful programs to be continued and/or expanded

10. New Affordable Single Family Housing Developments

Over the past 24 years, the town has developed several successful affordable home ownership programs including: Olympic Heights, Camp Hero Estates, Whalebone Woods, Whalebone Woods North, Accabonac Woods, and Maidstone Homes. The Town Board is

currently developing a new program at Green Hollow. The Town should continue to purchase land to develop additional home ownership programs.

It is imperative that the Town develops restrictions to maintain the long-term affordability of new ownership opportunities.

10. New Attached Dwelling Housing Developments-

The Town Housing Authority and several non-profit housing organizations have developed and now manage 199 affordable attached rental units. The town should continue to work with these agencies to develop additional rental properties.

Currently the Town and Housing Authority have a proposal to develop twenty-six units of moderate income rental apartments adjacent to the Town's Senior Citizens Center which should be completed.

New construction whether by the Town or nonprofits could incorporate a variety of prototypes and layouts including multiple apartments in single- family homes, designed to look like a Manor House wherein scattered site three and four family houses are interspersed.

11. Section 8 Rental Assistance-

Currently the Town operates a Section 8 rental assistance program which is funded by the United States Department of Housing and Urban Development. It is recommended that the program participation be maximized to the largest extent practicable consistent with evolving Federal regulations.

12. Room rentals-

For some seasonal and other workers in East Hampton, housing needs can legally be met by renting a single room in a house. The Town Code allows owner occupied houses to rent up

to two rooms per house, without any town approvals or conditions (Section 255-11-63). Although there are a handful of rooms for rent advertised in the local weekly papers, many people in the community are unaware that this is legal housing. This technique has the potential to have additional benefits for senior citizens who own their homes coupled with the single 20-35 age group, looking for starter housing. Alternatively, this technique can help meet the seasonal housing needs.

In the past the Montauk Chamber of Commerce has maintained a registry of these rooms especially targeted to seasonal workers. Other organizations in the other hamlets could also maintain registries like this. It would also be possible for the Town to maintain a list either at its Housing Office or on its website. A public information campaign should be undertaken to inform the public of this permitted use.

13. Tax default and surplus properties-

The Town should continue to aggressively pursue tax defaulted parcels owned by the County and other surplus government property for use as affordable housing or open space on a case by case basis. In the past this has proven to be a source of property for the Town which has been developed for affordable housing.

14. Affordable Housing overlay districts-

Since 1984, an 8 unit per acre Affordable Housing Overlay District (AHO) has allowed non-profit groups, governmental and quasi-governmental agencies to build higher density affordable housing than that which would otherwise have been possible under the underlying zoning. Affordable Housing Overlay districts have been incorporated on the zoning map in accordance with the following location and site characteristics criteria:

- Public water is available to the site.
- The site is reasonably convenient to public transportation.
- The site is not within a flood hazard or erosion area.
- The size and shape of the site is reasonably suited to the proposed development.

- Development of the site is reasonably compatible with the surrounding use.

The AHO eight unit per acre density exceeds the current Suffolk County Health Department regulations without advanced sewerage treatment. In recent years, the Town has obtained approval for 5 unit per acre affordable housing development without on-site sewerage treatment by incorporating density credits from a nearby preserved land parcel. As discussed in the Apartments over Stores subsection, the Town should establish a Transfer of Development Rights Bank and Program to help meet the Suffolk County Health Department density requirements for acceptable affordable housing sites including those designated in the Affordable Housing Overlay Districts. In order to harmonize the Town's density regulations with those of the Health Department the maximum overall density should be set at five units per acre without sewerage treatment.

The Town should retain the Affordable Housing Overlay zoning designation, should seek to zone additional areas that meet the eligibility criteria accordingly, and should consider allowing additional land to be rezoned AHO upon application of a prospective developer.

**East Hampton Town Community
Housing Opportunity Fund
Implementation Plan**

Supervisor

William E. McGintee

Town Council

Pete Hammerle

Job Potter

Patricia Mansir

Debra Brodie Foster

July 20, 2004

I. Existing Conditions

A. Population, Rate of Home-ownership, and Housing Costs

The Town of East Hampton has a year-round population of 19,719, according to the 2000 federal census. Excluding the incorporated Villages of East Hampton and Sag Harbor, the Town's population is 17,437. It has been estimated that the Town accommodates an additional population of 64,178 during the summer months, again excluding the incorporated villages. With the seasonal population comes a seasonal demand for employees necessary to service the resort economy.

The total number of housing units in 2000 in East Hampton was 19,640, including the incorporated Village of East Hampton and the portion of Sag Harbor that lies within the Town. This represents an increase of 2,572 units, or 15 percent, between 1990 and 2000. When excluding the areas of the incorporated Villages, the increase is slightly more pronounced, with an increase of 16.7 percent. By comparison, Suffolk County added 41,006 new housing units from 1990 to 2000, representing an increase of only 8.5 percent.

