

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

MUNICIPALITY OF LAS PIEDRAS
PHA Annual Plan
Fiscal Year 2007



HON. ITZAMAR PEÑA RAMIREZ, ESQ.
MAYOR

MARCH 2007

PHA Plan Agency Identification

PHA Name: Municipality of Las Piedras

PHA Number: RQ063

PHA Fiscal Year Beginning: 07/2007

PHA Programs Administered:

Public Housing and Section 8

Section 8 Only

Public Housing Only

Number of public housing units:

Number of S8 units: 125

Number of public housing 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:				

Public Access to Information

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

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

Display Locations For PHA Plans and Supporting Documents

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

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

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

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

Annual PHA Plan
PHA Fiscal Year 2007
[24 CFR Part 903.7]

i. Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

Standard Plan

Troubled Agency Plan

ii. Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

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

Las Piedras Housing Authority (PHA) mission are the same: promote adequate, decent and safe housing, economic opportunities and suitable living environment free from discrimination.

The PHA goals and objectives are the following:

- Satisfaction enforcing housing quality standards.
- Improve the quality of assisted housing as result of voucher management improvement.
- Increased assisted housing providing voucher mobility counseling and explaining to tenants the portability concept at the initial evaluation meeting.
- Expand the supply of assisted housing applying for additional rental vouchers, when available.
- Promote self-sufficient and asset development of families and individuals increasing the number and percentage of employed persons in assisted families.
- Ensure equal opportunity and affirmatively further fair housing by undertake affirmative measures to ensure access to assist housing regardless of race, color, religion, national origin, sex, familial status and disability.

- Publish notices, when new vouchers were available, indicating that the housing vouchers are available regardless of race, color, religion, nation of origin, sex, familial status and disability.
- The housing needs identified by the PR State Consolidated Plan and the PHA waiting list, reflects a very high housing problem with an economic constraint.

The PHA provides to eligible families temporary clean and safe housing with a quality standard to attend the low-income families housing needs within local municipal jurisdiction based on an equal opportunity policy. These housing services are provided with funds from the US Department of Housing (HUD) Housing Choice Voucher Program. The Annual Plan provides the procedure to comply with program goals.



Annual Plan 2007

Table of Contents

[24 CFR Part 903.7 9 (r)]

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

Table of Contents

Page

Annual Plan

i. Executive Summary.....	3
ii. Table of Contents.....	5
1. Housing Needs.....	9
2. Financial Resources.....	14
3. Policies on Eligibility, Selection and Admissions.....	20
4. Rent Determination Policies.....	27
5. Operations and Management Policies.....	29
6. Grievance Procedures.....	30
7. Capital Improvement Needs.....	30
8. Demolition and Disposition.....	32
9. Designation of Housing.....	33
10. Conversions of Public Housing.....	34
11. Homeownership.....	36
12. Community Service Programs.....	37
13. Crime and Safety	40
14. Pets (Inactive for January 1 PHAs).....	42
15. Civil Rights Certifications (included with PHA Plan Certifications).....	42
16. Audit.....	42
17. Asset Management.....	42
18. Other Information.....	43
◆ Brief report statement.....	50

Attachments

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

Required Attachments

- | | | |
|-------------------------------------|---|----|
| <input type="checkbox"/> | Admissions Policy for Deconcentration | |
| <input type="checkbox"/> | FY 2007 Capital Fund Program Annual Statement | |
| <input type="checkbox"/> | Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY) | |
| <input type="checkbox"/> | List of Resident Advisory Board Members | |
| <input checked="" type="checkbox"/> | A. List of Resident Board Member..... | 51 |
| <input type="checkbox"/> | Community Service Description of Implementation | |
| <input type="checkbox"/> | Information on Pet Policy | |
| <input type="checkbox"/> | Section 8 Homeownership Capacity Statement, if applicable | |
| X | Prohibition Sex Offenders Policy..... | 50 |
| X | Violence Against Women Act..... | 50 |

Rev. May 11/2007

- Description of Homeownership Programs, if applicable

Optional Attachments:

- B. PHA Management Organizational Chart**
 FY 2007 Capital Fund Program 5 Year Action Plan
 Public Housing Drug Elimination Program (PHDEP) Plan
 Comments of Resident Advisory Board or Boards
 (must be attached if not included in PHA Plan text)
 C. Other (List below, providing each attachment name)
 ♦ HCV Administrative Plan

Supporting Documents Available for Review

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

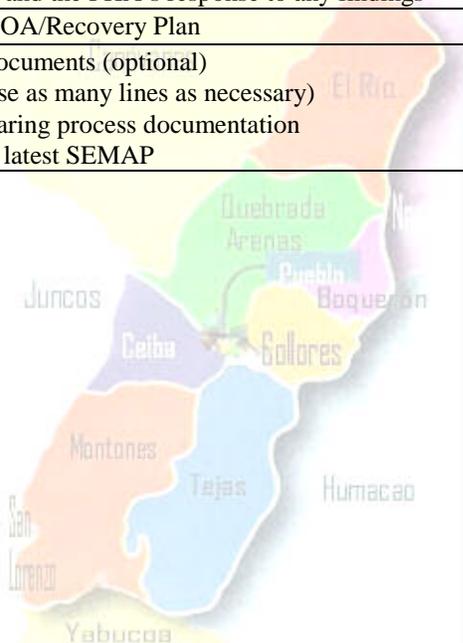
List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair 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
	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies

List of Supporting Documents Available for Review

Applicable & On Display	Supporting Document	Applicable Plan Component
	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public housing rent determination policies, including the methodology for setting public housing flat rents <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
	Public housing grievance procedures <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
	Any cooperative agreement between the PHA and the TANF agency	Annual Plan:

List of Supporting Documents Available for Review

Applicable & On Display	Supporting Document	Applicable Plan Component
		Community Service & Self-Sufficiency
	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
	The most recent Public Housing Drug Elimination Program (PHDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
X	Other supporting documents (optional) (list individually; use as many lines as necessary) a. Public Hearing process documentation b. Results of latest SEMAP	Annual Plan



1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

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

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

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Affordability	Supply	Quality	Accessibility	Size	Location
Income <= 30% of AMI	11	5	5	5	5	5	5
Income >30% but <=50% of AMI	91	4	3	3	4	3	2
Income >50% but <80% of AMI	20	3	2	2	1	1	1
Elderly	2	5	4	4	4	4	5
Families with Disabilities	4	5	5	5	5	5	5
Race/Ethnicity	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Race/Ethnicity	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Race/Ethnicity	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Race/Ethnicity	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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

- Consolidated Plan of the Jurisdiction/s
Indicate year:
- U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset
- American Housing Survey data
Indicate year:
- Other housing market study
Indicate year:
- Other sources: (list and indicate year of information)
PHA waiting list (2005)

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

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

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	122	100%	
Extremely low income <=30% AMI	11	13.42	
Very low income (>30% but <=50% AMI)	91	74.59	
Low income (>50% but <80% AMI)	20	16.39	
Families with children	122	100	
Elderly families	2	.016	
Families with Disabilities	4	.032%	
Race/ethnicity	Hispanic	100	
Race/ethnicity			
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)	N/A	N/A	N/A
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			

Housing Needs of Families on the Waiting List

Is the waiting list closed (select one)? No Yes

If yes:

How long has it been closed (# of months)? 24 months

Does the PHA expect to reopen the list in the PHA Plan year? No Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed? No Yes

C. Strategy for Addressing Needs

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

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

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

Select all that apply

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

Strategy 2: Increase the number of affordable housing units by:

Select all that apply

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

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

Strategy 1: Target available assistance to families at or below 30 % of AMI

Select all that apply

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

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

Strategy 1: Target available assistance to families at or below 50% of AMI

Select all that apply

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

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

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

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

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

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

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

Select if applicable

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

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

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

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

(2) Reasons for Selecting Strategies

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

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community

- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- Other: (list below)

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

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

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2005 grants)		
a) Public Housing Operating Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance		
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant	\$666,150.00	Community development activities
i) HOME		
Other Federal Grants (list below)		
2. Prior Year Federal Grants (unobligated funds only) (list below)		

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
3. Public Housing Dwelling Rental Income		
4. Other income (list below)		
4. Non-federal sources (list below)		
Total resources		\$666,150.00

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

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

(1) Eligibility

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

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

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

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

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

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

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

(2)Waiting List Organization

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

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

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

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

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

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

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

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

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

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

(3) Assignment

N/A

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

- One
 Two
 Three or More

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

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

(4) Admissions Preferences N/A

a. Income targeting:

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

b. Transfer policies:

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

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

c. Preferences

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

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

Former Federal preferences:

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

Other preferences: (select below)

- Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- Residents who live and/or work in the jurisdiction

- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

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

Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

4. Relationship of preferences to income targeting requirements:

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

(5) Occupancy

N/A

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

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

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

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

(6) Deconcentration and Income Mixing

N/A

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

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

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

- Adoption of site based waiting lists
If selected, list targeted developments below:
- Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments
If selected, list targeted developments below:
- Employing new admission preferences at targeted developments
If selected, list targeted developments below:
- Other (list policies and developments targeted below)

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

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

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

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

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

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

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

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

B. Section 8

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

(1) Eligibility

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

- Criminal or drug-related activity only to the extent required by law or regulation
- Criminal and drug-related activity, more extensively than required by law or regulation
- More general screening than criminal and drug-related activity (list factors below)
- Other (list below)

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

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

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

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

- Criminal or drug-related activity
- Other (describe below)
 - *Fair Market Rent in the area, maximum payment standard and HQS requirements.*

(2) Waiting List Organization

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)

- None
- Federal public housing
- Federal moderate rehabilitation
- Federal project-based certificate program
- Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)

- PHA main administrative office
- Other (list below)

(3) Search Time

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

If yes, state circumstances below:

When families does not find adequate housing units in accordance with HQS requirements and other circumstances as stated in Administrative Plan.

