PHA Plans

Streamlined 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 for certain types of 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 Annual PHA Plan for Fiscal Year: 2007 PHA Name: Canton Housing Authority (CTO68)

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.

Streamlined Annual PHA Plan
Agency Identification

PHA Name: South Windsor Housing Authority **PHA Number:** CT068

PHA Fiscal Year Beginning: (01/2007)

PHA Programs Administered :

☐ **Public Housing and Section 8** ☒ **Section 8 Only** ☐ **Public Housing Only**

Number of public housing units: Number of S8 units: 14 Number of public housing units:
Number of S8 units:

☐ 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:				

PHA Plan Contact Information:

Canton Housing Authority
21 Dowd Street
Canton, CT 06019
(860) 693-6464

Public Access to Information

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

☒ PHA's main administrative office ☐ PHA's development management offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plan revised policies or program changes (including attachments) are available for public review and inspection. ☒ Yes ☐ No.
If yes, select all that apply:

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

Imagineers
635 Farmington Avenue
Hartford, CT 06105
(860) 247-2318

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)
Imagineers
635 Farmington Avenue
Hartford, CT 06105
(860) 247-2318

Streamlined Annual PHA Plan
Fiscal Year 2007
[24 CFR Part 903.12(c)]

Table of Contents
[24 CFR 903.7(r)]

Provide a table of contents for the Plan, including applicable additional requirements, and a list of supporting documents available for public inspection.

A. PHA PLAN COMPONENTS

☐ 1. Site-Based Waiting List Policies 4.
903.7(b)(2) Policies on Eligibility, Selection, and Admissions
☐ 2. Capital Improvement Needs 5.
903.7(g) Statement of Capital Improvements Needed
☒ 3. Section 8(y) Homeownership 6.
903.7(k)(1)(i) Statement of Homeownership Programs
☒ 4. Project-Based Voucher Programs 7.
☒ 5. PHA Statement of Consistency with Consolidated Plan. Complete only if PHA has changed any policies, programs, or plan components from its last Annual Plan. 7.
☒ 6. Supporting Documents Available for Review 9.
☐ 7. Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report 12.
☐ 8. Capital Fund Program 5-Year Action Plan 17.

B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

Form HUD-50076, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*: *Board Resolution to Accompany the Streamlined Annual Plan* identifying policies or programs the PHA has revised since submission of its last Annual Plan, and including Civil Rights certifications and assurances the changed policies were presented to the Resident Advisory Board for review and comment, approved by the PHA governing board, and made available for review and inspection at the PHA's principal office;

For PHAs Applying for Formula Capital Fund Program (CFP) Grants:
Form HUD-50070, *Certification for a Drug-Free Workplace;*
Form HUD-50071, *Certification of Payments to Influence Federal Transactions*; and
Form SF-LLL &SF-LLLa, *Disclosure of Lobbying Activities*.

1. Site-Based Waiting Lists (Eligibility, Selection, Admissions Policies) (N/A)

[24 CFR Part 903.12(c), 903.7(b)(2)]
Exemptions: Section 8 only PHAs are not required to complete this component.

A. 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 B.

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:

B. 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 next component.

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)

2. Capital Improvement Needs (N/A)

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

Exemptions: Section 8 only PHAs are not required to complete this component.

A. Capital Fund Program

1. ☐ Yes ☐ No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 7 and 8 of this template (Capital Fund Program tables). If no, skip to B.

2. ☐ 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: 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. ☐ Yes ☐ No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to #3; if yes, provide responses to the items on the chart located on the next page, copying and completing as many times as necessary).

2. Status of HOPE VI revitalization grant(s):

HOPE VI Revitalization Grant Status
a. Development Name: b. Development Number:
c. Status of Grant: ☐ Revitalization Plan under development ☐ Revitalization Plan submitted, pending approval ☐ Revitalization Plan approved ☐ Activities pursuant to an approved Revitalization Plan underway

3. ☐ Yes ☐ No: Does the PHA expect to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name(s) below:

4. ☐ 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:

5. ☐ 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:

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

(if applicable) [24 CFR Part 903.12(c), 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:

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):

☐ 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.

☐ 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.

☐ Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below):

☐ Demonstrating that it has other relevant experience (list experience below):

4. Use of the Project-Based Voucher Program

Intent to Use Project-Based Assistance

☐ Yes ☒ No: Does the PHA plan to "project-base" any tenant-based Section 8 vouchers in the coming year? If the answer is "no," go to the next component. If yes, answer the following questions.

1. ☐ 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:)

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

5. 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) only if the PHA has provided a certification listing program or policy changes from its last Annual Plan submission.

1. Consolidated Plan jurisdiction: (provide name here)

State of Connecticut

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

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

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

6. Supporting Documents Available for Review for Streamlined 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	*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*;	5 Year and Annual Plans
X	*PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Streamlined Annual Plan*	Streamlined Annual Plans
X	*Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan*.	5 Year and standard Annual 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
	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
	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
	Deconcentration Income Analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. ☐ 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
	Public housing rent determination policies, including the method for setting public housing flat rents. ☐ Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development. ☐ 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. ☐ Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach	Annual Plan: Operations and Maintenance

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Related Plan Component**
	infestation).	
	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
	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 ☐ Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
	Public housing grievance procedures ☐ Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures. ☐ Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	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
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, 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
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program (Section _____of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs ☐ Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	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
	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	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
	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). ☐ Check here if included in the public housing A & O Policy.	Annual Plan: 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

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Related Plan Component**
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)
	Consortium agreement(s) and for Consortium 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 Annual PHA Plan for Consortia: Agency Identification and Annual Management and Operations

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

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:**

☐**Original Annual Statement** ☐**Reserve for Disasters/ Emergencies** ☐**Revised Annual Statement (revision no:)**
☐**Performance and Evaluation Report for Period Ending:** ☐**Final Performance and Evaluation Report**

Line No.	**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 Collaterization 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				

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

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name:		**Grant Type and Number** Capital Fund Program Grant No: Replacement Housing Factor Grant No:				**Federal FY of Grant:**		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	

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

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name:	**Grant Type and Number** Capital Fund Program No: Replacement Housing Factor No:	**Federal FY of Grant:**

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	

8. Capital Fund Program Five-Year Action Plan

Capital Fund Program Five-Year Action Plan **Part I: Summary**					
PHA Name				☐**Original 5-Year Plan** ☐**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					

8. 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			$			$

8. Capital Fund Program Five-Year Action Plan

Capital Fund Program Five-Year Action Plan **Part II: Supporting Pages—Work Activities**					
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**
Total CFP Estimated Cost		$			$

Attachment A

HOUSING AUTHORITY OF THE TOWN OF CANTON

SECTION 8 ADMINISTRATIVE PLAN

2/2002

TABLE OF CONTENTS

Chapter 1
EQUAL OPPORTUNITY

A.	Fair Housing	1-1
B.	Reasonable Accommodation	1-1
C.	Family/Owner Outreach	1-2
D.	Right to Privacy	1-2
E.	Required Postings	1-2
F.	Administrative Fee Reserve	1-3

Chapter 2
HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATIONS OF THE FAMILY

A.	Housing Authority Responsibilities	2-1
B.	Owner Responsibility	2-2
C.	Obligations of the Family	2-3

Chapter 3
ELIGIBILITY FOR ADMISSION

Eligibility Criteria 3-1

Chapter 4
MANAGING THE WAITING LIST

A.	Opening and Closing the Waiting List	4-1
B.	Taking Applications	4-1
C.	Organization of the Waiting List	4-2
D.	Families Nearing the Top of the Waiting List	4-2
E.	Missed Appointments	4-2
F.	Updating the Waiting List	4-3
G.	Removal of Applicants from the Waiting List	4-3
H.	Grounds for Denial	4-3
I.	Notification of Negative Actions	4-4
J.	Informal Review	4-5

Chapter 5
SELECTING FAMILIES FROM THE WAITING LIST

A.	Special Admissions	5-1
B.	Preference	5-1
C.	Selection from the Waiting List	5-1

Chapter 6
ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)

A.	Briefing	6-1
B.	Contents of the Briefing Packet	6-2
C.	Issuance of Voucher; Request for Approval of Tenancy	6-3
D.	Term of the Voucher	6-4
E.	Approval to Lease a Unit	6-4
F.	Disapproval of Owner	6-5
G.	Ineligible/Eligible Housing	6-6
H.	Security Deposit	6-7

Chapter 7
MOVES WITH CONTINUED ASSISTANCE

A.	When a Family May Move	7-1
B.	Procedures Regarding Family Moves	7-1

Chapter 8
PORTABILITY

A.	General Policies of the Housing Authority	8-1
B.	Income Eligibility	8-1
C.	Portability: Administration by Receiving Housing Authority	8-1
D.	Portability Procedures	8-2

Chapter 9
VERIFICATION

A.	Acceptable Methods of Verification	9-1
B.	Types of Verification	9-1
C.	Verification of Citizenship or Eligible Non-Citizen Status	9-2
D.	Verification of Social Security Numbers	9-3
E,	Timing of Verifications	9-3
F.	Frequency of Obtaining Verification	9-3

Chapter 10
RENT AND HOUSING ASSISTANCE PAYMENT

A.	Rent Reasonableness	10-1
B.	Comparability	10-1
C.	Maximum Subsidy	10-1
D.	Assistance and Rent Formulas	10-3
E.	Utility Allowance	10-6
F.	Change of Ownership	10-6

Chapter 11
INSPECTION POLICIES AND HOUSING QUALITY STANDARDS

A.	Types of Inspections	11-1
B.	Owner and Family Responsibility	11-1
C.	Exceptions to the HQS Acceptability Criteria	11-3
D.	Time Frames and Corrections of HQS Fail Items	11-3
E.	Emergency Fail Items	11-4
F.	Abatement	11-5

Chapter 12
RECERTIFICATIONS

A.	Changes in Lease or Rent	12-1
B.	Annual Reexamination	12-1
C.	Interim Reexaminations	12-2
D.	Receipt of a Letter or Notice from HUD Concerning Income	12-4

Chapter 13
TERMINATION OF ASSISTANCE

Chapter 14
COMPLAINTS, INFORMAL REVIEWS, AND INFORMAL HEARINGS

A.	Complaints	14-1
B.	Informal Review for the Applicant	14-1
C,	Considering Circumstances	14-2
D.	Informal Hearings for Participants	14-3

Chapter 15
TERMINATION OF THE LEASE AND CONTRACT

A.	Termination of the Lease	15-1
B.	Termination of the Contract	15-2

Definitions and Procedures to be used in-Determining Income and Rent

A. Annual Income

1. Means all amounts, monetary or not, which: Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or are anticipated to be received from a source outside the family during the 12 month period following admission or annual reexamination effective date; and which are not specifically excluded in paragraph C of this section. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

2. Annual income includes, but is not limited to:

   a. The full amount, before any payroll deductions, or wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

   b. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

   c. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (B)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

   d. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (C)(14) of this section;

e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section;

f Welfare assistance.