B. Housing Units 1990–2000

The total number of occupied housing units Town-wide in 2000 was 8,101, representing an increase of 1,219 since 1990, when there were 6,882 occupied housing units. The number of vacant housing units identified as for seasonal use grew from 8,886 in 1990 to 10,693 in 2000.

According to the 2000 Census, of all occupied housing units in the Town, 76.1 percent were owner-occupied and 23.9 percent were renter-occupied. This represents a slight shift in the homeownership versus rental rate since 1990, when 21 percent of housing units were renter-occupied and 79% were owner-occupied. The change since 1970 is more dramatic, when 18.6 percent of year-round housing units were renter occupied and 81.4 percent were owner occupied.

East Hampton Town

| Area | # Housing Units in 1990 | # Housing Units in 2000 | Additional housing units 1990-2000 | % change |
|---|-------------------------|-------------------------|------------------------------------|--------------|
| East Hampton Town (entire) | 17,068 | 19,640 | 2,572 | 15% |
| East Hampton Town (excluding villages) | 14,602 | 17,047 | 2,445 | 16.7% |
| Sag Harbor Village (part) | 782 | 848 | 66 | 8.4% |
| East Hampton Village | 1,684 | 1,745 | 61 | 3.6% |
| Amagansett | 1,504 (1) | 1,664 | 160 | 10.6% |
| East Hampton North | 1,889 | 2,251 | 362 | 19.2% |
| Montauk | 3,996 | 4,815 | 819 | 20.5% |
| Napeague | 803 (1) | 624 | -179 (4) | (22.3%) |
| Northwest Harbor | 2,310 | 3,008 | 698 | 30.2% |
| Springs | 3,459 | 3,878 | 419 | 12.1% |
| Wainscott | 631 (1) | 764 | 133 | 21.1% |
| Remainder of Town (2) | 10 (3) | 43 | NA | NA |

Source: U.S. Census 1990 and 2000

Notes:

1. In 1990 Amagansett, Napeague and Wainscott were not census-designated places; census tract and block group data from the 1990 census was used to determine 1990 housing units in these areas.
2. "Remainder of Town" is a category used to indicate areas of the Town not included in a census designated place (CDP). In 2000, there were two areas of Town not covered by a CDP: Gardiner's Island, and a small area between Gardiner Cove Road and Soak Hides Road at the base of Three Mile Harbor that was part of the Northwest Harbor CDP in 1990. In 2000, only 2 housing units were counted on Gardiner's Island, indicating that the 41 housing units in the "Remainder of Town" category represents growth in the area defined as Northwest Harbor in 1990.
3. The 1990 figure for "Remainder of Town" was derived by subtracting the housing units in all other defined areas from the Town-wide total. It is noted that in 1990, 3 housing units were counted on Gardiner's Island.
4. The apparent loss of 179 housing units in Napeague may be due to the identification of units counted as housing units in 1990 as motel units in 2000. The 2000 census indicates that there were 197 less housing units in the category of structures containing 10 or more units than in 1990.

According to the 2000 Census, the median value of occupied housing units Town-wide was \$293,300. Of the unincorporated areas of Town, Amagansett had the highest median value, at \$489,600 and Springs had the lowest median value at \$230,300. It is noted that the median value determined in the Census is based on the respondent's estimate of how much the property would sell for if it were for sale, is not based on actual sales or professional appraisals, and does not take into account the price of seasonal homes (since these are not usually occupied at the time of the census). Notwithstanding the likely possibility that the 2000 median value was low due to homeowners undervaluing their homes, this figure represents a 32 percent increase since 1990, when the median value of occupied housing units in East Hampton was \$222,200. Based on the Census, East Hampton had the highest median value for occupied housing units of all Suffolk County Towns in 2000, and the increase in value from 1990 to 2000 also represented the greatest increase of all Suffolk County Towns. The median asking price for vacant, for-sale housing units Town-wide, according to the 2000 Census, was \$432,400 in 2000, significantly higher than the median value of housing units occupied year round. More recent data indicates a significant increase in median values since 2000. According to the Suffolk Research Service, Inc., the median sales price for homes in 2003 in East Hampton Town was \$590,000, which, in the first 2 months of 2004 has risen to \$630,000.

The median gross rent for renter-occupied units in East Hampton Town was \$1,061 in 2000 according to the census. The median gross rent in Suffolk County in 2000 was \$945. Gross rent is defined in the census as the amount of the contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels. Due to the timing of the census, some winter rental rates, which can be significantly lower than year-round rental rates, would be factored into the median gross rent. Summer rentals, which are significantly higher than year-round or winter rates, would not be reflected in the median gross rent.