(4) Admissions Preferences

a. Income targeting

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

b. Preferences

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

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

Former Federal preferences

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

Other preferences (select all that apply)

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

- Families or couples with children in risk to be remove from family composition due to housing condition or by overcrowding.
- Elderly and handicapped families or families with handicapped members.
- Unemployed person/family.
- Persons living alone.

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

1 _____ Date and Time

Former Federal preferences

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

Other preferences (select all that apply)

- Working families and those unable to work because of age or disability
- Veterans and veterans' families

- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- 2 Victims of reprisals or hate crimes
- 1 Other preference(s) (list below)
 - *Families or couples with children in risk to be remove from family composition due to housing condition or by overcrowding.*
 - *Elderly and handicapped families or families with handicapped members.*
 - *Unemployd person/family*
 - *Persons living alone.*

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

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

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

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

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

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

(5) Special Purpose Section 8 Assistance Programs

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

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

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

- Through published notices
- Other (list below)
 - *Bulletin Boards notices.*

4. PHA Rent Determination Policies

N/A

[24 CFR Part 903.7 9 (d)]

A. Public Housing

N/A

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

(1) Income Based Rent Policies

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

a. Use of discretionary policies: (select one)

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

---or---

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

b. Minimum Rent

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

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

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

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

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

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

N/A

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

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

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

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

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

e. Ceiling rents

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

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

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

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

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

- Market comparability study
- Fair market rents (FMR)
- 95th percentile rents
- 75 percent of operating costs

- 100 percent of operating costs for general occupancy (family) developments
- Operating costs plus debt service
- The "rental value" of the unit
- Other (list below)

f. Rent re-determinations:

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

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

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

(2) Flat Rents

N/A

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

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

B. Section 8 Tenant-Based Assistance

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

(1) Payment Standards

Describe the voucher payment standards and policies.

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

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

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

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

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

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

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

- Annually
- Other (list below)

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

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

(2) Minimum Rent

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

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

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

The PHA may grant an exemption from applicants of the minimum monthly rent to any family making a proper request in writing that is unable to pay because of financial hardship, which shall include:

- A. *The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the immigration and nationalization act who should be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act 1996.*
- B. *The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent or increase to the existing minimum rent).*
- C. *The income of the family has decreased because of changed circumstance, including loss of employment.*
- D. *A death has occurred in the family, which affects the family circumstance.*
- E. *Other circumstances which, may be, decided by the PHA on a case by case basis.*

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

If a resident/participant request a hardship exemption (prior to the rent being delinquent) under this section, and the PHA reasonably determines the hardship to be of a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A resident/ participant may not be evicted during the ninety-day period for non-payment of rent. In such a case, if the resident/participant thereafter demonstrates that the financial hardship is of a long –term basis, the PHA shall retroactively exempt him and/or her from the applicability of the minimum rent requirement for such ninety-day period. The Paragraph does not prohibit the PHA from taking eviction action for other violations of the lease.

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

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

A. PHA Management Structure

Describe the PHA's management structure and organization.

(select one)

- An organization chart showing the PHA's management structure and organization is attached
- A brief description of the management structure and organization of the PHA follows:

B. HUD Programs Under PHA Management

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

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	N/A	-0-
Section 8 Vouchers	125	-0-
Section 8 Certificates	N/A	-0-
Section 8 Mod Rehab	N/A	-0-
Special Purpose Section 8 Certificates/Vouchers (list individually)	N/A	-0-
Public Housing Drug Elimination Program (PHDEP)	N/A	-0-
Other Federal Programs(list individually)	N/A	-0-

C. Management and Maintenance Policies

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

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

(2) Section 8 Management: (list below)

- Administrative Plan
- Circulars from HUD

- HUD handbooks
- HUD PHA notices
- HQS handbook

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

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

A. Public Housing **N/A**

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

If yes, list additions to federal requirements below:

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

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

B. Section 8 Tenant-Based Assistance

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

If yes, list additions to federal requirements below:

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

- PHA main administrative office **Must be In writing**
 Other (list below)

7. Capital Improvement Needs **N/A**

[24 CFR Part 903.7 9 (g)]

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

A. Capital Fund Activities

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

(1) Capital Fund Program Annual Statement

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

Select one:

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

-or-

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

(2) Optional 5-Year Action Plan **N/A**

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

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

b. If yes to question a, select one:

The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

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

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

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

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

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

1. Development name:
2. Development (project) number:
3. Status of grant: (select the statement that best describes the current status)

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

Yes No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name/s below:

Yes No: d) 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:

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

8. Demolition and Disposition

N/A

[24 CFR Part 903.7 9 (h)]

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

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

2. Activity Description

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

N/A

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

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

N/A

[24 CFR Part 903.7 9 (i)]

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

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

2. Activity Description

- Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset

Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

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

10. Conversion of Public Housing to Tenant-Based Assistance N/A

[24 CFR Part 903.7 9 (j)]

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

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

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

2. Activity Description

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

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

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

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

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

N/A

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

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

2. Activity Description

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

Public Housing Homeownership Activity Description (Complete one for each development affected)	
1a. Development name:	
1b. Development (project) number:	
2. Federal Program authority:	
<input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)	
3. Application status: (select one)	
<input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application	
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)	
5. Number of units affected:	
6. Coverage of action: (select one)	
<input type="checkbox"/> Part of the development <input type="checkbox"/> Total development	

B. Section 8 Tenant Based Assistance

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

2. Program Description:

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

- Yes No: Will the PHA’s program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria? If yes, list criteria below:

12. PHA Community Service and Self-sufficiency Programs N/A

[24 CFR Part 903.7 9 (I)]

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

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

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

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

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

- Client referrals
- Information sharing regarding mutual clients (for rent determinations and otherwise)
- Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
- Jointly administer programs
- Partner to administer a HUD Welfare-to-Work voucher program
- Joint administration of other demonstration program
- Other (describe)

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

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

- Public housing rent determination policies
- Public housing admissions policies
- Section 8 admissions policies
- Preference in admission to section 8 for certain public housing families
- Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- Preference/eligibility for public housing homeownership option participation
- Preference/eligibility for section 8 homeownership option participation
- Other policies (list below)

b. Economic and Social self-sufficiency programs

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

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

(2) Family Self Sufficiency program/s

N/A

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2005 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8		

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

C. Welfare Benefit Reductions N/A

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

- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies

- Informing residents of new policy on admission and reexamination
- Actively notifying residents of new policy at times in addition to admission and reexamination.
- Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other: (list below)

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

13. PHA Safety and Crime Prevention Measures

N/A

[24 CFR Part 903.7 9 (m)]

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

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

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

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

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

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

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

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

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

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

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

C. Coordination between PHA and the police N/A

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

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

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

D. Additional information as required by PHDEP/PHDEP Plan N/A

PHAs eligible for FY 2005 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- Yes No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes No: Has the PHA included the PHDEP Plan for FY 2005 in this PHA Plan?
- Yes No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

N/A

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

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

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

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

17. PHA Asset Management N/A

[24 CFR Part 903.7 9 (q)]

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

1. Yes No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)
 Not applicable
 Private management

- Development-based accounting
- Comprehensive stock assessment
- Other: (list below)

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

18. Other Information

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

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

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

- Attached at Attachment (File name)
- Provided below:

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

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

Other: (list below)

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

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

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

3. Description of Resident Election Process

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

- Candidates were nominated by resident and assisted family organizations
- Candidates could be nominated by any adult recipient of PHA assistance

- Self-nomination: Candidates registered with the PHA and requested a place on ballot
- Other: (describe)

b. Eligible candidates: (select one)

- Any recipient of PHA assistance
- Any head of household receiving PHA assistance
- Any adult recipient of PHA assistance
- Any adult member of a resident or assisted family organization
- Other (list)

c. Eligible voters: (select all that apply)

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

C. Statement of Consistency with the Consolidated Plan

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

1. Consolidated Plan jurisdiction: (provide name here)

Commonwealth Puerto Rico.

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

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

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

- *The Commonwealth of Puerto Rico established the efforts to provide decent, sanitary and safety housing units for special and non-special population. This support includes housing rehabilitation activities and assistance for first homebuyers using HOME funds.*

- *The Consolidated Plan of the jurisdiction includes funding assistance for first home buyers using funds from the Community Development Block Grant Program (CDBG Small Cities).*
- *Share information of federal programs including NOFA'S deadlines and other relevant data concerning with federal grants.*
- *Provide funds for community development activities.*
- *Promote community development and housing assistance.*
- *The Department of Health will be assisting low income persons in all of its related programs based upon nature and requirements of our clients.*
- *Provides funds for public activities in behalf of low-moderate and very low income families.*



D. Other Information Required by HUD

Brief Statement of Progress in Meeting Five- Year Plan Mission and Goals

The Municipality is submitting the following statement of progress to meet the 5 years plan. During the past year, the municipality made progress toward accomplishing this objective. Highlights of achievements are as follows:

PHA Goals: Expand the supply of assisted housing:

The municipality's efforts under this goal include:

- Applied for additional rental voucher by a proposal to the Fair Share Allocation of Incremental Voucher Funding as they become available.
- Meetings and information were provided to private contractors interested in developing housing units with HOME program subsidy.