(1) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(a) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(b) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (B)(6)(ii) shall be the amount resulting from one application of the percentage;

(2) Imputed welfare income.

(a) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the HA by the welfare agency), plus the total amount of other annual income.

(b) At the request of the HA, the welfare .agency will inform the Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Authority of any subsequent changes in the term of amount of such specified welfare benefit reduction. The HA will use this information to determine the amount of imputed welfare income for a family.

(c) A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the HA by the welfare agency);

(d) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

(e) The HA will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.

(f) If a participant is not satisfied that the HA has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the HA denies the family's request for modify such amount, then the HA shall give the resident written notice of such denial, with a brief explanation of the basis for the HA's determination of the amount of imputed welfare income. The HA's notice shall also state that if the resident does not agree with the determination, the resident may contest the decision in accordance with our informal review policy.

(g) Relations with welfare agencies

(i) The HA will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction, for a family member, and gives the HA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(ii) The HA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the agency. However, the HA is not responsible for determining whether a reduction of

welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(iii) Such welfare agency determinations are the responsibility of the welfare agency and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The HA shall rely on the welfare agency notice to the HA of the welfare agency's determination of a specified welfare benefits reduction.

g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

h. All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph C.(7) of this section.

B. Annual income does not include the following:

1. Income from employment of children (including foster children) under the age of 18 years;

2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph B.(5) of this section);

4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

5. Income of alive-in aide, as defined in Section 5.403;

6. The full amount of student financial assistance paid directly to the student or to the educational institution;

7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

8. (a) Amounts received under training programs funded by HUD:
   (b) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self Sufficiency (PASS);
   (c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
   (d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving on the board of commissioners. No resident may receive more than one such stipend during the same period of time;
   (e) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs ((including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

9. Temporary, nonrecurring or sporadic income (including gifts);

10: Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

11. Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

12. Adoption assistance payments in excess of $480 per adopted child;

13. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

14. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

15. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register identifying the benefits that qualify for this exclusion.

The following is a list of benefits excluded by other Federal Statute as of May 2001:

The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 USC 2017(h));

Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 USC 5044(g), 5088). Examples of programs under this Act include but are not limited to: The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program; National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs; Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).

Payments received under the Alaska Native Claims Settlement Act (43 USC 1626(a)).

Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 USC 459e).

Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 USC 8624(f)).

Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552(b)).

Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 State 2503-04).

The first $2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1707-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior (25 USC 117b, 1407); and

Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 USC 1087 uu). Examples of IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.

Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 USC 3056(f)). Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus. Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Orange product liability litigation, M.D.L. No 381 (E.D.N. Y.).

Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 94 State. 1785).

The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 USC 9858q).

Earned income tax credit refund payments received on or after January 1, 1991 (26 USC 320(j)).

Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433).

Allowance, earnings and payments to AmeriCorps -participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d)).

Any allowance paid under the provisions of 38 U.S. C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S. C. 1805).

Any mount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as

determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (41 U.S. C. 10602).

Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U:S.C: 2931).

C. Anticipating Annual Income.

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period. (This method would be used for teachers who are only paid for 9 months or for tenants receiving unemployment compensation.)

D. Adjusted Income

Adjusted income means annual income less the following deductions:

1. $480 for each dependent;

2. $400 for any elderly family or disabled family;

3. The sum of the following, to the extent the sum exceeds three percent of annual income:

   Unreimbursed medical expenses of any elderly family or disabled family; and

   Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and

4. Reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.

GLOSSARY

ABSORPTION - In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portable family. The receiving HA uses funds available under the receiving HA consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE") - Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amounts actually approved and paid. This account is used as the source of additional payments for the program.

ADA - Americans with Disability Act of 1990.

ADJUSTED INCOME - Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE - Fee paid by HUD to the HA for administration of the programs.

ADMINISTRATIVE FEE RESERVE (FORMERLY "OPERATING RESERVE") - Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMINISTRATIVE PLAN - The plan that describes HA policies for administration of the tenant-based programs.

ADMISSION - The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

AMORTIZATION PAYMENT - In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

ANNUAL CONTRIBUTIONS CONTRACT (ACC) - A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

ANNUAL INCOME - The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES - The Annual Income (described above) less the HUD-approved allowances.

APPLICANT (or applicant family) - A family that has applied for admission to a program, but is not yet a participant in the program.

"AS PAID" STATES - States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS - (See Net Family Assets)

ASSISTED TENANT - A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221(d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY - An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CHILD CARE EXPENSES - Amounts anticipated to be paid by the family for the care of minors under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

COMMON SPACE - In shared housing: Space available for use by the assisted family and other occupants of the unit.

CONGREGATE HOUSING - Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type.

CONTIGUOUS MSA - In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED - An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving-assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT - (See Housing Assistance Payments Contract).

CONTRACT AUTHORITY - The maximum annual payment by HUD to an HA for a funding increment.

COOPERATIVE (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type.

COVERED FAMILIES - Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

DEPENDENT - A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age or is a person with a disability, or is a full time student.

DISABILITY ASSISTANCE EXPENSES. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

DISABLED FAMILY - A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

DISABLED PERSON - A person who is any of the following:

(1) A person who has a disability as defined in Section 223 of the Social Security Act (42 U.S. C. 423).

(2) A person who has a physical, mental, or emotional impairment that:

- (i) Is expected to be of long-continued and indefinite duration;
- (ii) Substantially impedes his or her ability to live independently; and
- (iii) Is of such a nature that ability to live independently could be improved by more suitable housing condition

(3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S. C. 6001(7)).

DISPLACED PERSON - A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws,

DOMICILE - The legal residence of the household head or spouse as determined in accordance with State and local law .

DRUG-RELATED CRIMINAL ACTIVITY -Term means:

(1) Drug-trafficking; or

(2) Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))

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

ECONOMIC SELF-SUFFICIENCY PROGRAM - Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse of mental health treatment).

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

ELDERLY HOUSEHOLD - A family whose head or spouse or whose sole member is at least 62 years of age or a Disabled Person as defined in this Section or a Handicapped Person as defined in this section or may include two or more elderly, disabled or handicapped persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well-being.

ELDERLY PERSON - A person who is at least 62 years old.

ELIGIBILITY INCOME - May 10, 1984 regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY (Family) - A family is defined by the HA in the Administrative Plan.

EVIDENCE - Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

EXCEPTION RENT - An amount that exceeds the published FMR.

EXCESS MEDICAL EXPENSE - Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from' any other source.

EXTREMELY LOW-INCOME FAMILY - A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30% of median income for an area if HUD finds such variations are necessary due to unusually high or low family incomes.

FAIR MARKET RENT (FMR) - The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register.

FAMILY - The applicant must qualify as a family as defined by the HA.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM) - The program established by an HA to promote self-sufficiency of assisted families, including the coordination of supportive services.

FAMILY SHARE - The portion of rent and utilities paid by the family.

FAMILY UNIT SIZE - The appropriate number of bedrooms for a family, as determined by the HA under the HA subsidy standards.

FMR/EXCEPTION RENT LIMIT - The section 8 existing housing fair market rent published by HUD headquarters or any exception rent.

FOSTER CHILD CARE PAYMENT - Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT - A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended).

FUNDING INCREMENT - Each commitment of budget authority by HUD to an HA under the consolidated annual contribution contract for the HA program.

GROSS FAMILY CONTRIBUTION - Changed to Total Tenant Payment.

GROSS RENT - The sum of the rent to owner plus any utility allowance.

GROUP HOME - A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide). A special housing type.

HANDICAP ASSISTANCE - Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members which enable a family member (including the handicapped family member) to work.

HANDICAPPED PERSON - A person having a physical or mental impairment which:

(1) Is expected to be of long-continued and indefinite duration;
(2) Substantially. impedes his or her ability to live independently; and
(3) Is of such a nature that such ability could be improved by more suitable housing conditions

HAP CONTRACT - (See Housing Assistance Payments contract)

HEAD OF HOUSEHOLD - The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY - A state, county, municipality or other governmental entity or public body authorized to administer the program. ("PHA" and "HA") mean the same thing,)

HOUSING ASSISTANCE PAYMENT - The monthly assistance payment by an HA which includes:

(1) A payment to the owner for rent to owner under the family's lease; and
(2) An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP contract) - A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING ASSISTANCE PLAN (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303 (c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD; (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program arid approved by HUD.

HOUSING CHOICE VOUCHER - A voucher issued by a PHA under the Section 8 Housing Choice Voucher Program declaring a family to be eligible for participation in this program and stating the terms and conditions for participation.

HOUSING CHOICE VOUCHER PROGRAM - The program, effective October 1, 1999, established as a result of the merger of the Section 8 Certificate and Section 8 Voucher Programs.

HOUSING QUALITY STANDARDS (HQS) - The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS - HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations, Federal Register notices or other binding program directives.

IMPUTED ASSET - Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME - HUD passbook rate x total cash value of assets. Calculation used when assets exceed $5,000.

IMPUTED WELFARE INCOME - An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

INCOME - Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INITIAL HA - In portability, the term refers to both:

(1) An HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and

(2) An HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

INITIAL PAYMENT STANDARD - The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO OWNER - The rent to owner at the beginning of the HAP contract term.

INS - The U. S. Immigration and Naturalization Service

INTEREST REDUCTION SUBSIDIES - The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221(d)3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BM1R projects.

JURISDICTION - The area in which the HA has authority under State and local law to administer the program.

LANDLORD - This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LEASE

(1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA.

(2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of this Plan, the cooperative is the Section 8 "owner" of the unit, and the cooperative member is the Section 8 "tenant".

LIVE-IN AIDE - A person who resides with an elderly person or disabled person and who:

(1) Is determined to be essential to the care and well-being of the person
(2) Is not obligated for the support of the person
(3) Would not be living in the unit except to provide necessary supportive services

LOCAL PREFERENCE - A preference used by the HA to select among applicant families without regard to their federal preference status

LOW INCOME FAMILY - A family whose annual income does not exceed 80 percent of the median income for the area; as determined by HUD, with adjustments for smaller and larger families. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs of unusually high or low family incomes.