C. Median Income, Poverty Level and Cost-Burdened

While the Census-generated median value of occupied housing units in East Hampton was \$293,300 in 2000 (which, as discussed above, is significantly lower than the

\$560,000 which is the current median based on actual sales), and median monthly owner costs for mortgaged property was \$1,670, the median household income in East Hampton was only \$52,201. Comparatively, the median value of occupied housing units in all of Suffolk County was \$185,200 in 2000 and the median monthly owner costs for mortgaged property was \$1,663, while the median household income in the County was \$65,288. Median family income in East Hampton (which does not include single-person households) was \$60,743 in 2000, as compared to the County-wide median family income of \$72,112. The extreme disparity between the median income and the median house price in East Hampton reveals the significant obstacle to home ownership for many East Hampton residents.

The 2000 census identified the median household income in the various areas of Town, showing the Northwest Harbor CDP as the area with the highest median household income, at \$61,808. Montauk CDP had the lowest median household income, at \$42,329 (see Table – in Demographics Section of Comprehensive Plan). The Census also identified the percentage of families living below the poverty level, which was 6.7% Town-wide. East Hampton North CDP had the highest percentage of families living below poverty at 10.3 percent. The next highest was Napeague at a rate of 9.7 percent, followed by Montauk at 8.3 percent.

According to the Comprehensive Housing Affordability Strategy (CHAS) data, which is provided by the United States Department of Housing and Urban Development (HUD), more than half (54.5 percent) of all East Hampton renter households are cost-burdened or have other housing problems (i.e., living in substandard conditions). Cost burdened is defined as paying more than 30 percent of income for housing costs. For family households of five or more, the percentage of renter households in East Hampton that are cost-burdened or have other housing problems is 79.8 percent (see CHAS data sheets in Appendix B of “Housing Report for the Town of East Hampton”). Comparatively, in Suffolk County less than half (46.5 percent) of all renter households and 64 percent of large family renter households are cost burdened or have other housing problems. The percentage of all owner households in Town that are cost burdened or have other housing problems was 35.6 percent.

The CHAS data indicates that while renters are afflicted with more housing problems overall, the cost burden on owner households is more severe than on renter households. In the lowest income category (households making less than or equal to 30 percent of the median family income) 80.3 percent of owners were cost burdened as compared to 51.3 percent of renters. Among the other low and moderate income household categories, the percentage of owners and renters who are cost burdened is more closely aligned, with slightly more owners than renters cost burdened.

In comparison, sample data from the 2000 Census indicates that 47 percent of renter-occupied housing units in all income categories have a gross rent that is 30 percent or more than the household's income, and 35.8 percent of owner-occupied units have monthly owner costs that are 30 percent or more than the household's income. It is noted that these figures include households that are paying 30 percent of income on housing costs, whereas the CHAS data identifies the cost burdened as those households paying greater than 30 percent. Since households receiving Section 8 rental subsidies pay 30 percent of their income towards rent, those households are represented in the census figures noted above. However, these figures exemplify the comparative numbers of renters and owners that are living on the edge of the cost-burden definition. According to the census, almost a quarter (24.1 percent) of all renter-occupied households Town-wide spent 50 percent or more of their household income on rent in 2000. 16.13 percent of owner households Town-wide spent over 50 percent of household income on housing costs.

The CHAS data also indicates, predictably, that the percentage of households that are cost-burdened or have other housing problems increases as the household income decreases. Of renters in East Hampton Town with household incomes less than 30 percent of the median family income, about two-thirds (74.5 percent) had housing problems, and more than half (51.3 percent) were cost burdened. For renters that had household incomes greater than 80 percent of the median family income, only 30.3 percent had housing problems, and 19.4 percent were cost burdened.

D. Substandard conditions

The East Hampton Town Code Enforcement Office has received over 230 complaints regarding substandard housing conditions since 1999. Springs had the highest number of complaints of all the hamlets, with over 100 confirmed housing violations. Violations included overcrowding, electrical hazards, failure to provide heat, illegal basement living quarters, and lack of emergency access. Motels, some in a deteriorated state, have been converted to year round residences.

The 2000 census provides sample data regarding housing conditions. In 2000, 40 occupied housing units (0.5 percent of all occupied housing units) lacked complete plumbing facilities, 49 occupied housing units lacked complete kitchen facilities, and 135 units lacked telephone service. Of the 40 units lacking complete plumbing facilities, 32 were renter-occupied; of the 49 units lacking complete kitchen facilities, 37 were renter-occupied; and of the 135 units lacking telephone service, 102 were renter-occupied. The CHAS data also indicates that renter-occupied housing units have more inadequate facilities than owner-occupied units.