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

The municipality's efforts under this goal include:

- All tenants were oriented about mobility and portability options of the voucher program in the initial briefing and as they required the information.
- Several landlords were oriented about the Section 8 Program requirements.
- Flyers are posted in the different municipal dependencies to promote the participation of renters/owners into the Section 8 Program.
- Payment standard were revised.
- Assist to HUD trainings.

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

The municipality's efforts under this goal include:

- Supportive services are offered to the elderly and families with disabilities through out referrals to service agencies and transportation, including housekeeping.

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

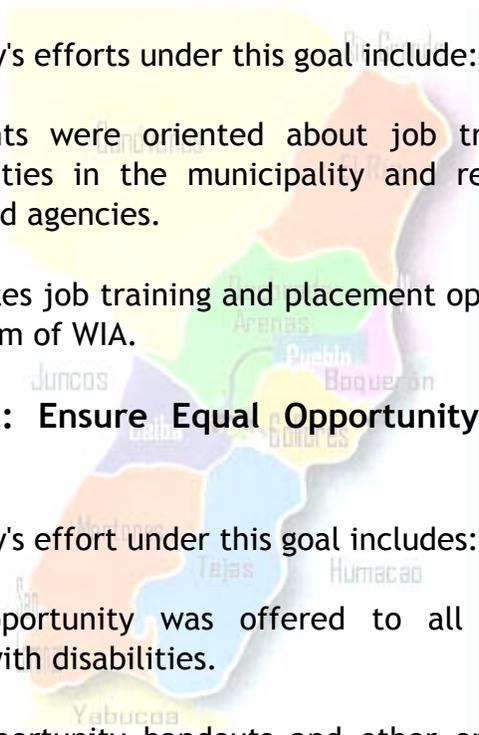
The municipality's efforts under this goal include:

- All tenants were oriented about job training and placement opportunities in the municipality and referrals were made to designated agencies.
- Coordinates job training and placement opportunities through the Consortium of WIA.

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

The municipality's effort under this goal includes:

- Equal opportunity was offered to all participants including persons with disabilities.
- Equal opportunity handouts and other orientation material are available for participants.
- By the enforcement/orientation of the reviewing/hearing processes.



Attachment A.1 Mandatory Prohibition of Sex Offenders

The Municipality of Las Piedras has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration under State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Las Piedras (RQ063) will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where dwelling unit is located and in other States where household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a *Certificate of Conduct*.

The Municipality of Las Piedras will deny admission if any member of the household is subject to a lifetime registration requirement under State sex offender registration program. Sex offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as sex offenders.

Attachment A.2 Domestic Violence Statement- Housing Choice Voucher Program

The Violence Against Women Act (VAWA), Public Law 109-162 was signed into law on January 5, 2006. Section 603 of the law amends Section 5A of the US Housing Act (42 U.S.C. 1437c-1) to require PHA's Five Years and Annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or program of the PHA that are to intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Section 606 and Section 607 amend Section 8 and public housing sections of the US Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assaults, or stalking-as well members of the victim's immediate families-from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim. While awaiting new guidelines from the Department of Housing and Urban Development for implementing VAWA the Municipality of Las Piedras (RQ063) has adopted the following goals and objectives, for Domestic Violence Policy:

- The VAWA applies to the Housing Choice Voucher Program.
- The applicant/tenant/victim will be treated with respect and dignity.
- The Municipality of Las Piedras will notify Housing Choice Voucher owners and managers of VAWA.
- The Municipality of Las Piedras will notify vouchers holders of their rights under imminent threat of further domestic violence or stalking.
- VAWA will be incorporated into the landlord and tenant orientation process.
- Necessary conforming amendments to Housing Choice Voucher Program rules, regulations and paperwork will be further addressed after receipt of guidelines from the Department of Housing and Urban Development (HUD)

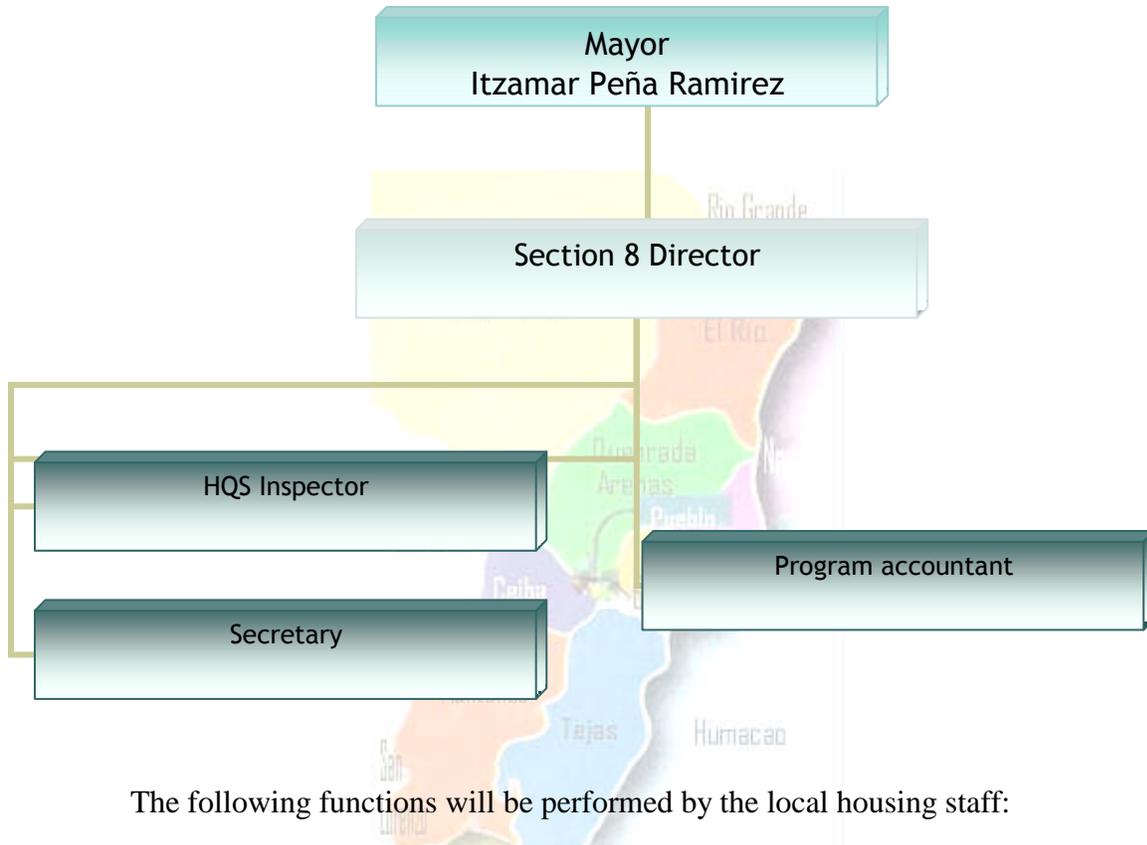


RESIDENT ADVISORY MEMBERS:

1. LUZ E. FLECHA
2. MARIA I. REYES
3. PEDRO J. SANTIAGO
4. OMAIRA NIEVES
5. MIGDALIA AYALA
6. ISABEL SIERRA



The Housing Choice Voucher Program extends the PHA fiscal responsibility and flexibility to manage s subsidy funds and administrative costs in an efficient manner according to QHWRA, section 502(b). As a result of this same merger, the staff directly involved in the administration on the Housing Program will be designated according the number of units assigned to the Program. Time to time, the Mayor may assign additional personnel if necessary to complies with program goals. The organizational chart for this Municipality is as follows.

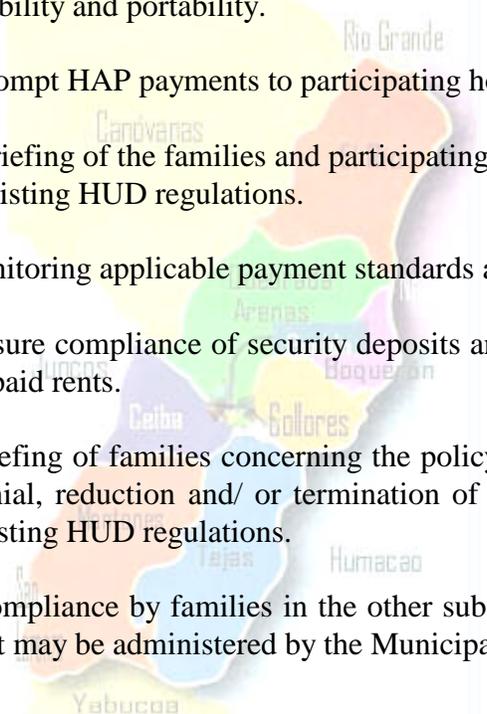


The following functions will be performed by the local housing staff:

1. Prepare all necessary documents, budget, forms and any files which may be required for the efficient administration of the program.
2. Prepare and/or adapt the necessary forms, information, instructions, and material required for the organization and implementation of the subsidized housing program.
3. During the leasing schedule and intake period, the staff will coordinate, supervise, organize, and actively participate in the following:

- a. Outreach to eligible families and homeowners.

- b. Determination of family eligibility and tenant selection, so as to ensure compliance with program regulations.
- c. Briefing the family and issuance of vouchers.
- d. Compliance by homeowners of Housing Quality Standards as established by existing HUD regulations as well as the required initial, interim and annual inspections.
- e. Lease approval and contract execution in accordance with existing regulations.
- f. Briefing of the family on established regulations concerning mobility and portability.
- g. Prompt HAP payments to participating homeowners.
- h. Briefing of the families and participating homeowners concerning existing HUD regulations.
- i. Monitoring applicable payment standards as established.
- j. Assure compliance of security deposits and claims for damage and unpaid rents.
- k. Briefing of families concerning the policy for informal hearing for denial, reduction and/ or termination of assistance as required by existing HUD regulations.
- l. Compliance by families in the other subsidized housing programs that may be administered by the Municipality.