MANUFACTURED HOME - A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type.

MANUFACTURED-HOME SPACE - In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space.

MARKET RENT - The rent HUD authorizes the owner of FHA insured/subsidized multifamily housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under

the Rental Supplement or Section 202/Section 8 Programs the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES - Medical expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR - A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MIXED FAMILY - A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

MONTHLY ADJUSTED INCOME - 1/12 of adjusted income

MONTHLY INCOME - 1/12 of the annual income

MUTUAL HOUSING - Included in the definition of "cooperative".

NATIONAL - A person who owes permanent allegiance to the United States, for example, as a result of birth in a United Status territory or possession.

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

NEGATIVE RENT - Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

NET FAMILY ASSETS - (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition. (2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609. (3) In determining net family assets, PHAs shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application

for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

NET FAMILY CONTRIBUTION - Former name for Tenant Rent

NON-CITIZEN - A person who is neither a citizen nor national of the United States.

NOTICE OF FUNDING AVAILABILITY (NOFA) - For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

OCCUPANCY STANDARDS (Now referred to as Subsidy Standards) - Standards established by an HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OWNER - Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT (participant family) - A family that has been admitted to the HA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term).

PAYMENT STANDARD - In a voucher tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the HA sets a payment standard in the range from 90 percent to 110 percent of the current FMR/exception rent limit.

PERSON WITH DISABILITIES - A person who has a disability as defined in 42 U. S. C. 423 or a developmental disability as defined in 42 U. S. C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical or mental impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means an "individual with handicaps: as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes).

PORTABILITY - Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.

PREMISES - The building or complex in which the dwelling unit is located, including common areas and grounds.

PRIVATE SPACE - In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PUBLIC ASSISTANCE - Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA) - A state, county, municipality, or other governmental entity or public body authorized to administer the programs. "PHA" and "HA" mean the same thing. In this rule, a "PHA" is referred to as a "housing agency" (HA).

REASONABLE RENT - A rent to owner that is not more than rent charged:

(1) For comparable units in the private unassisted market; and

(2) For comparable unassisted units in the premises.

RECEIVING HA - In portability: An HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher and provides program assistance to the family.

RECERTIFICATION -Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertification.

REMAINING MEMBER OF TENANT FAMILY - Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER - The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

RESIDENCY PREFERENCE - An HA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area.

RESIDENT ASSISTANT - A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or well-being. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute a portion of his/her income or services towards the expenses of these individuals.

RESPONSIBLE ENTITY - The person or entity responsible for administering the restrictions on providing assistance to Non-citizens with ineligible immigration status (the HA).

SECRETARY - The Secretary of Housing and Urban Development

SECTION 214 - Section 214 restricts HUD from making financial assistance available for Non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SECURITY DEPOSIT - A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease,

SERVICEPERSON - A person in the active military or naval services (including the active reserve) of the United States.

SET-UP CHARGES - In a manufactured home space rental: Charges payable by the family for assembling, skirting and anchoring the manufactured home.

SHARED HOUSING - A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted; family. A special housing type.

SINGLE ROOM OCCUPANCY HOUSING (SRO) - A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A special housing type.

SPECIAL ADMISSION - Admission of an applicant that is not on the HA waiting list or without considering the applicant' waiting list position.

SPECIAL HOUSING TYPES - Subpart M of 24 CFR 982 states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SINGLE PERSON - A person living alone or intending to live alone.

SPECIFIED WELFARE BENEFIT REDUCTION - Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE - The husband or wife of the head of the household.

SUBSIDIZED PROJECT - A multi-family housing project (with the exception of a project owner by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

(1) Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or

(2) Rent supplement payments under Section 101 of the Housing and Urban Development At of 1965; or

(3) Direct loans pursuant to Section 202 of the Housing Act of 1959; or

(4) Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;

(5) Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;

(6) A Public Housing Project.

SUBSIDY STANDARDS - Standards established by a HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions,

SUSPENSION - Stopping the clock on the term of a family's voucher, for such period as determined by the HA, from the time when a family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

TENANCY ADDENDUM -The lease language required by HUD in the lease between the tenant and the owner.

TENANT - The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

TENANT RENT (formerly called Net Family Contribution) - The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Tenant Rent is Rent to Owner less HAP.

TOTAL FAMILY SHARE - The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

TOTAL TENANT PAYMENT (TTP) - The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT - Residential space for the private use of a family.

UNUSUAL EXPENSES - Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

UTILITIES -Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE - If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and health living environment.

UTILITY/HOOK-UP CHARGE - In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

UTILITY REIMBURSEMENT PAYMENT - The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the total Tenant Payment for the family occupying the unit. Generally, this amount shall be paid to the family in the manner provided for in the appropriate regulations. If the family and the utility company consent, a PHA may pay the utility reimbursement jointly to the family and the utility company, or directly to the utility company. In the Voucher Program, where the amount of the HAP payment exceeds the rent to Owner, the excess will be paid to the family.

VACANCY LOSS PAYMENTS (For contracts effective prior to 10/2/95) - When a family vacates its unit in violation of its lease the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LOW INCOME FAMILY - A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher Programs.

VETERAN - A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

VIOLENT CRIMINAL ACTIVITY - Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

WAITING LIST - A list of families organized according to HUD regulations and HA policy who are waiting for subsidy to become available.

WAITING LIST ADMISSION - An admission from the HA waiting list.

WELFARE ASSISTANCE - Income assistance from Federal or State welfare program, including assistance provided under TANF and general assistance. Does not include assistance directly solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS Program: "welfare assistance" includes only cash maintenance payments from Federal or State programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or Social Security.

WELFARE-TO-WORK (WTW) FAMILIES - Families assisted by an HA with voucher funding awarded to the HA under the HUD welfare-to-work voucher program (including any renewal of such WTW funding for the same purpose).

Chapter I
EQUAL OPPORTUNITY

A. FAIR HOUSING

It is the policy of the Canton Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the ground of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Canton Housing Authority's housing programs.

The Housing Authority will provide information to applicants for and participants in the Section 8 Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available at the Authority's office. The Authority uses the appropriate Equal Opportunity language and logos in its advertising.

The Canton Housing Authority will assist any family that believes they have suffered illegal discrimination by providing them copies of the housing discrimination form. The Authority will also assist them in completing the form, if requested, and will provide them with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

B. REASONABLE ACCOMMODATION

People with disabilities may need a reasonable accommodation in order to take full advantage of the housing programs. When such accommodations are granted they do not confer special treatment or advantage for the person with a disability; rather, they make the program fully accessible to them in a way that would otherwise not be possible due to their disability.

A disabled person is one with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition). -If the disability is not apparent or documented, the Housing Authority will obtain verification that the person is a person with a disability.

If granting a reasonable accommodation would alter the fundamental business of the Housing Authority, i, e., housing, or create an undue financial hardship or administrative burden, the Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally, the individual knows best what they need; however, the Canton Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Authority's programs or services.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The Housing Authority does not have the responsibility for the owner's unit and does not have responsible to make the unit accessible.

Any request for an accommodation that would enable a participant to materially violate family obligations will not be approved.

Rehabilitated former drug users and alcoholics-are covered under the ADA. However, a current drug user is not covered. In accordance with 24 CFR 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

C. FAMILY/OWNER OUTREACH

The Canton Housing Authority will publicize the availability and nature of the Section 8 Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

The Housing Authority will hold briefings for owners who participate in or who are seeking information about the Section 8 Program. The briefing is intended to explain how the program works; the benefits to owners; owners' responsibilities; and, ways to do better screening.

D. RIGHT TO PRIVACY

All adult members of both applicant and participant households are required to sign HUD Form 9886, *Authorization for Release of Information aged Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice* states how family information will be released and includes the *Federal Privacy Act Statement.*

Any request for applicant or participant information will not be released unless there is a signed release of information request from the applicant or participant.

E. REQUIRED POSTINGS

The Canton Housing Authority will post in its office, in a conspicuous place, and at a height easily read by all persons including persons with mobility disabilities, the following information:

1. The Section 8 Administrative Plan

2. Notice of the status of the waiting list (opened or closed)

3. Office hours and telephone numbers

4. Income Limits for Admission

5. Fair Housing Poster/Equal Opportunity in Employment Poster

F. ADMINISTRATIVE FEE RESERVE

Expenditures from the Administrative Fee Reserve for other housing-related purposes shall not exceed $ of the Section 8 Operating Reserve funds per fiscal year without the prior approval of the Board of Commissioners.

Chapter 2
HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATIONS OF THE FAMILY

A. HOUSING AUTHORITY RESPONSIBILITIES

The Canton Housing Authority will comply with the consolidated ACC, the application, HUD regulations and other requirements, and this Administrative Plan.

In administering the program, the Canton Housing Authority must:

1. Publish and disseminate information about the availability and nature of housing assistance under the program;

2. Explain the program to owners and families;

3. Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;

4. Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;

5. Affirmatively further fair housing goals and comply with equal opportunity requirements;

6. Make efforts to help disabled persons find satisfactory housing;

7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a voucher to each selected family, and provide housing information to families selected;

8. Determine who can live in the assisted unit at admission and during the family's participation in the program;

9. Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5;

10. Review the family's request for approval of the tenancy and the owner/landlord lease, including the HUD prescribed tenancy addendum;

11. Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;

12. Determine the amount of the housing assistance payment for a family;

13. Determine the maximum rent to the owner and whether the rent is reasonable;

14. Make timely housing assistance payments to an owner in accordance with the HAP contract;

15. Examine family income, size and composition at admission and during the family's participation in the program. The examination includes verification of income and other family information;

16. Establish and adjust the utility allowance;

17. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the Authority, if the owner defaults;

18. Determine whether to terminate assistance to a participant family for violation of family obligations;

19. Conduct informal reviews for applicants to the program;

20. Conduct informal hearings for participants in the program; and,

21. Provide sound financial management of the program.

B. OWNER RESPONSIBILITY

The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.

The owner is responsible for:

1. Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.

2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.

3. Complying with equal opportunity requirements.

4. Preparing and furnishing to the Housing Authority information required under the HAP contract.

5. Collecting from the family:

   a. Any security deposit required under the lease,

   b. The tenant contribution (the part of rent to owner not covered by the housing assistance payment.

   c. Any charges for unit damage by the family.