E. Seasonal Labor Housing Needs

Because of the seasonal nature of the economy, especially in Montauk, there is a high demand for seasonal employees. The labor force is needed mostly in the summer months when the Town is at its highest occupancy. The lack of adequate affordable rentals to house the labor force is exacerbated by the demand for rentals by those seeking to summer in the Town. There are no reliable numbers regarding the amount of seasonal worker housing required. The best source of information regarding numbers of seasonal workers are the businesses that employ them.

II. Affordable Housing Need

The need for affordable housing is exemplified by the above statistics, which indicate a cost-burdened population of both renters and homeowners. Census data regarding the median price of homes reveal that home-ownership for those who make the median income is an unlikely prospect. Census 2000 sample data indicates that about 900 renter-occupied households are cost-burdened, and CHAS data provides an indication of other housing problems relating to substandard conditions. Additionally, it is estimated that 400 people who work in East Hampton rent elsewhere (2,100 people work in East Hampton but don't live in Town, of which 20% are likely to be renters according to Suffolk County averages.) This indicates that 1,300 people, renters who live or work in East Hampton, need affordable housing in East Hampton.

The need for affordable housing is also exemplified by the number of people on the Town-maintained waiting lists for affordable housing developments and rental programs.

There are currently 271 households on the home ownership waiting list who live or work in the Town of East Hampton. As of October 27, 2003 a total of 270 people are on the waiting list for Section 8 Rental Assistance applications, of which 110 are residents of the Town of East Hampton, 148 are non-residents, and 12 are Sag Harbor residents.

The Housing Authority of the town of East Hampton, which manages the Accabonac and Avallone apartments has, as of July 18, 2003, a total of 752 applicants on the Accabonac waiting list, 228 of which are Town residents.

The Windmill I Senior Housing facility, as of October 27, 2003 had 50 names on the waiting list and an additional 61 inquiries; and as of November 6, 2003, Whalebone Village had 308 names on its waiting list, 184 of whom are currently Town residents.

III. Existing Affordable Housing Programs

A. The Office of Housing and Community Development

East Hampton Town has a full-time department created in 1990, the Office of Housing and Community Development (OHCD), with seven staff members devoted to the provision of affordable housing. The OHCD oversees programs involving the sale of affordable units or lots, as well as the operation of rental assistance and community development programs.

B. The East Hampton Town Housing Authority

There is also a Housing Authority created by the State Legislature in 1983. The board members are appointed by the East Hampton Town Board and serve for a nominal stipend. The Housing Authority develops and manages affordable rental housing. The Housing Authority employs a full time executive director and two other staff members.

C. The Community Housing Opportunity Fund

Chapter 160 of the East Hampton Town Code established a “Community Housing Opportunity Fund.” A fifteen-member Advisory Board provides advice to the Town Board regarding expenditures from this fund. As per Chapter 160, the fund may be used for the provision of no-interest or low-interest loans to eligible residents of the town for the purchase of a first home; the actual production of community housing for sale to eligible residents of the Town, which may be done in conjunction with a private/public partnership; the actual production and maintenance of rental housing for rent to eligible residents of the Town; the rehabilitation of existing buildings and structures for use as community housing for sale or rental to eligible residents; and the provision of housing counseling services by not-for-profit corporations. Chapter 160 also provides for the adoption of a Town housing implementation plan for the provision of community housing opportunities by the Fund.

D. Home-Ownership Projects

The Town of East Hampton has undertaken a number of home-ownership projects since the 1980s.

In 1980, Olympic Heights was developed through the sale of fourteen half-acre lots at reduced prices to eligible buyers. The buyers were required to build their own houses, with the Town retaining a 78% interest in the value of the land. There is no right of first purchase.

In 1984, Camp Hero Estates was developed in Montauk through the acquisition by the Town of 27 houses from the federal government. The houses were rehabilitated and sold to eligible buyers for \$41,500 with the Town retaining the right of recapture. After 30 years from the date of sale, the owners will own them free of restriction or recapture. People who refinanced and paid off their HUD subsidies are permitted to rent their properties.

In 1986, Whalebone Woods was created by the Town using its urban renewal powers. A 78-lot affordable subdivision was created on properties within old-filed maps. The Town built 32 single-family affordable houses and rehabilitated two existing houses. The houses were sold to qualified buyers. The price of the houses was reduced by the New York State Affordable Housing Corporation (AHC) subsidies of \$15,000 per house. The remaining 44 lots were sold to eligible buyers who then had to build their own homes. All lots have been sold. The Town retains a right of first purchase and a recapture interest equal to 60% of the value of the land. In the past, the Town has been able to keep the homes in the affordable housing program. However, recently the recapture amount has been returned to the Town when the house is sold because values have increased to a point where they cannot be kept affordable.