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

Annual Statement N/A
Capital Fund Program (CFP) Part I: Summary

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

Original Annual Statement

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

Annual Statement N/A

Capital Fund Program (CFP) Part II: Supporting Table

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

Annual Statement

N/A

Capital Fund Program (CFP) Part III: Implementation Schedule

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

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

N/A

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

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

Municipality of Las Piedras Housing Agency of the City of Las Piedras, PR:
Administrative Plan and Procedures
FOR THE SECTION 8 TENANT BASED
HOUSING CHOICE VOUCHER RENTAL ASSISTANCE PROGRAM

	<i>page #</i>
A. <u>PURPOSE</u>	5
B. <u>DEFINITIONS</u>	5
C. <u>GENERAL APPLICABILITY AND SCOPE</u>	13
D. <u>PUBLIC NOTICE TO LOWER-INCOME AND/OR VERY LOW-INCOME FAMILIES</u>	15
1. Notice of Availability of Housing Assistance	
2. Notice in Accordance with HUD Guidelines	
3. Opening and Closing the Waiting List	
4. Notice of Nondiscrimination	
E. <u>PUBLIC NOTICE AND INVITATION TO OWNERS</u>	20
1. Invitation to Owners	
2. Contacts with Organizations	
F. <u>ELIGIBILITY CRITERIA</u>	21
1. Family and Income Qualification	
2. Projected Income Indeterminable or Determinable for a Short Period	
3. Family with Outstanding Balance Owing	
4. Disposition of Assets	

G. VERIFICATION OF ELIGIBILITY 32

1. Application for Admission
2. Determination of Annual Income
3. Factors of Eligibility and Tenant Rent
4. Verification of Annual Income
5. *Policy and Procedures for Third Party Verifications*
6. Record of Family
7. Misrepresentation of Family Circumstances
8. Determination of Ineligibility
9. Suspension of Voucher Issuance
10. Removal from the Tenants Base Assistance Waiting List

H. ELIGIBLE FAMILIES 38

Voucher

Declared Emergencies

Preference in Selecting Eligible Families

1. Tenant Selection
2. Family Briefing
3. Expiration and Extension of Voucher
4. Family Break-up
5. Family Absence From Unit

I.	<u>SUBSIDY STANDARDS</u>	41
J.	<u>FINDER'S KEEPER POLICY</u>	46
K.	<u>PORTABILITY</u>	46
L.	<u>FAMILY'S RIGHT TO MOVE</u>	47
M.	<u>OWNER OBLIGATION TO SCREEN FAMILIES</u>	48
N.	<u>RENTAL AGREEMENT AND LEASE APPROVAL</u>	48
O.	<u>TERM OF ASSISTED LEASE</u>	50
P.	<u>HOUSING AGENCY POLICY GOVERNING OWNER APPROVAL</u>	51
Q.	<u>PAYMENTS DUE THE OWNER: HOUSING ASSISTANCE PAYMENTS AND TENANT'S RENT</u>	51
	1. Calculation of Tenant's Rent and Subsidy	
	2. Establish and Document Reasonableness of Owner's Rent	
	3. Timing of Payments	
	4. Additional Payments	
	5. Special Claims	
R.	<u>CHANGING THE PAYMENT STANDARDS: AFFORDABILITY ADJUSTMENTS</u>	53
	1. Changes in Application of the Payment Standard	
	2. Subsequent Adjustment to Initial Contract Rent	
S.	<u>SECURITY DEPOSITS</u>	55
T.	<u>CONTINUED ELIGIBILITY AND INCOME ADJUSTMENT</u>	55
U.	<u>RE-EXAMINATION</u>	59
	1. Annual Re-examination	

2.	Re-determination of Total Tenant Payments and Housing Assistance Payment	
3.	Termination of Payments	
4.	Changes in Family Size and Composition	
5.	Disclosure and Verification of Social Security Numbers	
6.	Evidence of Eligibility for Assistance Based on Citizen or Eligible Alien Status	
V.	<u>INSPECTION OF DWELLING UNIT UNDER AGREEMENT</u>	69
1.	Inspection to Determine Unit Meets HQS	
2.	Determination that Unit does not meet HQS	
W.	<u>GROUND'S FOR DENIAL OR TERMINATION OF ASSISTANCE</u>	80
X.	<u>ONE STRIKE POLICY</u>	80
Y.	<u>INFORMAL REVIEW OR HEARING ON AGENCY ACTION OR DECISION</u>	81
Z.	<u>USE OF SECTION 8 C/V'S FOR WITNESS RELOCATION PURPOSES</u>	84
AA.	<u>USE OF SECTION 8 ASSISTANCE TO PROMOTE HOMEOWNERSHIP</u>	84
BB.	<u>CONDUCT OF ANNUAL SURVEY OF UTILITY SUPPLIERS</u>	85
CC.	<u>EQUAL OPPORTUNITY REQUIREMENTS</u>	85
DD.	<u>EXPENDITURES FROM OPERATING RESERVES</u>	85
EE.	<u>SEVERABILITY</u>	85
FF.	<u>REPAYMENT POLICY AND PROCEDURES</u>	86
GG.	FAMILY SELF-SUFFICIENCY	88
	Appendices	A1
	Exhibit 1: Rent Reasonableness Methodology	
	Exhibit 2: Repayment Policy and Procedures	
	Exhibit 3: Types of Income Policy and Procedures	

A. PURPOSE

These policies and procedures are adopted by the Municipality of Las Piedras Housing Agency to set forth the essential elements to implement Title 24 of the Code of Federal Regulations (CFR), as established in 24 CFR Part 5 Subpart F (Definition of Income and General Factors of Eligibility), as amended; the Housing Voucher Program as established in 24 CFR Part 982.

B. DEFINITIONS

Unless otherwise clear from the context as used herein, the following terms for the purpose of this rule shall mean:

1937 Act: Section 8 of the U.S. Housing Act of 1937 as amended

Adjusted Income: Annual income less certain allowances as outlined in 24 CFR 5 Subpart F, as amended.

Admission: The effective date of the first HAP contract for a family in a tenant-based program. This is the point when the family becomes a participant in the program.

Housing Agency: Municipality of Las Piedras Housing Agency

Annual Contributions Contract (ACC): A written agreement between HUD and the Housing Agency to provide annual contributions to cover housing assistance payments and other related expenses. This is now a consolidated agreement for the Section 8 Rental Voucher Programs.

Annual Income: The anticipated total income of a family for a 12-month period as outlined in 24 CFR 5, as amended.

Assets: Net cash value as outlined in 24 CFR 5 Subpart F, as amended

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age as outlined in 24 CFR 5, as amended

Citizen: A family member who is a U.S. Citizen by birth, a naturalized citizen or a national of the United States of America.

City: Las Piedras, PR

Contract of Participation (FSS Contract): A contract, as described in 24 CFR 984.103,

that sets forth the terms and conditions governing the FSS family's participation in the FSS program.

Continuously Assisted Family. Families who have received any form of federal housing Assistance under the U.S. Housing Act of 1937, as amended, within the 120 day period preceding the date of the eligibility interview shall be considered “income eligible”, if otherwise eligible under the remaining program rules.

Dependent: A member of the eligible family household other than family head or spouse, who is under 18 years of age or **is age 18 and older AND** is a disabled person or handicapped person or is a full-time student

Disabled Person: A person with a disability as defined in 24 CFR 5, as amended.

Displaced Person: A person as defined in 24 CFR 5, as amended, or a person displaced pursuant to a HUD directive, or a person whose dwelling has been extensively damaged by fire or natural disaster.

Domicile: The legal residence of the household head or spouse as determined in accordance with State and local laws.

Drug-related criminal activity: Drug-trafficking; or Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)

Drug trafficking: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute a controlled substance.

Elderly Family: A family as defined in 24 CFR 5, as amended.

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

Family: A family consisting of two or more persons sharing residency who are either related by blood, marriage, or operation of law or have evidenced a stable family relationship and as defined in 24 CFR 5, as amended.

Fair Market Rent: The maximum rent, including utilities, as annually established by HUD for dwelling units of varying sizes (number of bedrooms) for the purpose of establishing local payment standards.

Family Income (Annual Income): Income as defined in 24 CFR 5, as amended.

Family Self Sufficiency Program or FSS Program: The program established by the Municipality of Las Piedras Housing Agency to promote self-sufficiency among

participating families, including the provision of supportive services to these families

FSS Family or Participating Family: A family that receives assistance under the Section 8 Housing Choice Voucher program, and that elects to participate in the FSS program, and whose designated head of the family has signed the contract of participation.

FSS Related Service Program: Any program, publicly or privately sponsored, that offers the kinds of supportive services determined to be appropriate in assisting FSS families achieve economic independence and self-sufficiency.

FSS Slots: The total number of vouchers that comprise the *minimum program size* of the Municipality of Las Piedras Housing Agency's FSS program.

Family unit size: The appropriate number of bedrooms for a family pursuant to the Housing Agency's duly adopted *subsidy standards* determines family unit size.

Funding Increment: Each commitment of budget Housing Agency by HUD to a Housing Agency under the consolidated annual contributions contract for the Housing Agency program.

Full-time Student: A person who is in full-time attendance (equal to a full-time day student) under the standards and practices of the educational institution he or she is attending.

Gross Rent: The Contract Rent plus any utility allowance for tenant paid utilities and other services.