6. Enforcing tenant obligations under the lease,

7. Paying for utilities and services (unless paid by the family under the lease.)

The owner is responsible for notifying the Canton Housing Authority sixty (60) days prior to any rent increase.

C. OBLIGATIONS OF THE FAMILY

This Section states the obligations of a participant family under the program.

1. Supplying required information.

   a. The family must supply any information that the Housing Authority or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.

   b. The family must supply any information requested by the Housing Authority or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

   c. The family must disclose and verify Social Security Numbers and must sign and submit consent forms for obtaining information.

   d. Any information supplied by the family must be true and complete.

2. HQS breach caused by the Family. The family is responsible for any HQS breach caused by the family or its guests.

3 . Allowing Housing Authority Inspection The family must allow the Housing Authority to inspect the unit at reasonable times and after at least 2 days notice.

4. Violation of Lease. The family may not commit any serious or repeated violation of the lease.

5. Family Notice of Move or Lease Termination. The family must notify the Canton Housing Authority and the owner before the family moves out of the unit or terminates the lease by a notice to the owner.

6. Owner Eviction Notice: The family must promptly give the Housing Authority a copy of any owner eviction notice it receives.

7. Use and Occupancy of the Unit

   a. The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.

   b. The Canton Housing Authority must approve the composition of the 4ssisted family residing in the unit. The family must promptly inform the Housing Authority of the birth, adoption or court-awarded custody of a child. The family must request approval from the Authority to add any other family member as an occupant of the unit. No other person (i. e., no one but members of the assisted family) may reside in the unit (except for a foster child/foster adult or live-in aide as provided later in this plan.

   c. The family must promptly notify the Housing Authority if any family member no longer resides in the unit.

   d. If the Housing Authority has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The Housing Authority has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the Authority consent may be given or denied.

   e. Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. Any business uses of the unit must comply with zoning requirements and the affected household must obtain all appropriate licenses.

   f. The family must not sublease or let the unit.

   g. The family must not assign the lease or transfer the unit.

8. Absence from the Unit

The family must supply any information or certification requested by the Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any HA requested information or certification on the purposes of family absences. The family must cooperate with the Authority for this purpose. The family must promptly notify the Housing Authority of its absence from the unit.

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to 30 days. The family must request permission from the Housing Authority for absences exceeding 30 days. The Canton Housing Authority will make a determination within ten (10) days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

a. Prolonged hospitalization

b. Absences beyond the control of the family (i, e., death in the family, other family member illness)

c. Other absences that are deemed necessary by the Canton Housing Authority

9. Interest in the Unit. The family may not own or have any interest in the unit (except for owners of manufactured housing renting the manufactured home space).

10. Fraud and Other Program Violation. The members of the family must not commit fraud, bribery, or any other corrupt or criminal act in connection with the programs.

11. Crime or Alcohol Abuse by Family Members. The members of the family may not engage in drug-related criminal activity or other violent criminal activity, abuse alcohol or show a pattern of alcohol abuse in any way that affects the right to peaceful enjoyment of the premises by other residents.

12. Other Housing Assistance. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State 'or local housing assistance program.

Chapter 3
ELIGIBILITY FOR ADMISSION

ELIGIBILITY CRITERIA

1. Family status.

   a. Two or more persons sharing residence whose income and resources are available to meet the family's need and who are related by blood, marriage, or operation of law (or who give evidence of a stable relationship which has existed over a period of time).

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

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

   d. A disabled family, whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

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

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

   f. A remaining member of a tenant family.

   g. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

2. Income eligibility

a. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program shall be a family that is:

(1) An extremely low-income or a very low-income family;

(2) A low-income family continuously assisted under the 1937 Housing Act;

(3) A low-income family that meets additional eligibility criteria specified by the Housing Authority;

(4) A low-income family that is a non-purchasing tenant in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CFR 248.173;

(5) A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.

(6) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project.

b. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease.

c. The applicable income limit for issuance of a voucher is the highest income limit for the family size for areas within the Housing Authority's jurisdiction. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.

d. Families who are moving into the Canton Housing Authority's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority, must meet the income limit for the area where they were initially assisted under the program..

3. Citizenship/Eligible Immigrant status

To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980.

Family eligibility for assistance.

a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.

b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. See this Plan further for calculating rents under the non-citizen rule.

c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

4. Social Security Number Documentation. To be eligible, all family members 6 years of age and older must provide a Social Security Number or certify that they do not have one.

5. Signing Consent Forms

a. In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

b. The consent form must contain, at a minimum: A provision authorizing HUD and the Canton Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; a provision authorizing HUD or the Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance; a provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and a statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

6. Suitability for tenancy.

The Canton dousing Authority determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides. The Housing Authority will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the

individual has lived outside the local area, the Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC).

The Canton Housing Authority will check with the State sex offender registration program and will ban for life any individual who is registered as a lifetime sex offender.

The Housing Authority will also deny admittance to family members if there is reason to believe that there is abuse or a pattern of abuse of alcohol by a household member that may adversely affect the health or safety of, or the right to peaceful enjoyment of the premises by other residents.

Additional screening is the responsibility of the owner. Upon the request of a prospective owner, the Housing Authority will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

Chapter 4
MANAGING THE WAITING LIST

A. OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced via public notice that applications for Section 8 will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program, and that such applicants will not lose their place on other waiting lists when they apply for Section 8. The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

Closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed.

B. TAKING APPLICATIONS

Families wishing to apply for the Section 8 Program will be required to complete an application for housing assistance. Applications will be accepted during regular business hours at the Housing Authority's office, 21 Dowd Avenue, Canton, Connecticut.

When the waiting list is open, completed applications will be accepted from all applicants. The Housing Authority will later verify the information in the applications relevant to the applicant's eligibility, admission, and level of benefit.

Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Housing Authority to make special arrangements to complete their application.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information including name, address, phone number, family composition and family unit size, racial or ethnic designation of the head of household, income category, and information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the families pre-application, the Housing Authority will make a preliminary determination of eligibility. The HA will notify the family in writing of the date and time of placement on the waiting list and the approximate amount of time before housing assistance may be offered. If the Authority determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

An applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The Housing Authority will annotate the applicant's file and will update their place on the waiting list. It is the family's responsibility to ensure the Housing Authority has a current address.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The Authority will ensure that verification of all preferences, eligibility, suitability selection factors are current in order to determine the family's final eligibility for admission into the Section 8 Program.

C. ORGANIZATION OF THE WAITING LIST

All applications will be maintained in order of preference and then in order of lottery position;

D. FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within 2 months of being offered assistance, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Housing Authority must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference has been verified the family will complete a full application, present Social Security Number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

E. MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial.

The Housing Authority will allow the family to reschedule appointments for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities for good cause. When a good cause exists, the Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

F. UPDATING THE WAITING LIST

The Canton Housing Authority will update its waiting list at least annually to ensure that the pool of applicants reasonably represents interested families. Updating also enables the Housing Authority to update the information regarding address, family composition, income category and preferences.

G. REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Housing Authority will not remove an applicant's name from the waiting list unless the applicant requests that their name be removed; the applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments; or the applicant does not meet either the eligibility or screening criteria for the program.

H. GROUNDS FOR DENIAL

The Canton Housing Authority will deny assistance to applicants who:

1. Do not meet any one or more of the eligibility criteria;

2. Do not supply information or documentation required by the application process;

3. Fail to respond to a written request for information or a request to declare their continued interest in the program;

4. Fail to complete any aspect of the application or lease-up process;

5. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property, and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff, or cause damage to the property.

6. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs.

7. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

8. Have a family member who was evicted from public housing or terminated from a rental assistance program within the last three years;

9. Have a family member who was evicted or terminated from assisted housing within five years of the projected date of admission because of drug-related criminal activity

involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

10. Have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Housing Authority may waive this requirement if:

    a. The person demonstrates to the Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;

    b. The person has successfully completed a supervised drug or alcohol rehabilitation program;

    c. The person has otherwise been rehabilitated successfully; or

    d. The person is participating in a supervised drug or alcohol rehabilitation program.

11. Have engaged in or threatened abusive or violent behavior towards any Housing Authority staff or residents;

12. Have a family member who has been convicted of manufacturing or producing methamphetamine (speed) (Denied for life);

13. Have a family member with a lifetime registration under a State sex offender registration program (Denied for life).

14. Area welfare-to-work family who fails to fulfill its obligations under the welfare-to-work voucher program.

I. NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority, in writing, that they have ten (10) days, from the date of the written correspondence, to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the time-frame specified. The Housing Authority's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary

based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

J. INFORMAL REVIEW

If the Housing Authority determines that an applicant does not meet the criteria for receiving Section 8 assistance, the Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reasons) for the decision, and state that the applicant may request an informal review of the decision within 10 days of the denial. The Authority will describe how to obtain the informal review.

Chapter 5
SELECTING FAMILIES FROM THE WAITING LIST

A. SPECIAL ADMISSIONS

If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the Canton Housing Authority will use the assistance for those families.

B. PREFERENCES

The Canton Housing Authority has adopted the following preference:

None

C. SELECTION FROM THE WAITING LIST

The lottery selection will be utilized to determine the sequence within the above-prescribed preference.

Not withstanding the above, if necessary to meet the statutory requirement that 75% of newly Admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD), Housing Authority retains the right to skip higher income families on the waiting to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families and the income of the families on the waiting list.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

Chapter 6
ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)

The Housing Authority will issue a voucher for a particular bedroom size in accordance with the following guidelines:;

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

Bedroom size will also be determined using the following guidelines:

A. Children of the same sex will share a bedroom.

B. Children of the opposite sex, both under the age of 3,will share a bedroom.

C. Adults and children will not be required to share a bedroom.

D. Foster-adults and -children will not be required to share a bedroom with family members.

E. Live-in aides will be given a separate bedroom.

The Housing Authority will grant exceptions to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a medical reason why the larger size is necessary.

The family unit size will be determined by the Authority in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a different-sized unit. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

A. BRIEFING

When the Authority selects a family from the waiting list for issuance of a voucher, the family will be required to attend a briefing explaining how the program works. If they cannot attend the originally scheduled briefing, they may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission.

The briefing will cover at least the following subjects:

1. A description of how the program works;

2. Family and owner responsibilities;

3. Where the family may rent a unit, including inside and outside the Housing Authority's jurisdiction;

4. Types of eligible housing;

5. For families qualified to lease a unit outside the Housing Authority's jurisdiction under portability, an explanation of how portability works;

6. An explanation of the advantages of living in an area that does not have a high concentration, of poor families; and

7. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income.