In 1989 Whalebone Woods North was created, consisting of 32 three-bedroom traditional style single-family houses built on half-acre lots, ranging from \$47,600 to \$73,700. Eligible low and moderate-income families were chosen by lottery. The sales price of each house was reduced by \$25,000 AHC grants. The Town also retains the right of first purchase and 60% of the value of the land has to be returned to the Town when sold.

In 1991, the Town sold five lots to eligible moderate-income families through a lottery, and each family built their own home. Similar to Whalebone Woods, the Town retains right of first purchase and 35 percent of the value of the land is returned to the Town when the house is sold.

In 1996, the Town sold five new homes in Accabonac Woods to low- and moderate-income families. The houses ranged in price from \$69,884 to \$88,984. The purchase price

was reduced by HOME subsidies from HUD through Suffolk County in the amount of \$34,000. The Town retains the right of first purchase. Fifty percent of the land value is returned to the Town when the house is sold.

In 1999 the Town sold five new homes to low- and moderate-income families in the Maidstone Homes development. The houses ranged in price from \$86,000 to \$98,000. The Town retains the right to first purchase. Fifty percent of the land value is returned to the Town when the house is sold. The house prices were reduced through HOME grants of \$25,000 per house and AHC grants of \$20,000 per house.

To date a total of 166 single-family homes have been made available to residents who were low to moderate-income households. The bulk of the housing is in the East Hampton school district. Camp Hero is in Montauk and three of the Maidstone Homes are in Springs. None have been built in Amagansett or Wainscott.

Currently, a subdivision, known as Green Hollow, is proposed that would create 20 to 25 half-acre lots in East Hampton. Residents will be chosen through a prescreening and lottery process. In addition, the Town is securing approvals to develop 10 scattered lots throughout the Town.

E. Section Eight Housing Vouchers

In addition to home ownership housing programs, the town is authorized to issue 189 HUD Section 8 Housing Choice Vouchers to eligible low-income families. Current lease-up in Town is at approximately 150 residents. All of the Windmill II and some of the residents of Whalebone, Accabonac and Avallone receive Section 8 subsidies from the Town.

Under this program, eligible families must locate their own rental units, which must then pass HUD inspection guidelines. To qualify, a family's income cannot exceed the HUD's very low-income guidelines. HUD defines very low income families as those with incomes less than or equal to 50 percent of the median family incomes. (HUD factors in

other data in addition to the federal census when estimating median family income). A family pays approximately 30% of their income for rent. The balance of the rent is paid directly to the landlord from HUD funds as long as the rent remains at or below payment standards.

F. Affordable Rental Housing Developments

The Town has also facilitated the development of several affordable rental housing developments in Town.

Windmill Village Apartments, built in 1987, consists of 40 studios and 1-bedroom rental units for low-income senior citizens and handicapped persons. Eligible residents pay only 30 percent of their income for rent. The complex is owned and managed by the Windmill Housing Development Fund Co., Inc. A mortgage subsidy is provided by HUD.

Whalebone Village Apartments, built in 1989, are owned and managed by the Whalebone Housing Development Fund Co., Inc. and consists of 45 units comprising 1,2, and 3-bedroom apartments for eligible low-income families. Families pay approximately 30% of their income for rent. The mortgage subsidy is provided by the United States Department of Agriculture and some units receive Section 8 subsidies from the State of New York.

Avallone Apartments, built in 1992, consist of 17 rental units in Montauk. The project is owned and managed by the East Hampton Housing Authority. Funds for the project were provided by the New York State Housing Trust Fund.

Accabonac Apartments, built in 1999 consist of 50 rental units in East Hampton. The East Hampton Housing Authority manages the project for the Seymour Schutz Limited Partnership. The bonds are guaranteed by the Town and tax credit financing was received from New York State. Section 8 vouchers were obtained through the Community Development Corporation of Long Island.

Windmill II Apartments, built in 2002, consist of 47 rental units for senior citizens 55 and older. Five of the units were designated for the mobility impaired. All residents are participants of the Town's Section 8 Rental Assistance Program. The complex is owned and managed by the Windmill Housing Development Fund Co., Inc. Bond financing is provided by the Suffolk County Industrial Development Agency, and Federal Tax Credits financing is through the State of New York.

Plans are currently being developed by the Town OHCD and the Housing Authority to create 26 affordable apartments adjacent to the Town's Senior Center and the Windmill II Senior Facility.

G. Affordable Housing Town Code Provisions

The Town Code provides guidelines for affordable housing that includes the identification of an Affordable Housing Overlay District, and requirements for affordable housing units.