Handicapped Person: A person having a physical or mental impairment as defined in 24 CFR 5.

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Homeless Family: A person or family as defined in 24 CFR 5 Subpart F, as amended.

Housing Assistance Payment (HAP): The monthly rental assistance payment remitted by the Housing Agency on behalf of a Section 8 participant.

Housing Choice Voucher: New and only form of Section 8 tenant based rental assistance as of October 1, 1999.

INS: The U.S. Immigration and Naturalization Service.

HUD Requirements: HUD requirements are issued by HUD headquarters; such as regulations, Federal Register notices, handbook requirements or other binding program directives for the Section 8 housing voucher program.

Housing Assistance Payments Contract ("Contract"): A written contract between the Housing Agency and an owner to make Housing Assistance Payments to the owner on behalf of an eligible family participating in the Housing Choice Voucher Program.

Housing Choice Voucher: A document (HUD Form 52646) issued by the Housing Agency declaring a family to be eligible for participation in the Section 8 Housing Choice Voucher Program and stating the terms and conditions for the family's participation.

Housing Quality Standards (HQS): The inspection performance requirements and acceptability criteria for housing set forth in 24 CFR 982.401, as amended.

HUD: The United States Department of Housing and Urban Development.

Involuntary Displacement: Displacement of a person or family as outlined in 24 CFR 5 Subpart F.

JTPA Program: Program covered under the *Jobs Training Partnership Act*

Live-in Aide: A person as defined in 24 CFR 5 Subpart F, as amended.

Lower-Income Family: A family whose income does not exceed 80 percent of the median income for the City as determined by HUD with adjustments for size of family.

Medical Expenses: Those medical expenses which are anticipated to be incurred during the 12-month period for which the Annual Income is computed, and which are not covered by medical insurance (premiums for such medical insurance may be included as medical expenses) or any other source.

Merger Date: The date HUD officially merged the rules governing the Certificate and Voucher Programs into one form of rental assistance (i.e., October 1, 1999).

Mixed family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Moderate Rehabilitation: Generally defined to mean required dwelling unit repairs required to meet or exceed HQS at a total cost of \$1,000.00- 5,000.00 per unit.

Monthly Income: One-twelfth of the Annual Income (also called Monthly Gross Income).

Monthly Income After Allowances: One-twelfth of the Adjusted Income.

Near-Elderly: A person who is at least 50 years of age but below the age of 62.

Non-citizen: A person who is neither a citizen nor a national of the United States.

Owner: Any person or entity, including a cooperative, having the legal right to lease or sub-lease a unit to participant.

Payment Standard: A schedule of amounts adopted by the city for each bedroom size that is used to determine the housing assistance (subsidy) a family will receive in the Voucher Program.

Portability: Moving with a Section 8 housing choice voucher rental assistance (subsidy) to a dwelling unit outside of the jurisdiction of the issuing or initial Public Housing Agency.

Pre-Merger Certificate: Section 8 Certificate issued to a qualified family before October 1, 1999.

Pre-Merger Voucher: Section 8 Voucher issued to a qualified family before October 1, 1999.

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

Public Assistance: Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by the Federal and/or State governments.

Public Housing Agency: PHA

Remaining Member. *A remaining member of a tenant family* is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit. To remain in occupancy with continued rental assistance the remaining tenant family member must be of legal age to enter into a lease pursuant to state law, and must not be a current or recent participant in criminal activity as defined under the 1998 PHRA.

Rental Agreement: A written agreement between an owner and an eligible family to rent a unit.

Rent To Owner: The rent payable to the owner as approved by the PHA pursuant to the

owner's request and the rent reasonableness criteria.

Rental Agreement: A written agreement between an owner and an eligible family to rent a unit.

Rent To Owner: The rent payable to the owner as approved by the PHA pursuant to the owner's request and the rent reasonableness criteria.

Reasonable Rent: A rent to owner that is not more than either the rent charged for comparable units in the private unassisted market; or rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

Residency Preference: A Housing Agency 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 ("residency preference area").

Residency Preference Area: The specified area where families must reside to qualify for a *residency preference*.

Section 214: Section 214 of the *Housing and Community Development Act of 1980*, as amended (42 U.S.C. 1436a). 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.

Single Person: A person living alone or intending to live alone.

Special Admission: Admission of an applicant that is not on the PHA's waiting list, or admission without considering the applicant's waiting list position, such as a person who is displaced by HUD action with the promise of Section 8 rental assistance.

Spouse: Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship.

Subsidy Standards: Standards established by a Housing Agency to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. (See definition of Family Unit Size.)

Supportive Services: Those appropriate services that the Housing Agency will make available to an FSS family under a contract of participation. These services may include childcare, transportation, education, employment, counseling, and other services determined to be appropriate in assisting FSS families achieve economic independence and self-sufficiency.

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

Substandard Housing: Housing that is physically deficient as defined in 24 CFR 982.219, as amended.

Tenancy Addendum: The lease language required by HUD to be included in the lease between the tenant and the owner.

Tenant: The person or persons who executes the lease or lessee of the dwelling unit.

Tenant Rent: The amount payable monthly by the family as rent to the owner.

Total Tenant Payment (TTP): The monthly cost of rent and utilities payable by the assisted family consistent with the HUD-required formula.

U.S. Department of Housing and Urban Development: HUD

Utility Allowance: An amount equal to the estimate established by the Housing Agency of the monthly costs of utilities (except telephone) and other housing services for an assisted unit, which are not included in the tenant rent, but is the responsibility of the family occupying the unit.

U.S. National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

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. This amount can be paid directly to the tenant or the Utility Supplier pursuant to the PHA's adopted policy.

Very Low-Income Family: A family whose income does not exceed 50 percent of the median income for the City as determined by HUD, with adjustments for size of family.

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 Admission: An admission from the Housing Agency's waiting list.

C. GENERAL APPLICABILITY AND SCOPE

The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of eligible families pursuant to the provisions of Section 8 of the U.S. Housing Act of 1937, as amended. To implement the Housing Choice Voucher Program, the Housing Agency, with the approval of HUD, is authorized to make housing assistance payments on behalf of eligible families who rent units which meet or exceed HUD's Housing Quality Standards (HQS) during the period of the ACC.

PC-§1.00 Scope of the Section 8 Administrative Plan

The Section 8 housing choice voucher program is federally funded and locally administered by the Municipality of Las Piedras Housing Agency through its Section 8 housing office (hereinafter referred to as the office or the program).

Local rules, which are made a part of this Section 8 Administrative Plan, are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

Local Programs subject to the provisions of this Section 8 Administrative Plan, as applicable, include:

- Pre-Merger Rental Vouchers
- Housing Choice Vouchers

Required program forms are located in HUD Handbook 7420.8 and on the worldwide web at www.hudclips.org.

PC-§1.01 Statement of Compliance with Applicable Fair Housing Laws

The Municipality of Las Piedras Housing Agency is an equal opportunity employer and an equal opportunity housing provider.

The Housing Agency will administer its housing programs in a nondiscriminatory manner without regard to race, color, creed, national origin, religion, sex, age, handicap or familial status. The Housing Agency will comply with all federal, state and local fair housing Statutes, Executive Orders and comparable laws, including, but not necessarily limited to:

- a. Title VI of the Civil Rights Act of 1964, as amended
- b. Title VII of the Civil Rights Act of 1968, as amended
- c. Section 504 of the Rehabilitation Act of 1973, as amended
- d. Fair Housing Amendments Act of 1988

- e. Title II of the Americans with Disabilities Act
- f. State/Local Fair Housing Laws

The Housing Agency will provide federal/state/local information regarding discrimination and recourse in the event of discrimination.

Prospective and participating landlords will be apprised of applicable Fair Housing Laws and the Housing Agency's policy regarding the full range of actions to be taken against landlords involved in discriminatory leasing practices.

The Housing Agency subscribes to HUD's open-housing policy and will maintain lists of available housing to ensure greater housing choice/opportunities for low-income households served by this Housing Agency.

If an applicant or participating family believes they have been the victims of illegal discrimination the Housing Agency will provide:

- HUD's Fair Housing Brochure (dated 7/90);
- Assistance in completing HUD form 903; and/or
- Referral to the Regional HUD Office of Fair Housing.
- Referral to state or local fair housing organizations

The MAHA may extend the family's term of voucher ("search time"), not to exceed 150 days, where there is sufficient evidence to lead the agency to believe the family's efforts to locate suitable housing has been impeded by discriminatory actions (or inactions) by prospective landlords or realtors.

PC-§1.02 Applicability of the Privacy Act

The Housing Agency will facilitate the full exercise of rights conferred on individuals under the Privacy Act of 1974, [5 U.S.C. 552A] and will ensure the protection of privacy as to individuals about whom the office maintains records under its Section 8 Housing Choice Voucher Housing Program, except that information which is part of the applicant or tenant's file with regard to current/prior participation in drug-related or violent criminal activity, history of excessive damage to units created by applicant or tenant-family, or eviction from Section 8 assisted units, will be shared with prospective landlords.

A release form, executed by all adult family members, will accompany any requests for release of information.

D. PUBLIC NOTICE TO LOWER-INCOME AND/OR VERY LOW-INCOME FAMILIES

1. Notice of Availability of Housing Assistance

The Housing Agency shall periodically make known to the public through publication in a local daily newspaper of general circulation, minority print media and other suitable means, the availability and nature of housing assistance for Low-Income families. The notice shall further inform such families where and how they may apply for Section 8 Voucher assistance. The notice shall also state that occupants of housing assisted under the 1937 Act, and applicants on waiting lists for any such housing, must apply if they wish to be considered for a Voucher. In addition, the notice shall state that applicants for a Section 8 Voucher will not lose their place on the waiting list for public housing at the Municipality of Las Piedras Housing Agency.