B. CONTENTS OF THE BRIEFING PACKET

During the briefing, the Housing Authority will give the family a packet covering at least the following subjects:

1. The term of the voucher and the Housing Authority's policy an extensions and suspensions of the term. The packet will include information on how to request an extension and forms for requesting extensions;

2. How the Housing Authority determines the housing assistance payment and total tenant payment for the family;

3. Information on the payment standard, exception payment standard rent areas, and the utility allowance schedule;

4. How the Housing Authority determines the maximum rent for an assisted unit;

5. Where the family may lease a unit. For families qualified to lease outside the Housing Authority's jurisdiction, the packet includes an explanation of how portability works;

6. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease, and a sample contract;

7. The request for approval of the tenancy form and an explanation of how to request Housing Authority approval of a unit;

8. A statement of the Housing Authority's policy on providing information to prospective owners. Upon request from a prospective landlord, the Housing Authority will also supply any factual information or third party verification relating to the applicant's history as a tenant or their ability to comply with material standard lease terms or any history of drug trafficking, drug-related criminal activity or any violent criminal activity;

9. The Housing Authority's subsidy standards, including when the Housing Authority will consider granting exceptions to the standards;

10. The HUD brochure on how to select a unit ("A Good Place to Live");

11. The HUD-required lead-based paint brochure;

12. Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;

13. A list of landlords or other parties known to the Canton Housing Authority who may be willing to lease a unit to the family or help the family find a unit;

14. Notice that if the family includes a person with disabilities, the family may request a current list of accessible units known to the Canton Housing Authority that may be available;

15. The family's obligations under the program;

11. The grounds upon which the Housing Authority may terminate assistance because of the family's action or inaction;

17. The Authority's informal hearing procedures, including when the Housing Authority is required to provide the opportunity for an informal hearing, and information on how to request a hearing.

C. ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY

Once all family information has been verified, their eligibility determined, their subsidy calculated, and they have attended the family briefing, the Housing Authority will issue the voucher. At this point the family begins their search for a unit.

When the family finds a unit that, the owner is willing to lease under the program, the family and the owner will complete and sign a proposed lease, the HUD required tenancy addendum and the request

for approval of the tenancy form. The family will submit the proposed lease and the request form to the Housing Authority during the term of the voucher. The Housing Authority will review the request, the lease, and the HUD required tenancy addendum and make an initial determination of approval of tenancy. The Housing Authority may assist the family in negotiating changes that may be required for the tenancy to be approvable. The Housing Authority will then schedule an appointment to inspect the unit within 15 days after the receipt of inspection request from the family and owner. The 15 day period is suspended during any period the unit is unavailable for inspection. The Housing Authority will promptly notify the owner and the family whether the unit and tenancy are approvable.

Additional screening is the responsibility of the owner. Upon request by a prospective owner, the Housing Authority will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with standard material lease terms.

D. TERM OF THE VOUCHER

The initial term of the voucher will be 60 days and will be stated on the Housing Choice Voucher. The Housing Authority may grant one or more extensions of the term, but the initial term plus any extensions will not exceed 120 calendar days from the initial date of issuance without an extraordinary reason. To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request.

As a reasonable accommodation, if the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension beyond the 120 days search time.

E. APPROVAL TO LEASE A UNIT

The Housing Authority will approve a lease if all of the following conditions are met:

1. The unit is eligible;

2. The unit is inspected by the Housing Authority and passes HQS;

3. The lease is approvable and includes the following:

    a. The names of the owner and the tenant;

    b. The address of the unit rented;

    c. The term of the lease (initial term and any provisions for renewal);

    d. The amount of the monthly rent to owner;

e. A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family; and

f. The required HUD tenancy addendum.

4. The rent to owner is reasonable;

5. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;

6. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the Housing Authority; and

7. The family continues to meet all eligibility and screening criteria.

If tenancy approval is denied, the Housing Authority will advise the owner and the family in writing and advise them also of any actions they could take that would enable the Housing Authority to approve the tenancy.

The lease term may begin only after all of the following conditions are met:

1. The unit passes the HQS inspection;

2. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;

3. The landlord and tenant sign the lease to include the HUD required addendum; and

4. The Housing Authority approves the leasing of the unit.

The Housing Authority will. prepare the contract when the unit is approved for tenancy. Under no circumstances will the Authority pay, any housing assistance to the owner until the contract is executed. In no case will the contract be executed later than 60 days after the beginning of the lease term. Any contract executed after the 60-day period will be void and the Housing Authority will not pay housing assistance to the owner.

F. DISAPPROVAL OF OWNER

The Housing Authority will deny participation by an owner for any of the following reasons:

1. The owner has violated any obligations under, a Section 8 Housing Assistance Payments Contract;

2. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;

3. The owner has engaged in drug-related criminal activity or any violent criminal activity;

4. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project based Section 8 assistance or leased under any other Federal housing program;

5. The owner has a history or practice of renting units that fail to meet State or local codes; or

6. The owner has not paid State or local, real estate taxes, fines, or assessments.

6. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the premises by tenants, Housing Authority employees or owner employees; or residences by neighbors; or

7. If the owner is a parent, child, grandparent, grandchild, sister, or brother or any member of the family seeking the use of a voucher unless the Housing Authority determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

G. INELIGIBLE/ELIGIBLE HOUSING

The following types of housing cannot be assisted under the Section 8 Tenant-Based Program:

1. A public housing or Indian housing unit;

2. A unit receiving project-based assistance under a Section 8 Program;

3. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;

4. College or other school dormitories;

5. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;

6. A unit occupied by its owner. This restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space; and

7. A unit receiving -any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit.

The Canton Housing Authority will approve leases for the following housing types:

1. Single family dwellings

2. Apartments

3. Manufactured housing

4. Manufactured home space rentals

H. SECURITY DEPOSIT

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

Chapter 7
MOVES WITH CONTINUED ASSISTANCE

Participating families are allowed to move to another unit after the initial 12 months has expired, if the landlord and the participant have mutually agreed to terminate the lease, or if the Housing Authority has terminated the HAP contract. The Canton Housing Authority will issue the family a new voucher if the family does not owe the Canton Housing Authority or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a voucher within the last 12 months; and if the Canton Housing Authority has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice, the 12-month requirement may be waived.

A. WHEN A FAMILY MAY MOVE

For families already participating in the Section 8 Program, the Canton Housing Authority will allow the family to move to a new unit if.

1. The assisted lease for the old unit has terminated;

2. The owner has given the tenant a notice to vacate, has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant; or

3 . The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner).

B. PROCEDURES REGARDING FAMILY MOVES

Families are required to give proper written notice of their intent to terminate the lease. In accordance with HUD regulations, no notice requirement may exceed 60 days. During the initial term, families may not end the lease unless they and the owner mutually agree to end the lease. If the family moves from the unit before the initial term of the lease ends without the owner's and the Canton Housing Authority's approval, it will be considered a serious lease violation and subject the family to termination from the program.

The family is required to give the Canton Housing Authority a copy of the notice to terminate the lease at the same time as it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to the Canton Housing Authority will be considered a violation of Family Obligations and may cause the family to be terminated from the program.

Failure to follow the above procedures may subject the family to termination from the program.

Chapter 8
PORTABILITY

A. GENERAL POLICIES OF THE HOUSING AUTHORITY

A family whose head or spouse has a domicile (legal residence) or -works in the jurisdiction of the Canton Housing Authority at the time the family first submits its application for participation in the program to the Canton Housing Authority may lease a unit anywhere in the jurisdiction of the Canton Housing Authority or outside the. Canton Housing Authority jurisdiction as long as there is another entity operating a tenant-based Section 8 program covering the location of the proposed unit,

If the head or spouse of the assisted family does not have a legal residence or work in the jurisdiction of the Canton Housing Authority at the time of its application, the family will not have any right to lease a unit outside of the Canton Housing Authority jurisdiction for a 12-month period beginning when the family is first admitted to the program. During this period, the family may only lease a unit located in the jurisdiction of the Canton Housing Authority.

Families participating in the Voucher Program will not be allowed to move more than once in any 12-month period and under no circumstances will the Housing Authority allow a participant to improperly break a lease. Under extraordinary circumstances the Housing Authority may consider allowing more than one move in a 12-month period.

For income targeting purposes, the family will count toward the initial housing authority's goals unless the receiving housing authority absorbs the family. If absorbed, the admission will count toward the receiving housing authority's goals.

If a family has moved out of their assisted unit in violation of the lease, the Housing Authority will not issue a voucher, and may terminate assistance.

B. INCOME ELIGIBILITY

1 Admission - A family must be income-eligible in the area where the family first leases a unit with assistance in the Voucher Program.

2. If a portable family is already a participant in the Initial Housing Authority's Voucher Program, income eligibility is not re-determined.

C. PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY

1. When a family utilizes portability to move to an area outside the Initial Housing Authority jurisdiction, another Housing Authority (the Receiving Housing Authority) must administer assistance for the family if that Housing Authority has a tenant-based program covering the area where the unit is located.

2. A Housing Authority with jurisdiction in the ,area where the family wants to lease a unit must administer the family's voucher. If there is more than one such housing authority, the Initial Housing Authority may choose which-housing authority. shall become the Receiving Housing Authority.

D. PORTABILITY PROCEDURES

1. When the Canton Housing Authority is the Initial Housing Authority:

   a. The Authority will brief the family on the process that must take place, to exercise portability.

   b. The Canton Housing Authority, will advise the family how to contact and request assistance from the Receiving Housing Authority.

   c. Upon notification from the Receiving Authority, the Canton Housing Authority will immediately mail the most recent HUD Form 50058 (Family Report) for the family, and related verification information, to the Receiving Authority.

2. When the Canton Housing Authority is the Receiving Housing Authority:

   a. When the portable family requests assistance from the Canton Housing Authority, the Canton Housing Authority will within ten (10) calendar days inform the Initial Housing Authority whether it will bill the Initial Housing Authority for assistance on behalf of the portable family, or absorb the family into its own program. When the Canton Housing Authority receives a portable family, the family will be absorbed if funds are available and a voucher will be issued.

   b. The Canton Housing Authority will determine the family unit size for the portable family. The family unit size is determined in accordance with the Canton Housing Authority's subsidy standards.

   c. The Canton Housing Authority will within ten (10) calendar days notify the Initial Housing Authority if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.

   d. If the Canton Housing Authority-opts to conduct a new reexamination, the Canton Housing Authority will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility.

e. In order to provide tenant-based assistance for portable families, the Canton Housing Authority will perform all Housing Authority program functions, such as reexaminations of family income and composition. At any time, either the Initial Housing Authority or the Canton Housing Authority may make a determination to deny or terminate assistance to the family in accordance with 24 CFR 982.552.