The purpose of the Affordable Housing Overlay District is to identify areas in the Town that are most appropriate for the creation of affordable housing, while assuring that the development is compatible with its surroundings and the character of the Town. Lots within the Affordable Housing Overlay District are developed with affordable housing through a Special Permit process. Among the special permit provisions are a minimum site size of 125,000 square feet (170,000 square feet for multiple residences), a maximum unit count of 60, and a maximum permitted density of eight units per acre for apartments and one unit per 20,000 square feet for single family residences or lots. All units or lots created are to be for the use of moderate income families. The applicant/owner of the affordable housing development is required to execute legal agreements that ensure, among other things, that the price of lots, residences or apartments sold and resold or the rentals charged for the units fall within previously agreed-upon minimum and maximum guidelines, that leases provide for year-round rentals, and that the development continues to house residents of the income class for which it was originally developed.

Another means of affordable housing provided for in the Code by means of a special permit is apartments over stores, and apartments in single family residences. All such units are required to be for the use of and available to moderate-income families.

For apartments over stores, written approval from the Town Fire Prevention Inspector is required, and certain locations (such as over filling stations) that pose safety or health hazards are prohibited. In addition, only the second story of the building shall be occupied by apartments, and a maximum of three is permitted per building. The habitable floor area of the apartment is required to have a minimum of 450 square feet and a maximum of 1,000 square feet. A separate access distinct from the store entrance must be provided for the tenants. Every apartment is required to have at least one on-site parking space. As a condition of approval of such apartments is the requirement that legal agreements be executed that will insure that the apartments are not sold to any party except as part of the sale of the entire building, that the rental charged remains within the previously agreed upon minimum and maximum guidelines, and that the apartment be available for year round rental. In addition, the apartment must continue to be used by residents of the income class for which it was originally created.

Apartments created in single-family residences have the same dimensional requirements as apartments in stores, but also must have no more than two bedrooms. Such apartments require the same executed legal agreements as those over stores, and require approval by the Town Fire Prevention inspector. In addition, the house in which the apartment is proposed must have a valid certificate of occupancy as of December 31, 1984 and shall be owner-occupied. Use of the apartment is tied to the continued owner-occupancy of the house. The house in which the apartment is located must have at least 1,600 square feet of livable floor area above the ground. The provisions also require that no more than one apartment shall be created in a single-family house, and at the time that the apartment is rented, there shall be no rental of guest rooms within the residence. On site parking is to be provided for the family occupying the apartment for no more than two cars.

As defined by the Code, an affordable rental unit is one in which the monthly rent (including heat and hot water) does not exceed 110 percent of the Fair Market Rent for

Existing Housing for the Nassau-Suffolk area, as established annually by the U.S. Department of Housing and Urban Development (HUD). The rent of the affordable unit may be adjusted thereafter in accordance with the “Annual Adjustment Factor” published annually by HUD. The sales price of an affordable multiple residence dwelling unit must not exceed 250 percent of the maximum annual aggregate family income for a moderate-income family, nor 300 percent of this income figure for single-family residences. The Town Code defines moderate income as 80 percent of the median income in Nassau and Suffolk Counties.

The Town Code also establishes minimum bedroom count for affordable units based on family size. For example, an affordable unit can consist of an efficiency apartment for a one-person household, while a family of 6 requires a 3-bedroom unit.

In addition to establishing requirements for housing units, the code also specifies requirements for the sale of unimproved affordable house lots. To date this has never been used.

IV. Implementation of the Community Housing Opportunity Fund

As set forth in Section III (C) above, the Housing Fund was established by Local No. 33 of 2003 (the “Local Law”) to provide a mechanism whereby the Town would be able to increase housing opportunities by establishing a fund and ensuring that the fund would be spent in furtherance of certain principles and objectives set forth in the law.

There is presently three million dollars in the Housing Fund for the creation of additional affordable housing opportunities. The Local Law specifically requires that the Town adopt a “town housing implementation plan” prior to utilizing the funds. The plan must adhere to the following principles:

1. **Public investment.** To account for and minimize social, economic, and environmental costs of new development, including infrastructure costs, and loss of open space and agricultural land;