2. Notice in Accordance with HUD Guidelines

Such notice shall be made in accordance with the Housing Agency's most recently adopted Section 8 Administrative Plan. Upon request, the Housing Agency shall send to the HUD field office a copy of the Section 8 Administrative Plan.

3. Opening and Closing the Waiting List

The Housing Agency will give public notice when the waiting list is opened, including any limitations on who may apply. If the Housing Agency determines that its waiting list contains an adequate pool for use of its available funding, the Housing Agency may stop accepting applications.

4. Policy Governing Cross-Listing and Merging of Waiting Lists

The Municipality of Las Piedras Housing Agency will not merge its Section 8 tenant-based assistance waiting lists with its project-based waiting lists for conventional public housing.

The agency will maintain a single, automated waiting list for Section 8 applicants consistent with HUD's instructions under Part 1 of the Section 8 Conforming Rule. If the public-housing waiting list is open at the time a family submits a pre-application for Section 8 assistance the family will be afforded the opportunity to be cross-listed on the Municipality of Las Piedras Housing Agency's public housing waiting list with the:

- (i) same date/time of application
- (ii) same preference codes.

5. Notice of Nondiscrimination

All notices of general circulation regarding the availability of the program, and any notices to

prospective applicants/participants or owners shall state the Housing Agency promotes nondiscrimination in housing and will assist any family who alleges discrimination by staff and/or owners. Such assistance may include any of the following: (a) assisting the family in completing HUD Form 903; (b) referring the family to the local legal aid society; (c) referring the family to the California Civil Rights Housing Agency; (d) providing the family with the toll free number for HUD's Office of Fair Housing in Washington, DC.

PD-§1.00 Statement of Program Approach and Planned Outreach

The Housing Agency will implement its Section 8 Rental Assistance Program in a manner consistent with the Housing Agency's mission of providing "*decent, safe, sanitary, and affordable*" housing. The Municipality of Las Piedras Housing Agency will promote outreach about its programs and services, regarding the availability and nature of the Section 8 housing choice voucher program.

Outreach methods and strategy will be redesigned if it is determined that a particular segment or segments of the community are not being reached.

Efforts to reach those persons where Spanish may not be their first language will include the use of:

- (i) HUD forms which are printed in different languages; and
- (ii) Public notices in newspapers that serve various non-Spanish speaking populations.

Newspapers to be used to advertise the availability of the program and to recruit owners of rental housing outside areas of low income and high minority concentration may include, but will not necessarily be limited to:

- (i) El Nuevo Día
- (ii) El Vocero de Puerto Rico
- (iii) Primera Hora

Broadcast news sources may include, but will not necessarily be limited to:

- (i)
- (ii)

During periods of time when the Housing Agency is accepting applications, interested persons will be afforded the opportunity to make written pre-application for assistance, even if it appears through discussion with the applicant that they may not qualify for assistance. All determinations of eligibility for the waiting list will be made solely based upon the written or oral representations of the family on the pre-application housing application forms. If a family appears to be eligible they will be placed on the waiting list. A final determination of eligibility

will not occur until the Housing Agency actually has a form of assistance available to offer the family. At that time, the Section 8 program staff will conduct the family's final eligibility interview and undertake the required verification procedures.

To facilitate agency compliance with HUD's *income targeting requirements* an assertive effort to identify and assist *extremely low income families* will be accomplished through outreach activities with:

- Department of Family and Children's Services (local TANF agency)
- Puerto Rico Department of Employment Services
- Puerto Rico Board of Education
- Local hospitals, colleges and universities

The AHA will notify organizations representing persons with disabilities and ethnic minority populations of the period of time for which applications for Section 8 rental assistance will be provided. These same organizations will be recruited to assist the populations they serve by:

- providing transportation to the interview and to search for housing outside of areas of high poverty or minority concentration;
- assisting the applicant in organizing family data to be brought to the interview;
- negotiating rents and security deposits with prospective landlords;
- securing required security and/or utility deposits;
- acquiring furniture.

Such organizations may include, but are not necessarily limited to:

- ~~Urban League~~
- ~~NAACP~~
- Churches serving the English-speaking community

The application will ask how the applicant heard about the program as a means of feedback on the effectiveness of the agency's outreach program, and to modify its strategy to reach under-represented populations.

PD-§1.01 Maintaining The Waiting List

The Municipality of Las Piedras Housing Agency maintains a master waiting list for the Section 8 Housing Choice Voucher Programs.

The waiting list will provide the following information on apparently eligible households who have an active form of application (pre-application or full application):

- a. Name of head of household;
- b. Date and time the pre-application was received;
- c. Unit size(s) most appropriate to meet the family's needs;
- d. Preference status codes; and
- e. Race/ethnicity of head of household
- d. Annual Income (for income-targeting compliance)

**PD-§1.02 Policy and Procedures Governing *Income Targeting* in Section 8
Waiting List Selections**

The Municipality of Las Piedras Housing Agency will implement *income targeting* consistent with the provisions of the Public Housing Reform Act of 1998. Family selections from the waiting list will be made in a manner that assures at least seventy five percent (75%) of all new admissions within the PHA’s fiscal year have income at or below the *extremely low income* (ELI) limit for this area.

To ensure compliance with this requirement the agency will code its waiting list applicants by *income range* as follows:

Code 1= *low income* (i.e., family income reported at 51-80% of area median income);

Code 2= *very low income* (i.e., family income reported at 31-50% of area median income); and

Code 3= *extremely low income* (i.e., family income reported at zero to 30% of area median income).

The Municipality of Las Piedras Housing Agency may select an applicant from its waiting list based on income range, and without regard to locally adopted preferences in tenant selection, if necessary to assure federal compliance with *annual income targeting requirements* for the Section 8 housing choice voucher program.

Section 8 program management staff will undertake the following procedures to establish and maintain compliance with its *income targeting requirements*:

Step 1: 90 days prior to the start of the new fiscal year, collect the data required to estimate the annual gross incomes of waiting list applicants (see *income codes* on the waiting List);

Step 2: Estimate the number of families expected to be admitted over course of upcoming fiscal year based on historical data (use unit turnover data from current fiscal year);

Step 3: Estimate number of families to be selected from the waiting list to facilitate 100% lease-up in upcoming fiscal year (use *success rate data* on number vouchers issued vs. number of contracts executed in current fiscal year);

Step 4: Based on current distribution of ELI families on the waiting list determine if the MAHA can accomplish its requirement for 75% ELI admissions utilizing its “regular” tenant selection process, or if agency must intensively monitor waiting list selections to determine need to implement strategy (e.g., suspend regular *preferences* for ELI preference; open the waiting list for new ELI applicants; increase outreach to organizations representing the ELI populations).

PD-§1.03 Updating The Waiting List

The Housing Agency will initiate a periodic update of the applications received. The applicant will:

- be mailed an update letter of interest regarding continued interest (sent by 1st class mail to the applicant's most recently reported address);
- be required to complete the update form and return it within thirty (30) calendar days of mailing by the Housing Agency in order to maintain their name on the waiting list.

If the family fails to respond within the specified time period they will be determined ineligible and sent a notice with the reason and their right to request an informal review. For each notice returned marked “*Addressee Unknown*”, staff will close the application, attach the returned notice and envelope, and file and maintain for three (3) years.

For each application for which there has been no response and no returned notice, the MAHA will send a second notice by certified mail providing a final deadline. When the final deadline passes with no response, the family’s application will be closed and maintained with the record of certified delivery for a period of three years.

Any changes in the family's circumstances that affect their place on the waiting list, such as a change in local preferences, will be made as of the date of the Application Update with the Housing Agency.

The family will maintain their original date of application no matter how many times there are changes in their circumstances while they are on the waiting list.

PD §1.04 Closing And Reopening The Waiting List

The Housing Agency reserves the right to:

1. Discontinue application taking for all or some targeted applicant families when it has been determined by the Housing Agency's Manager or designee that there is insufficient funding;
2. Give public notice whenever the waiting list will reopen through a local newspaper of general circulation and selected minority print media;
3. State where and when interested persons may apply and any limitations on who may apply, as well as any reasonable accommodations for persons with disabilities who wish to apply.

PD-§1.05 Selections From The Section 8 Waiting List

Families will be selected for program participation as either a waiting list selection or special admission (non-waiting list admission).

"Special admissions" are made without regard to the family's position on the waiting list or even if the family is not on the waiting list. These admissions occur only when HUD gives the Housing Agency a special allocation of Section 8 funding for specific families living in certain targeted units. Special admissions are permitted when HUD provides special funding for general categories of targeted families such as the homeless or families displaced due to natural disaster, or due to the sale of a HUD foreclosure.

E. PUBLIC NOTICE AND INVITATION TO OWNERS

1. Solicitation to Owners

The Housing Agency shall periodically solicit owners through publication in a local newspaper of general circulation and other suitable means to make dwelling units available for rental by eligible families. In so doing, the Housing Agency shall encourage participation by owners of units in areas other than those with concentrations of low-income or minority families.

Solicitation to owners shall be made in accordance with the applicable HUD guidelines. The Housing Agency shall prepare and distribute *owner's fact sheets and owner's briefing packets* which explain the basic program requirements and owner benefits to participating in the Section 8 rental assistance programs. The Section 8 staff shall also address members of local organizations representing the rental market.