3. Absorption by the Canton Housing Authority

If funding is available under the consolidated ACC for the Canton Housing Authority's Voucher Program when the portable family is received, the Canton Housing Authority will absorb the family into its Voucher Program.

4. Portability Billing

To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees. The billing procedure will be as follows:

a. As the Initial Housing Authority, the Canton Housing Authority will promptly reimburse the Receiving Housing Authority for the full amount of the housing assistance payments made by the Receiving Housing Authority for the portable family. The amount of the housing assistance payment for a portable family in the Receiving Housing Authority's program is determined in the same manner as for other families in the Receiving Housing Authority's program.

b. The Initial Housing Authority will promptly reimburse the Receiving Housing Authority for 80% of the Initial Housing Authority's on going administrative fee for each unit month that the family receives assistance under the tenant-based programs and is assisted by the Receiving Housing Authority. If both Housing Authorities agree, we may negotiate a different amount of reimbursement.

5. When a Portable Family Moves

When a portable family moves out of the tenant-based program of a Receiving Housing Authority that has not absorbed the family, the Housing Authority in the new jurisdiction to which the family moves becomes the Receiving Housing Authority, and the first Receiving Housing Authority is no longer required to provide assistance for the family.

Chapter 9
VERIFICATION

The Canton Housing Authority will verify information related to waiting list preferences, eligibility, admission and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a .live-in aide and other reasonable accommodations, full time student status of family members 18 years of age and older, Social Security Numbers, citizenship/eligible non-citizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

A. ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security Numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation (with forms sent directly to and received directly from a source, not passed through the hands of the family). This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Canton Housing Authority or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i. e. name date of contact, amount received, etc.

When third party verification cannot be obtained, the Canton Housing Authority will accept documentation received from the applicant/participant. Hand-carried documentation will be accepted if the Canton Housing Authority has been unable to obtain third party verification in a four week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the Canton Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

B. TYPES OF VERIFICATION

In order to obtain written third party verification, the Housing Authority will send a request to the source along with a release form signed by the applicant/participant. The following list is not meant to be inclusive, however, the items below are the most commonly used and verified: disability, full-time student status, child care costs, need for a live-in aide, disability assistance expenses, medical

expenses, savings, checking and other bank accounts, stocks, real estate, wages and income, regular gifts and contributions (not necessarily monetary), alimony/child support, periodic payments such as social security, welfare, pensions, workers' compensation, unemployment, and training program participation.

C. VERIFICATION OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS

The citizenship/ eligible non-citizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to' sign a declaration under penalty of perjury. (They will be required to show proof of their status by such means as Social Security card, birth certificate, military ID or military DD 214 Form.)

Prior to being admitted or at the first reexamination, all eligible non-citizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Canton Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Canton Housing Authority also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Canton Housing Authority will mail information to the INS so a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible non-citizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program.

Any family member who does not choose to declare they status must be listed on the statement of non-eligible members.

If no family member is determined to be eligible under this Section, the family's admission will be denied.

The family's assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this Section, except to the extent that the delay is caused by the family.

If the Canton Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside

in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

D. VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to .admission, each family member Who has a Social Security Number and who is at least six years of age must provide verification of his or her Social Security Number. New family members at least six years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the Canton Housing Authority will accept letters from Social Security that establish and state the number. Documentation from other governmental agencies will also be accepted that establish and state the number. Driver's license, military ID, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security Number they will be required to sign a statement to this effect. The Canton Housing Authority will not require any individual who does not have a Social Security Number to obtain a Social Security Number.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided.

If a member of a tenant family indicates they have a Social Security Number, but cannot readily verify it, they shall be asked to certify to this fact and shall up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated.

E. TIMING OF VERIFICATION

Verification must be dated within 90 days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update only those elements reported to have changed.

F. FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

For each family member age 6 and above, verification of Social Security Number will be obtained only once. This verification will be accomplished prior to admission: When a family member who did not have a Social Security Number at admission receives a Social Security Number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination:

Chapter 10
RENT AND HOUSING ASSISTANCE PAYMENT

A. RENT REASONABLENESS.

The Housing Authority will not approve an initial rent or a rent increase in any of the tenant-based programs without determining that the rent amount is reasonable. Reasonableness is determined prior to the initial lease and at the following times:

1. Before any increase in rent to owner is approved;

2. If 60 days before the contract anniversary date there is a 5% decrease in the published FMR as compared to the previous FMR; and

3. If the Housing Authority or HUD directs that reasonableness be re-determined.

B. COMPARABILITY

In making a rent reasonableness determination, the Housing Authority will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods. The Housing Authority will consider the location, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units.

The Housing Authority will maintain current survey information on rental units in the jurisdiction. The Housing Authority will also obtain from landlord associations and management firms the value of the array of amenities.

The Housing Authority will establish minimum base rent amounts for each unit type and bedroom size. To the base the Housing Authority will be able to add or subtract the dollar value for each characteristic and amenity of a proposed unit.

Owners are invited to submit information to the survey at any time. Owners may review the determination made on their unit and may submit additional information or make improvements to the unit that will enable the Housing Authority to establish a higher value.

The owner must certify the rents charged for other units. By accepting the housing assistance payment each month the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

C. MAXIMUM SUBSIDY

The Fair Market Rent (FMR) published by HUD or the exception payment standard rent (requested by the Authority and approved by HUD) determines the maximum subsidy for a family.

The minimum payment standard will be 90% of the FMR and the maximum payment standard will be 110% of the FMR without prior approval from HUD, or the exception payment standard approved by HUD.

The Housing Authority will review its determination of the payment standard annually to determine whether an adjustment should be made to some or all unit sizes. The Authority will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program. If it is determined that success rates will surer or that families are having to rent low quality units or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships.

Before increasing any payment standard, the Housing Authority will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

For a voucher tenancy in an insured or non-insured 236 project, a 515 project of the Rural Development Administration, or a Section 221(d)(3) below market interest rate project the payment standard may not exceed the basic rent charged including the cost of tenant-paid utilities.

For manufactured home space rental, the maximum subsidy under any form of assistance is the Fair Market Rent for the space as outlined in 24 CFR 982.888.

Selecting the Correct Payment Standard for a Family

For the voucher tenancy, the payment standard for a family is the lower of:

A. The payment standard for the family unit size; or

B. The payment standard for the unit size rented by the family.

C. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:

1. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or

2. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.

D. At the next annual reexamination following a change in family size or composition during the HAP contract term and for any reexamination thereafter, paragraph C above does not apply.

E. If there is a change in family-unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination.

F. The Canton Housing Authority may establish a higher payment standard (although still within 110% of the published fair market rent) as a reasonable accommodation for a family that includes people with disabilities. With approval of the HUD Field Office, the payment standard can go to 120%.

Area Exception Rents

In order to help families find housing outside areas of high poverty or when voucher holders are having trouble finding housing for lease under the program, the Housing Authority may request that HUD approve an exception payment standard rent for certain areas within its jurisdiction. The areas may be of any size, though generally not smaller than a census. tract. The Housing Authority may request one such exception payment standard area or many. Exception payment standard rent authority may be requested for all or some unit sizes, or for all or some unit types.

When an exception payment standard rent has been approved and the FMR increases, the exception rent remains unchanged until such time as the Housing Authority requests and HUD approves a higher exception payment standard rent. If the FMR decreases, the exception payment standard rent authority automatically expires.

D. ASSISTANCE AND RENT FORMULAS

1. Total Tenant Payment

The total tenant payment is equal to the highest of:

a. 10% of monthly income

b. 30% of adjusted monthly income

c. Minimum rent

d. The welfare rent - If the family is receiving payments for welfare assistance from a public agency and a part of those payment, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the

standard of need by applying a percentage, the amount calculated under this provision is the amount resulting- from one application of the percentage.

Plus any rent above the payment standard.

2. Minimum Rent.

The Canton Housing Authority does not have a minimum rent..

3. Section 8 Merged Vouchers

a. The payment standard is set by the Housing Authority between 90% and 110% of the FMR or higher or lower with HUD approval.

b. The participant pays the greater of the Total Tenant Payment or the minimum rent, plus the amount by which the gross rent exceeds the payment standard.

No participant when initially receiving tenant-based assistance on a unit shall pay more than 40% of their monthly-adjusted income if the gross rent exceeds the applicable payment standard..

4. Manufactured Home Space Rental: Section 8 Vouchers

The payment standard for a participant renting a manufactured home space is the published FMR for rental of a manufactured home space.

The space rent, is the sum of the following as determined by the Housing Authority:

Rent to the owner for the manufactured home space;,

Owner maintenance and management charges for the space; and

Utility, allowance for tenant paid utilities.

The participant pays the rent to owner less the HAP.

HAP equals the lesser of:

The payment standard minus the total tenant payment; or

a. The payment standard minus the total tenant payment; or

b . The rent paid for rental of the real property on which the manufactured home owned by the family is located.

5. Rent for Families under the Non-citizen Rule

A mixed family will receive full continuation of assistance if all of the following conditions are met:

a. The family was receiving assistance on June 19, 1995;

b. The family was granted continuation of assistance before November 29,1996;

c. The family's head or spouse has eligible immigration status; and

d. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision the family receives fill assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three years. If granted after that date, the maximum period of time for assistance under the provision is 18 months. The Canton Housing Authority will grant each family a period of 6 months to find suitable affordable housing. If the family cannot find suitable affordable housing, the Canton Housing Authority will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

a. Find the prorated housing assistance payment (HAP) by dividing the HAP by the total number of family members, and then multiplying the result by the number of eligible family members.

b. Obtain the prorated family share by subtracting, the prorated HAP from the gross rent (contract rent plus utility allowance).

c. The prorated tenant rent equals the prorated family share minus the full utility allowance.

E. UTILITY ALLOWANCE

The Housing Authority maintains a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).

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

The Housing Authority reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised: The Housing Authority maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule.

The Housing Authority uses the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the Housing Authority subsidy standards).

At each reexamination, the Housing Authority applies the utility allowance from the most current utility allowance schedule.

The Housing Authority will approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

The utility allowance will be subtracted from the family's share to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the owner. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belong to the tenant.