2. Development. To encourage development in areas where infrastructure is available or practical;
3. Conservation. To protect, preserve, and enhance the Town's resources, including agricultural land, forests, surface waters, groundwater, recreation and open space, scenic areas, and significant historic and archeological sites;
4. Coordination. To promote coordination of state and local government decisions and cooperation among communities to work toward the most efficient, planned and cost-effective delivery of government services by, among other means, facilitating cooperative agreements among adjacent communities, and to coordinate planning to ensure compatibility of community development with development of neighboring communities;
5. Community design. To strengthen communities through development and redevelopment strategies that include integration of all income and age groups, mixed land uses, and compact development, traditional neighborhood development, planned unit development, open space districts, downtown revitalization, brown field redevelopment, enhanced beauty in public spaces, and diverse and community housing in close proximity to places of employment, recreation, and commercial development;
6. Transportation. To provide transportation choices, including increasing public transit and alternative modes of transportation, in order to reduce automobile dependency, traffic congestion, and automobile pollution;
7. Consistency. To insure predictability in building and land use codes;
8. Community collaboration. To provide for and encourage a collaborative Community-based effort, that includes long term land use and permit predictability and coordination, efficient decision making and planning implementation.

The Board has considered the above-referenced principles and determined to expend the Housing Fund in connection with the following programs:

- A. **New Attached Dwelling Housing Developments**
(Allocation of approximately \$1,500,000)

The Town and the Housing Authority propose to construct twenty-six

units of moderate-income rental apartments on approximately six acres of land owned by the Town adjacent to the Town's Senior Citizens Center. The target rent will be approximately \$1200 for a one bedroom unit and \$1500 for a two-bedroom unit. These rents can only be achieved by use of subsidy money from the Housing Fund. The Town plans to subsidize construction of the apartment complex and then transfer ownership to the Housing Authority.

For purposes of this program, a moderate-income family would be a family whose aggregate annual income does not exceed the income limits for lower income families (ie. families earning no more than 120% of the median income for a family of that size) promulgated for the Nassau-Suffolk primary metropolitan statistical area and published annually by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937 (43 U.S.C. Section 1437a(b)(2)) and Part 813, Subpart A, Section 102 of Title 24, Subtitle B, of the Code of Federal Regulations (24 CFR 813.102).

Applications will be accepted for these apartments during a defined period of time. Preference will be given to those who live or work in the Town of East Hampton. Applications will be reviewed in the order they are selected by lottery. They will be evaluated based on the applicant's credit report and rental history, including references from prior landlords.

The Housing Authority will make a final determination taking into consideration the applicant's ability to afford the rent based on income, with a goal that applicants will pay approximately thirty percent of their income for rent. All age groups will be eligible. The rental apartment must be the applicant's primary residence.

In order to achieve the desired number of units on the property, the Town will have to transfer development/density credits according to Suffolk County Health Department regulations from another Town-owned parcel. Because the Housing Authority will own this project, rents will be kept affordable in perpetuity. The units will be made available on a priority basis to people who live or work in the Town of East Hampton. The Town will ensure that these restrictions are maintained in perpetuity in the deed of conveyance. As set forth below, this project is consistent with the principles set forth in the Local Law:

1. Public Investment. Economic public investment will be minimized because the property is already owned by the Town of East Hampton. Transfer of development rights will permit a greater density than would otherwise be allowed under health department rules. The costs to extend utilities will be minimal because utilities already exist along Springs Fireplace Road. There will be no loss of agricultural land but there will be a loss of existing open space by development of the parcel.

2. Development. The need for additional infrastructure will be minimized because the site is located on a public road with utilities, including public water.

3. Conservation. The project site contains no significant environmental features and the transfer of development/density credits in order to achieve the desired number of units will be from a more environmentally significant property which will be permanently preserved and protected from development.

4. Coordination. This project will involve the coordination between the Suffolk County Department of Health Services, the Town of East Hampton and the Town of East Hampton Housing Authority. Within the context of a greater Town preservation plan as currently adopted as part of the Comprehensive Plan and the Community Preservation Fund Plan, this project proposes to integrate middle-income Community Housing into a neighborhood currently dominated by low-income senior housing projects. It is also adjacent to the playground and recreation facilities at the Town Senior Center (which also serves as a youth center). The Town will be developing this project but will turn over management and ownership to the Housing Authority.

5. Community Design. The Fireplace Road location is within a mile and half of the Village of East Hampton Commercial District and the Springs Fireplace Road Commercial District to the north.

6. Transportation. The Suffolk County Transit system which services Springs Fireplace Road is adjacent to the site and the Town operates a bus system out of the adjacent senior center for the elderly and disabled.

7. Consistency. The Town will be rezoning this property into an affordable housing overlay district and will be complying with all the rules and regulations of the Town and County. The Town does not anticipate needing any variances for the project. This program is consistent with the recommendations contained in Chapter 6 of the Town's existing 1984 Comprehensive Plan and is also consistent with the current proposals for the new Comprehensive Plan. The development will be similar in type style and design to the adjacent affordable housing developments.