The Section 8 staff shall prepare maps that show various areas, both within and neighboring its jurisdiction, to assist families in renting housing outside areas of poverty or minority concentration. The maps will be used during briefing sessions, along with information about job opportunities, schools and services in these non-impacted areas to encourage the applicants to consider these areas when seeking a place to live. To further support this effort, to de-concentrate pockets of poverty, the Section 8 staff shall include in the tenant's briefing packet a list of owners who are willing to lease, or properties available for lease under the voucher program, or a list of other organizations that will help families find units. The list shall include properties or organizations that operate outside areas of poverty or minority concentration.

2. Contacts with Organizations

The Housing Agency shall periodically:

- (1) request the HUD field office to furnish a list of HUD held properties available for rent in the Berkeley Metropolitan Area,
- (2) develop working relationships with owners and real estate broker associations,
- (3) establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacements, and
- (4) explain the program, including equal opportunity requirements and Section 504 nondiscrimination requirements, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

F. ELIGIBILITY CRITERIA

1. Family Qualification for Rental Assistance

All applicants must qualify under the following factors of eligibility. This includes family's ability to meet the Housing Agency's/HUD's *definition of a family; document U.S. Citizen, U.S. national or eligible immigration status; have income at or below 50% of median income; not owe the Housing Agency or any other HA monies as a prior Section 8 participant; within the past 3 years no participation in drug-related or violent criminal activity, provide all applicable certifications and documentation.*

2. Projected Income Indeterminable or Determinable for a Short Period

If a family is determined to have *unstable income* or reports *zero income* the Housing Agency shall place the family on a more frequent than annual re-examination schedule. Based upon individual circumstances this may result in a 30, 60 or 90-day interim reporting schedule. It is expected that most such families will be subject to a 90 day interim reporting requirement.

3. Family with Outstanding Balance Owing

An applicant with an outstanding balance owed to the Housing Agency in connection with its Section 8, public housing and/or other housing programs under the 1937 Act will be declared ineligible for housing assistance until the outstanding balance is paid in full. If an applicant family is determined to owe the Housing Agency or another Housing Agency money as a prior participant in the Section 8 or public housing programs it is the policy of this Housing Agency to offer the family the opportunity to enter into a repayment agreement while on the waiting list.

When the family reaches the top of the waiting list all prior monies owed must be paid in full as a factor of initial eligibility. Family must make full payment within 14 calendar days of the final eligibility interview. Failure to do so will result in denial of eligibility and family's name will be removed from the waiting list. Each family so denied will be advised in writing with procedures to follow to request an informal review.

For participating families, the Housing Agency may offer a repayment agreement. The family's non-compliance with the terms of the repayment agreement is considered grounds for termination of program participation. The Housing Agency will give both the family and the owner 30 days written notice of intent to terminate for family's failure to comply.

Applicants and participant families will be offered the opportunity for an informal review or hearing in accordance with Section Y of this plan.

4. Prior Termination from Section 8 Program

The Municipality of Las Piedras Housing Agency may deny assistance to the applicant if the applicant has been previously terminated from a Section 8 Rental Voucher programs for violation of program obligations, or if a family member has been evicted from public housing in the three year period, preceding the date of application, for drug related criminal activity unless there is evidence of successful completion of drug rehab or the family member involved in drug related criminal activity is no longer a member of the applicant/participant household.

5. Disposition of Assets

An applicant who has assigned, converted, transferred, or otherwise disposed of assets within two years prior to the date of initial certification or re-certification shall have the value of such assets included in the determination of net family assets as set forth in 24 CFR 5 Subpart F, as amended.

- (1) The Municipality of Las Piedras Housing Agency will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding effective date of the certification or re-certification.
- (1) If the family certifies that they did dispose of assets for less than fair market value, a certification that shows: (a) all assets disposed of for less than Fair Market Value; (b) the date they disposed of the assets; (c) the amount the family received; and (d) the assets' market value at the time of disposition.

PF-§1.00 Establishing Applicant Eligibility

All families must qualify for assistance in accordance with HUD's criteria for eligibility.

The preliminary determination of income eligibility will be based on the family's self-declared sources and amounts of income.

Factors confirming any local preferences claimed factors of eligibility and income will not be third-party verified until the family reaches the top of the waiting list.

PF-§1.01 Definition of a *Family*

The applicant must qualify as a family. A *family* may be a single person or a group of persons. Discrimination on the basis on familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.

1. Definition of Family

To qualify for rental assistance, an applicant household must meet one of the following criteria:

- (i) Two or more persons regularly living together in a stable family-type relationship, which will live together in the Municipality of Las Piedras Housing Agency -assisted housing.

- (ii) Two or more persons who are not related by blood, marriage, adoption, guardianship or operation of law, but are regularly living together, can verify shared income or resources, and will live together in the Municipality of Las Piedras Housing Agency housing.
- (iii) The term “*Family*” also includes, but is not limited to:
 - A family with or without children;
 - An elderly family;
 - A disabled family;
 - A displaced family;
 - The remaining member of tenant’s family;
 - A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family.
 - Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.
- (iv) A child who is verified as being “temporarily absent” from the home due to placement in foster care shall be considered when determining the family composition and family size.

2. Head of Household

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

Emancipated minors who qualify under State law may be recognized as head of household if there is additional evidence/documentation that they are capable of upholding all essential terms and conditions of occupancy.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an elderly household, provided that the person is at least partially responsible for paying the rent.

3. Applicable Definitions

For proper application of the rule governing *Restriction on Assistance to Non-citizens*¹, the definition of *spouse* is: the marriage partner who, in order to dissolve the relationship, and would have to be divorced. It includes the partner in a common law marriage. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads.

¹ Section 214 of the 1980 Housing and Community Development Amendments
Municipality of Las Piedras Housing Agency Section 8 Administrative Plan & Procedures: March 2007

4. A one person household (i.e., *single person*) is considered to be an eligible family without restriction.

Spouse generally means the husband or wife of the head of household in a marriage recognized under California State Law.

Live-in aide means the person expected to reside with an elderly or disabled voucher holder which a physician has declared to be medically necessary for the care and well-being of the voucher-holder and who is not obligated to provide the support for this person and who would not be living in the (subsidized) unit except to provide the necessary care.

Co-head of household means the person(s) who are (a) living in a spousal relationship or (b) are related or unrelated adults with equal responsibility for program/lease compliance, such as may be the case with two adult sisters or two adult disabled persons wishing to live together.

PF-§1.02 Eligible Single Persons

All single persons are eligible to apply for and receive Section 8 subsidy if otherwise eligible during periods of time when the agency is accepting applications.

PF-§1.03 Income Limitations

At the time of issuance of the voucher to a family from the waiting list a family's gross annual income must not exceed the Low Income (i.e., 80% of area median income) limit. In addition, the family, when first admitted, must select a unit in an area in which the family meets the income limit for the housing choice voucher program.

For a family receiving assistance at the time of the portability move (i.e., “currently assisted family”), who elects to move with continued assistance under portability to the jurisdiction of another Section 8 program, they may be either very low or low income as a *continuously assisted family*.

PF-§1.04 Procedure for Projecting Unstable Income

Where a family member has sporadic, yet recurring income such as a business owner or temporary clerical work (i.e., "Kelley-Girl") the income will include projected income based upon current income and expenses:

- (1) Place family on a 90-day re-exam cycle;
- (2) Require family to bring income information for the most recent 60-day (eight-week period) preceding the date of certification;
- (3) Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 12 month period.

- (4) Combine the income from this period with the income from the prior period to establish a new baseline weekly or monthly figure;
- (5) Recalculate the TTP and determine need for additional interim re-exams.

PF-§1.05 Housing Agency Policy Governing Verification of Zero Income.

All income representations made by the family to the Housing Agency must be verified to ensure the accurate calculation of total tenant payment and housing assistance payment. When a family claims *zero* income the staff will use the following procedures:

- 1) Head or co-head of household must complete a *Family Economic-Sufficiency* Form. This form will inquire as to how the family is currently covering living expenses such as utilities, food, clothing, etc.
- 2) Review the family information to evaluate possible participation in programs such as TANF, unemployment, etc.
- 3) Pose questions to the family intended to probe for unreported income and to clarify any discrepancies.
- 4) Have the head or co-head complete the following verification forms, even if they represent they do not receive income from these sources:
 - (i) Food Stamp verification form
 - (ii) TANF verification form
 - (iii) Unemployment benefits verification form
 - (iv). Credit bureau reporting verification form
 - (v) . Any other verification form that appears to fit the family's profile
 - (vi). Income Tax Return
 - (vii) IRS Request for Information

If the verification form reflects income from these sources the Section 8 staff will act on the information provided by the source. The Section 8 staff is also to meet with the family to discuss any discrepancies and to provide the family with the opportunity to explain the discrepancies, and to supply information, which controverts the information, received.

When the credit report reflects "more money going out than coming in" any recurring payments made to the family or on behalf of the family will be counted as "income" consistent with 24 CFR 5 as "regularly recurring cash contributing gifts".

If the family generally disputes the information provided by the third party the Section 8 staff is

to seek further clarification by phone with the third party. The information provided by the third party is to prevail. The family will be offered the opportunity for an informal review of any decision reached based upon the third party information if the family feels that the Housing Agency's decision has an adverse effect. The decision of the hearing officer will prevail.

PF-§1.06 Social Security Reporting Requirements

Families are required to provide social security numbers for all family members age 6 and older, if they have been assigned a social security number (SSN), as a condition of initial and continued eligibility.

If a family member age six and older does not have a social security number the family:

- a) Must provide a certification that a SSN has not been assigned; and Family must agree to provide any social security numbers assigned after the date of the certification.
- b) For a minor age six to seventeen without a social security number the head of household or legal guardian will be required to complete the prescribed certification form.
- c) If an adult household member reports no social security number the adult must execute the required form.