F. CHANGE OF OWNERSHIP

The Canton Housing Authority requires a written request by the owner who executed the HAP contract in order to make changes regarding who is to receive the Canton Housing Authority's rent payment or the address as to where the rent payment should be sent.

In addition, the Canton Housing Authority requires a written request from the new owner to process a change of ownership. The following documents must accompany the written request:

1. Deed of Trust showing the transfer of title; and

2. Tax Identification Number or Social Security Number.

New owners will be required to execute IRS form W-9. .The Canton Housing Authority may withhold the rent payment until the taxpayer identification number is received.

Chapter 11
INSPECTION POLICIES AND HOUSING QUALITY STANDARDS

The Canton Housing Authority will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Program unless the HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.

The Housing Authority must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by first class mail. If the family can not be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable the Housing Authority to enter the unit and complete the inspection.

If the family misses the scheduled inspection and fails to reschedule the inspection, the Housing Authority will only schedule one more inspection. If the family misses two inspections, the Housing Authority will consider the family to have violated a Family Obligation and their assistance will be terminated.

A. TYPES OF INSPECTIONS

There are six types of inspections the Housing Authority will perform:

A. Initial Inspection - An inspection that must take place to insure that the unit passes HQS before assistance can begin.

2. Annual Inspection - An inspection to determine that the unit continues to meet HQS.

3 . Complaint Inspection - An inspection caused by the Authority receiving a complaint on the unit by anyone.

4. Special Inspection - An inspection caused by a third party, i.e. HUD, needing to view the unit.

5. Emergency - An inspection that takes place in the event of a perceived emergency. These will take precedence over all other inspections.

6. Quality Control Inspection - Supervisory inspections on a random number as required by Section 8 Management Assessment Program (SEMAP).

B. OWNER AND FAMILY RESPONSIBILITY

1. Owner Responsibility for HQS

a. The owner must maintain the unit in accordance with HQS.

b. If the owner fails to maintain the dwelling unit in accordance with HQS, the Housing Authority will take prompt and vigorous action to enforce the owner obligations. The Housing Authority's remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.

c. The Housing Authority will not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the Housing Authority and the Authority verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects the owner must correct the defect within no more than 30 calendar days (or any Canton Housing Authority approved extension).

d. The owner is not responsible for a breach of the HQ S that is not caused by the owner, and for which the family is responsible. Furthermore, the Housing Authority may terminate assistance to a family because of the HQS breach caused by the family.

2. Family Responsibility for HQS

A. The family is responsible for a breach of the HQS that is caused by any of the following:

(1). The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;

(2). The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or

(3). Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).

b. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any Canton Housing Authority approved extension).

c. If the family has caused a breach of the HQS, the Housing Authority will take prompt and vigorous action to enforce the family obligations. The Housing

Authority may terminate assistance for the family in accordance with current regulations.

C. EXCEPTIONS TO THE HQS ACCEPTABILITY CRITERIA

The Canton Housing Authority will utilize the acceptability criteria as outlined above with applicable State and local codes. Additionally, the Housing Authority will require the following additional criteria:

1. In each room, there will be at least one exterior window that can be opened and that contains a screen.

2. Owners will be required to scrape peeling paint and repaint all surfaces cited for peeling paint with 2 coats of non-lead paint. An extension may be granted as a severe weather related item as defined below.

3. Adequate heat shall be considered to be 65 degrees.

4. In units where the tenant must pay for utilities, each unit must have separate metering device(s) for measuring utility consumption.

D. TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS

1. Correcting Initial HQS Fail Items

   The Housing Authority will schedule a timely inspection of the unit on the date the owner indicates that the unit will be ready for inspection, or as soon as possible thereafter (within 5 working days) upon receipt of a Request for Tenancy Approval. The owner and participant will be notified of the results of the inspection. If the unit fails HQS again, the owner and/or the participant will -be advised to notify the Housing Authority to reschedule a re-inspection when the repairs have been properly completed.

   On an initial inspection, the owner will be given up to 30 days to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed in the program until the unit meets the HQS requirements.

2. HQS Fail Items for Units under Contract

   The owner or participant will be given time to correct the failed items cited on the inspection report for a unit already under contract. If the failed items endanger the family's health or safety (using the emergency item list below), the owner or participant will be given 24 hours to correct the violations. For less serious failures, the owner or participant will be given up to 30 days to correct the failed item(s).

If the owner fails to correct the HQS failed items after proper notification has been given, the Housing Authority will abate payment and terminate the contract.

If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, the Housing Authority will terminate assistance for the family.

3. Time Frames for Corrections

   a. Emergency repair items must be abated within 24 hours.

   b. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner must be abated within 72 hours.

   c. Non-emergency items must be completed within 10 days of the initial inspection.

   d. For major repairs, the owner will have up to 30 days to complete.

4. Extensions

   At the sole discretion of the Housing Authority, extensions of up to 30 days may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. If repairs are not completed within 60 days after the initial inspection date, the Housing. Authority will abate the rent and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, and sidewalks.

E. EMERGENCY FAIL ITEMS

The following items are to be considered examples of emergency items that need to be abated within 24 hours:

1. No hot or cold water
2. No electricity
3. Inability to maintain adequate heat
4. Major plumbing leak
5. Natural gas leak

6. Broken lock(s) on first floor doors or windows

7. Broken windows that unduly allow weather elements into the unit

8. Electrical outlet smoking or sparking

9. Exposed electrical wires which could result in shock or fire

10. Unusable toilet when only one toilet is present in the unit

11. Security risks such as broken doors or windows that would allow intrusion

12. Other conditions which pose an immediate threat to health or safety

F. ABATEMENT,

When a unit fails to meet HQS and the owner has been given an opportunity to correct the deficiencies, but has failed to do so within in the required time frame, the rent for the dwelling unit will be abated.

When the deficiencies are corrected, the Housing Authority will end the abatement the day the unit passes inspection. Rent will resume the following day and be paid the first day of the next month.

For tenant caused HQS deficiencies, the owner will not be held accountable and the rent will not be abated. The tenant is held to the same standard and time frames for correction of deficiencies as owners. If repairs are not completed by the deadline, the Authority will send a notice of termination to both the tenant and the owner. The tenant will be given the opportunity to request an informal hearing.

Chapter 12
RECERTIFICATIONS

A. CHANGES IN LEASE OR RENT

If the participant and owner agree to any changes in the lease, all changes must be in writing, and the owner must immediately give the Housing Authority a copy of the changes. The lease, including any changes, must be in accordance with this Administrative Plan.

Owners must notify the Housing Authority of any changes in the amount of the rent at least sixty (60) days before the changes go into effect. Any such changes are subject to the Housing Authority determining them to be reasonable.

Assistance shall not be continued unless the Housing Authority has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner if any of the following changes are made:

A. Requirements governing participant or owner responsibilities for utilities or appliances;

B. In the lease terms governing the term of the lease;

C. If the participants moves to another unit within the same building or, complex.

The approval of the Housing Authority is not required for changes other than those specified above.

B. ANNUAL REEXAMINATION

At least annually the Canton Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size. '

The Housing Authority will send a -notification letter to the family letting them know that it is time for their annual reexamination and scheduling an appointment. The letter includes forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the Housing Authority will determine the family's annual income and will calculate their family share.

Effective Date of Rent Changes for Annual Reexaminations

The new family share will generally be effective upon the anniversary date with 30 days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30 day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

Missed Appointments

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Canton Housing Authority taking action to terminate the family's assistance.

C. INTERIM REEXAMINATIONS

During an interim reexamination only the information affected by the changes being reported will be reviewed and verified.

Families will not be required to report any increase in income or decreases in allowable expenses between annual reexaminations.

Families are required to report the following changes to the Canton Housing Authority between regular reexaminations. These changes will trigger an interim reexamination.

1. A member has been added to the family through birth or adoption or court-awarded custody.

2. A household member is leaving or has left the family unit.

3. Family break-up

In circumstances of a family break-up, the Canton Housing Authority will make a determination of which family member will retain the voucher, taking into consideration the following factors:

a. To whom the voucher was issued.

b. The interest of minor children or of ill, elderly, or disabled family members.

c. Whether the assistance should remain with the family members remaining in the unit.

d. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other members) of the household.

Because of the number of possible different circumstances in which a determination will have to be made, the Canton Housing Authority will make determinations on a case by case basis.

The Authority will issue a determination within 10 business days of the request for a determination. The family member requesting the determination may request an informal hearing in compliance with the informal hearings section of this Plan.

In order to add a household member other than through birth or adoption (including a live-in aide) the family must request that the new member be added to the lease: Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number if they have one, and must verify their citizenship/eligible immigrant status (.Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family). The new family member will go through the screening process similar to the process, for applicants. The Canton Housing Authority will determine the eligibility of the individual before allowing them to be added to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, the Canton Housing Authority will grant approval to add their name to the lease. At the same time, the family's annual income will be recalculated taking into account the income and circumstances of the new family member. The effective date of the new rent will be in accordance with the paragraph below.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Canton Housing Authority will take timely action to process the interim reexamination and recalculate the family share.

Special Reexaminations

If a family's income is too unstable to project for 12 months, including families that temporarily have no income or have a temporary decrease in income, the Housing Authority may schedule special reexaminations every 60 days until the income stabilizes and an annual income can be determined.

Effective Date of Rent Changes Due to Interim or Special Reexaminations

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

10. RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME

If a Section 8 participant receives a letter or notice from HUD concerning the amount or verification of family income; the letter shall be brought to the person responsible for income verification within ten (10) days of receipt by the participant.

The Executive Director shall reconcile any difference between the amount reported by the participant and the amount listed in the HUD communication. This shall be done as promptly as possible.

After the reconciliation is complete, the Authority shall adjust the participant's rental contribution beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the participant had not previously reported the proper income, the Authority shall do one of the following:

1. Immediately collect the back over-paid assistance paid by the agency;

2. Establish a repayment plan for the resident to pay the sum due to the agency;

3. Terminate the participant from the program for failure to report income; or

4. Terminate the participant from the program for failure to report income and collect the back over-paid assistance paid by the agency.

TERMINATION OF ASSISTANCE

The Housing Authority may at any time terminate program assistance for a participant, because of any of the actions or inaction by the household:

A. If the family violates any family obligations under the program.

B. If a family member fails to sign and submit consent forms.

C. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

D. If any member of the family has ever been evicted from public housing.

E. If the Housing Authority has ever terminated assistance under the Section 8 Program for any member of the family.

F. If any member of the family commits drug-related criminal activity, or violent criminal activity.

G. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

H. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

I. If the family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

J. If the family breaches an agreement with the Housing Authority. to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority. (The Housing Authority, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. The Housing Authority may prescribe the terms of the agreement.)