8. Community Collaboration: By working with the Housing Authority, this program is fostering community collaboration. The construction of a mixed-use, mixed-income housing rental housing project was the result of four years of analysis in connection with the comprehensive plan update. This project is the first moderate-income rental housing proposed as a result of long-term land use planning and analysis of existing affordable housing projects in the Town.

B. Town purchase of Existing Homes

(Allocation of approximately \$1,500,000)

By far, the single largest land use in East Hampton is single-family homes. The problem isn't so much that there are not enough homes, but that the housing stock is not affordable for even moderate-income families. By developing a program to make some of the existing housing stock affordable for East Hampton residents and employees, the town would be tapping into one of the largest resources currently available.

While East Hampton citizens have overwhelmingly supported the protection of open space and the reduction of potential build-out, some have argued that these programs have resulted in exclusionary practices. By making a program of affordable homeownership for the existing housing stock in all zoning districts, in all parts of town,

the program would have a beneficial, inclusionary impact, while not increasing build-out or harming the environment.

The proposal is to enhance the ability for moderate-income families to purchase existing houses in East Hampton Town with a municipal equity sharing program to purchase an equity interest in the property. The purchaser would be taken from the existing affordable housing lists maintained by the Office of Housing (the “Affordable Housing Lists”). The Affordable Housing Lists contains the names of individuals who have been pre-screened to determine eligibility by the Town Housing Office and are set forth on the list in random order by lottery. The eligible recipient would be matched with a suitable house.

Once a suitable house is identified, the sales price must be verified by an independent appraiser. Both the sales price and appraised value cannot exceed 80 percent of the mean value of homes as recently sold in the Town of East Hampton as determined by the Town or a lesser amount determined by the Town.

The purchase price to the homebuyer would be no more than 3.5 times the purchaser’s income with the town purchasing an equity interest in the property (or taking an affordable housing easement in the property) in perpetuity to make up the difference between actual sales price and the ability of the homebuyer to pay, thus effectively reducing the out-of-pocket expense to the homebuyer.

The Town anticipates retaining 100% ownership of the underlying property and the homebuyer would purchase the home itself and lease the property from the Town. The Town would then allow resale of the homes only to qualified homebuyers on the Affordable Housing Lists, subject to appreciation controls designed to preserve the long term affordability of the homes. Upon resale of the house, the homebuyer will receive the lesser of (a) the base price (plus the actual cost of approved capital improvements) of the house as adjusted by the percentage by which the Consumer Price Index increased between the date the homebuyer took title to the house and the date the homebuyer closes on resale; or (b) the current fair market value of the house.

Annual property taxes would be the individual homebuyer’s obligation.

In the event of resale of the house, the Town’s equity interest would ensure that the house would be kept permanently within the affordable housing inventory because the

Town will not sell its interest but rather will allow the sale of the homebuyer's interest to another qualified homebuyer on the Affordable Housing Lists. The Town will also retain the right of first refusal, which would allow it to purchase the homebuyer's interest in the home itself.

The Town Board finds that this program adheres to the principles set forth in the Local Law as follows:

1. Public Investment. The purchase of existing single-family homes will not result in loss of open space and agricultural lands, and will minimize the impacts most closely associated with new development. The only impacts would be those related to the reasonable and modest renovations which would be necessary to improve the existing structures. The purchase of houses in Whalebone would have less of an impact on municipal investments since the Town already has an equity interest in those properties.

2. Development. Infrastructure will be available since this program targets the purchase of existing homes.

3. Conservation. As stated above, this program will not result in the loss of the Town's resources since the homes purchased are existing. The purchase of existing properties will obviate the need to build those units on undisturbed land. By purchasing existing homes, those communities where the community housing is located will be blind to the appearance of affordable housing in the neighborhood.

4. Coordination & Community Design. The retention of a year-round work force in certain neighborhoods rather than a conversion of existing houses to second homes will strengthen existing neighborhoods. The purchase of houses on small lots will promote compact developments. By saving and strengthening existing housing, existing infrastructure will be better able to serve the residents without the need to build additional infrastructure.

5. Transportation & Consistency. Existing transportation facilities may be utilized by purchasers of existing homes.

6. Consistency. Purchasing existing homes will require no changes in existing codes or exceptions to existing codes and will be consistent with existing land use regulations. This program is consistent with the recommendations contained in

Chapter 6 of the Town's existing 1984 Comprehensive Plan and is also consistent with the current proposals for the new Comprehensive Plan.

7. Community Collaboration. This program envisions collaboration with real estate brokers, mortgage brokers, and other community residents to locate potential acquisitions and finance the transactions.

This plan may be amended at any time by resolution of the Town Board upon public notice and hearing.

Dated: July 20, 2004

*Extracted from 2004 Town of East Hampton Comprehensive Plan (draft)