K. If the family has engaged in or threatened abusive or violent behavior toward Housing

Authority personnel.

L. If any household member is subject to a lifetime registration requirement under a State sex offender registration program.

M. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Canton Housing Authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Chapter 14
COMPLAINTS, INFORMAL REVIEWS, AND INFORMAL HEARINGS

A. COMPLAINTS

The Authority will investigate and respond to complaints by participant families, owners, and the general public. The Authority may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated whenever possible.

B. INFORMAL REVIEW FOR THE APPLICANT

1. Informal Review for the Applicant

   The Housing Authority will give an applicant for participation in the Section 8 Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the Authority's decision. The notice will state that the applicant may request an informal review within 10 days of the denial and will describe how to obtain the informal review.

2. When an Informal Review is not Required

   The Housing Authority will not provide the applicant an opportunity for an informal review for any of the following reasons;

   a. A determination of the family unit size under the Housing Authority subsidy standards.

   b. A Housing Authority determination not to approve an extension or suspension of a voucher term.

   c. A Housing Authority determination not to grant approval to lease a unit under the program or to approve a proposed lease.

   d. A Housing Authority determination that a unit selected by the applicant is not in compliance with HQS.

   e. A Housing Authority determination that the unit is not in accordance with HQS because of family size or composition.

   f. General policy-issues or class grievances.

   g. Discretionary administrative determinations by the Housing Authority.

3. Informal Review Process

The Housing Authority will give an applicant an opportunity for an informal review of the Authority's decision denying assistance to the applicant. The procedure is as follows:

a. The review will be conducted by any person or persons designated by the Housing Authority other than the person who made or approved the decision under review or a subordinate of this person.

b. The applicant will be given an opportunity to present written or oral objections to the Housing Authority decision.

c. The Housing Authority will notify the applicant of the Housing Authority decision after the informal review within 14 calendar days. The notification will include a brief statement of the reasons for the final decision.

4. Informal Review Procedures for. Denial of Assistance on the Basis of Ineligible Immigration Status

The applicant family may request that the Housing Authority provide for an informal review after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be made by the applicant family within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision. For applicant families, the Informal Review Process above will be utilized with the exception that the applicant family will have up to 30 days of receipt of *the Notice of Denial or Termination of Assistance*, or of the INS appeal decision to request the review.

C. CONSIDERING CIRCUMSTANCES

In deciding -whether to terminate assistance because of action or inaction by members of the family, the Housing Authority may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The Housing Authority may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The Housing Authority may permit the other members of a participant family to continue receiving assistance.

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or

pattern of abuse must have occurred within three years before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the Canton Housing Authority will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;

2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or

3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

D. INFORMAL HEARINGS FOR PARTICIPANTS

1. When a Hearing is Required

a. The Housing Authority will give a participant family an opportunity for an informal hearing to consider whether the following Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Housing Authority policies:

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

(2) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Authority utility allowance schedule.

(3) A determination of the family unit size under the Canton Housing Authority subsidy standards.

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

(5) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Housing Authority policy and HUD rules.

b. In cases described in paragraphs 16.3(A)(1)(d), (e), and (f), of this Section, the Housing Authority will give the opportunity for an informal hearing before the Authority terminates housing assistance payments for the family under an outstanding HAP contract.

2. When a Hearing is not Required

The Housing Authority will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

a. Discretionary administrative determinations by the Canton Housing Authority.

b. General policy issues or class grievances.

c. Establishment of the Authority's schedule of utility allowances for families in the program.

d. A Housing Authority determination not to approve an extension or suspension of a voucher term.

e. A Housing Authority determination not to approve a unit or lease.

f. A Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Housing Authority will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)

g. A Housing Authority determination that the unit is not in accordance with HQS because of the family size,

h. A determination by the Housing Authority to exercise or not exercise any right or remedy against the owner under a HAP contract.

3. Notice to the Family

a. In the cases described in paragraphs 16.3(A)(1)(a), (b), and (c), of this Section, the Housing Authority will notify the family that the family may ask for an explanation of the basis of the Housing Authority's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

b. In the cases described in paragraphs 16.3(A)(1)(d); (e), and (fj, of this Section, the Housing Authority will give the family prompt written notice that the family may request a hearing within 10 business days of the notification. The notice will:

(1) Contain a brief statement of the reasons for the decision; and

(2) State this if the family does not agree with the decision, the family may request an informal hearing on the decision within 10 business days of the notification.

4. Hearing Procedures

The Housing Authority and participants will adhere to the following procedures:

a. Discovery

(1) The family will be given the opportunity to examine before the hearing any Housing Authority documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense. If the Housing Authority does not make the document(s) available for examination on request of the family, the Housing Authority may not rely on the document at the hearing.

(2) The Housing Authority will be given the opportunity to examine, at the Authority's offices before the hearing, any family documents that are directly relevant to the hearing. The Housing Authority will be allowed to copy any such document at the Housing Authority's expense. If the family does not make the document(s) available for examination on request of the Housing Authority, the family may not rely on the document at the hearing.

Note: The term **document** includes records and regulations.

b. Representation of the Family

At its own expense, a lawyer or other representative may represent the family.

c. Hearing Officer

(1) The hearing will be conducted by any person or persons designated by the Housing Authority, other than a person who made or approved the decision under review or, a subordinate of this person.

(2) The person who conducts the hearing will regulate the conduct of the hearing in accordance with the Housing Authority hearing procedures.

d. Evidence

The Housing Authority and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered

without regard to admissibility under the rules of evidence applicable to judicial proceedings.

e. Issuance of Decision

The person who conducts the hearing must issue a written decision within 14 days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

f. Effect of the Decision

The Housing Authority is not bound by a hearing decision:

(1) Concerning a matter for which the Housing Authority is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under the Housing Authority hearing procedures.

(2) Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.

(1) If the Housing Authority determines that it is not bound by a hearing decision, the Authority will notify the family within 14 days of the determination, and of the reasons for the determination.

5. Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that the Housing Authority provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision.

Chapter 15
TERMINATION OF THE LEASE AND CONTRACT

The term of the lease and the term of the HAP contract are the same. They begin on the same date and they end on the same date. The lease may be terminated by the owner, by the tenant, or by the mutual agreement of both. The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by the Housing Authority. Under some circumstances the contract automatically terminates.

A. Termination of the tease

1. By the family

   The family may terminate the lease without cause upon proper notice to the owner and to the Housing Authority after the first year of the lease. The length of the notice that is required is stated in the lease (generally 30 days).

2. By the owner.

   a. The owner may terminate the lease during its term on the following grounds:

      i. Serious or repeated violations of the terms or conditions of the lease;

      ii. Violation of Federal, State, or local law that impose obligations on the tenant in connection with the occupancy or use of the unit and its premises; .

      iii. Criminal activity by the household, a guest, or another person under the control of the household that threatens the health, safety, or right to peaceful enjoyment of the premises by other persons residing in the immediate vicinity of the premises;

      iv. Any drug-related criminal activity on or near the premises;

      v. Other good cause. Other good cause may include, but is not limited to:

         (1) Failure by the family to accept the-offer of a new lease;

         (2) Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;

(3) The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;

(4) A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.

b. During the initial term, the owner may not terminate tenancy for other good cause unless the reason is because of something the household did or failed to do.

c. The owner may only evict the tenant by instituting court action after or simultaneously providing written notice to the participant specifying the grounds for termination. The owner must give the Housing Authority a copy of any owner eviction notice to the tenant at the same time that the owner gives the notice to the tenant.

d. The owner may terminate the contract at the end of the initial lease term or any extension of the lease term without cause by providing notice to the family that the lease term will not be renewed.

3 . Termination of the Lease by mutual agreement

The family and the owner may at any time mutually agree to terminate the lease.

B. Termination of the Contract

1. Automatic termination of the Contract

a. If the Housing Authority terminates assistance to the family, the contract terminates automatically.

b. If the family moves out of the unit, the contract terminates automatically.

c. The contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

2. Termination of the contract by the owner

The owner may only terminate tenancy in accordance with lease and State and local law.

3. Termination of the HAP contract by the Housing Authority

The Housing Authority may terminate the HAP contract because:

a. The Housing Authority has terminated assistance to the family.

b. The unit does not meet HQS space standards because of an increase in family size or change in family composition.

c. When the family breaks up and the Housing Authority determines that the family members who move from the unit will continue to receive the assistance.

d. The Housing Authority determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.

e. The owner has breached the contract in any of the following ways:

i. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.

ii. If the owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937.

iii. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.

iv. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement;

v. If the owner has engaged in drug-related criminal activity or any violent criminal activity.

f. If a welfare-to-work family fails to fulfill its obligations under the welfare-to-work voucher program.

4. Final HAP payment to owner

The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the Housing Authority will continue to make payments until the owner obtains a judgment or the family moves out.

Attachment B

Required Attachment B : Membership of the Resident Advisory Board or Boards

List members of the Resident Advisory Board or Boards:

The PHA has made every effort to solicit Section 8 participants to serve on the Resident Advisory Board and no one has expressed interest. Therefore, the PHA has elected to appoint all of its residents as the RAB. Canton Housing Authority (CHA) will ensure that that all residents will be provided with the same opportunity to comment on the Plan and to submit any additional comments in writing to the CHA. A mailing was conducted to all current program participants. The mailing included the draft 5-year and Annual Plan, a survey response form, a self-addressed stamp envelope and a cover letter. The mailing invited them to serve on a resident advisory board and/or make comments or recommendations on the draft 5-year and Annual Plan. CHA will consider any comments from the RAB when drafting the final plan in the same manner as for other RABs and will include any comments provided by CHA residents when submitting the Plan to HUD for approval.

Resident Advisory Board Members:

FIRST NAME	LAST NAME
MELISSA	BOOTH
MARIE	WILLIAMS
JOAN	FORD
DONNA	CARNEY
ANGELITA	COHEN
SHEILA	DAVIS
CARMEN	TORRES
OLGA	VELASQUEZ
MARK	STENGEL
ANA	CRUZ
LAURA	GARCIA
RAFAEL	RIVERA
Jean	Posa
TRACI	TAYLOR
Sheila	Bruce