If a non-elderly applicant or participant provides a social security number for which they state they cannot provide the appropriate verification the Housing Agency may grant a 60-day extension period in which to obtain and submit the required documentation.

For elderly families the Housing Agency may grant an extension of up to 120 days in which to provide the required documentation.

Failure of any family to supply the required documentation within the prescribed extension period will result in denial (applicant) or termination (participant) of assistance.

Verification of social security numbers reported by household members will be evidenced through submission of a valid social security card issued by the Social Security Administration or through an alternate form of documentation including, but not necessarily limited to:

- | | |
|-----|--|
| 1. | Benefit award letters |
| 2. | Drivers license |
| 3. | Employment identification card |
| 4. | The Municipality of Las Piedras Housing Agency 's state-issued identification card |
| 5. | Payroll stubs |
| 6. | Bank statements |
| 7. | Medical insurance identification card |
| 8. | IRS form 1099 (or similar) |
| 9. | Medical insurance/ medical provider card. |
| 10. | Military identification card |

A person age 6+ proposed to join a family in occupancy must comply with provisions of this part.

PF-§1.07 Section 214 Declaration

Pursuant to Section 214 of the 1980 *Housing and Community Development Amendments*, all applicant and participant households must provide a declaration of citizenship or eligible immigration status. The Section 8 staff will provide this form with a letter of explanation to each household applying for assistance. If an applicant family member has ineligible status the family may not receive full subsidy. If any member of the family is a U.S. citizen or has eligible immigration status then the family may qualify for pro-rated/partial assistance. If there are no family members with citizen or eligible immigration status then the family will be determined ineligible for subsidy and denied issuance of a voucher. An ineligible family will be informed in writing of the denial and their right to request an informal hearing equal to the hearing granted for a participant family.

If there are no family members with citizen or eligible immigration status then the family will be determined ineligible for housing. An ineligible family will be informed in writing of the denial and their right to request an informal hearing.

- 1 In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to content their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.
 - a. Mixed Families. A family is eligible for assistance as long as at least one member is citizen or eligible immigrant. Families that include eligible and ineligible individuals are called a mixed family. Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

- b. No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.
- c. Non-citizen students defined by HUD in the non-citizen regulations are not eligible for assistance.

1 Section 214 verifications will be accomplished as follows:

- U.S. Citizens or Nationals. Persons claiming status as a U.S. citizen or U.S. national will provide a self-certification in the form prescribed by the agency.
- Eligible Immigrants. Staff will conduct primary verification of eligible immigrant status through the INS automated SAVE (*Systematic Verification for Entitlement*) system using the instructions provided at HUD Guidebook 7420.10 G (pg. 5-7).

Staff will not delay, deny, or terminate assistance to an applicant or currently assisted household if any one of the following circumstances apply:

- At least one person in the household has submitted appropriate INS documents;
- The documents were submitted to the INS on a timely basis, but the verification process has not been completed;
- The family member in question moves;
- The INS appeals process has not been completed
- Assistance is pro-rated;
- Deferral of termination of assistance is granted by the agency;
- For a program participant, the informal hearing process is not complete.

Assistance will be denied or terminated when:

- Declaration of citizenship or eligible immigration status is not submitted by the specified deadline or any extension;
- Required documentation is submitted but INS primary and secondary verification does not verify immigration status and family does not pursue INS or PHA appeal; or
- Required documentation is submitted but INS primary and secondary verification does not verify immigration status, and INS or PHA appeal is pursued but decision(s) are rendered against the family.

When the MAHA decides to deny or terminated assistance, a written notice, which includes the following, will be sent by first class mail:

- An explanation of why the financial assistance will be denied or terminated;
- Notification that the family may be eligible for prorated assistance if it is a *mixed family*;
- Procedures for requesting *temporary deferral or peroration of assistance* for currently

assisted families;

- Family's right to appeal the results of the secondary verification to the INS; and
- Family's right to request an informal hearing from the PHA in lieu of an INS appeal or after an appeal.

Where feasible, the agency will provide all required notices and instructions in a language that the Family understands if the family is not proficient in English. Care will be taken to ensure that the implementations of the 214 requirements are accomplished consistent with Section 504 and Fair Housing requirements.

PF-§1.08 Other Criteria For Admission

1. Applicant must have paid in full any outstanding debt owed to any PHA for public housing, Section 8 voucher or for any previous tenancy under the 1937 Housing Act and/or any other federally assisted housing program.
2. Applicant must have left any previous tenancy under the Section 8 program without being in violation of a family obligation under its Housing Voucher, (unless there was good cause) within the five-year period preceding the date of application for assistance.
3. No family member has committed:
 - (i) Fraud
 - (ii) Bribery; or
 - (iii) Any other corrupt or criminal act in connection with any federally assisted housing program in the five-year period preceding the date of application for assistance.
4. Family has not breached a pre-existing agreement to repay the Housing Agency for monies owed as a prior program participant. If there are any monies due and owing the Housing Agency the family must make full payment of the debt prior to being issued a voucher. Failure to do so is grounds for denial of assistance.
5. No family member to occupy the assisted unit is an employee the Housing Agency or governing body that makes policies or decisions relating to the operation of the Section 8 program unless HUD has granted a written waiver.

PF-§1.09 Family Suitability

It is not the intent of the federal government or the local government to provide subsidy for a family with a member who have a history of drug related, violent criminal activity, nor alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of others...

If the family member involved in the illegal drug activity or violent criminal activity will not occupy the assisted unit, or can demonstrate that he/she is recovering or has recovered from such addiction and does not currently use or possess a controlled substance, the Housing Agency may approve the family for program participation.

The Housing Agency will not screen for factors that relate to suitability of the applicant family as "tenants".

Section 8 staff is prohibited from considering *suitability factors*, such as those described below, when determining family eligibility for Section 8 rental assistance:

1. Prior rent paying history;
2. Outstanding debts owed to previous owners (unless there was an owner's claim which was paid by the Housing Agency on behalf of the family, thus creating a financial obligation to the Housing Agency); or
3. History of damage to rental properties, etc.

The above forms of screening and evaluating an applicant for tenancy are the responsibility of the landlord and not the Housing Agency.

Owners are advised both orally and in writing of their obligation to perform normal, routine screening of applicants they propose to house.

The Housing Agency will continually urge owners to conduct such thorough screening on a uniform, consistent and non-discriminatory basis as part of the owner's routine tenant selection process.

The Housing Agency will provide the following information to prospective landlords to the extent such information is a part of the applicant/tenant file and does not violate the privacy act.

- Current address
- Current landlord information
- Prior landlord information
- Outstanding claims for unpaid rent or damages owing the program

PF-§1.10 Grounds For Denial of Admission and Notice to Family

If the applicant household does not meet the factors of eligibility stated in this section the Housing Agency will make a determination of ineligibility. Any family determined to be ineligible for assistance will be notified in writing within five (5) working days of the decision.

PF-§1.11 Informal Review Procedure For Applicants

Applicants will be provided an opportunity for informal review of decisions that deny the applicant placement on the Waiting List, issuance of a Section 8 voucher or participation in the Section 8 program.

1. The written notice of ineligibility will state the reason for the determination and advise the family of its right to request an informal review of the decision within fourteen (14) calendar days of the date of the Housing Agency's notice of ineligibility.
2. Applicant will be given the opportunity for informal review in accordance with these procedures:
 - a) If such a review is requested the informal review will be conducted within ten (10) calendar days of receiving the family's written request.
 - b) Review shall be conducted by any employee, other than a person who made or approved the decision under review or a subordinate of that person.
 - c) Applicant shall be given an opportunity to present oral or written objections to the Housing Agency decision.
 - d) Applicant has the right to legal counsel or other representation at his/her expense.
 - e) The hearing officer will notify the applicant in writing of the final decision within five (5) working days after the informal review. This notice shall include a brief statement of the reasons for the final decision.

G. DETERMINATION OF FAMILY INCOME AND FACTORS OF ELIGIBILITY

1. Application for Admission

The Housing Agency shall determine eligibility for Section 8 rental assistance in accordance with criteria established by HUD and the Municipality of Las Piedras Housing Agency. In so doing, the Housing Agency shall require every applicant to complete and sign an application prescribed by the Housing Agency, as well as applicable verification consent forms.

2. Determination of Annual Income

Family income for purposes of determining income eligibility and tenant rent and subsidy shall be computed in accordance with HUD specified sources and amounts of income to be included or excluded as stated at 24 CFR §5 Subpart F.

Additionally, the Municipality of Las Piedras Housing Agency shall exclude certain amounts of earned income under designated and qualified local training programs related to Welfare Reform as specified in HUD Notice 98-2, and consistent with 24 CFR§5.609.

3. Verification of Factors of Initial Eligibility and Tenant Rent

To document program eligibility, preference rating, dwelling size and rent to be paid, the information submitted on the application for admission shall be independently verified. Program verification used shall be valid for a period of 60 days prior to admission. Program verifications used for annual re-exams shall be valid for a period of 120 days prior to the effective date of re-examination of family circumstances.

The Housing Agency will follow the verification methods prescribed in HUD PIH- Notice 92-45 and PIH Notice 2001-15.

When third party verification source cannot or will not provide the required information within four weeks this will be noted in the applicant or tenant file and the Housing Agency will document the alternative method used.

The Housing Agency may review original documents provided by the family and use this as the basis for a provisional determination that will remain subject to third party verification.

If third party verification is received after the provisional determination of initial/continued eligibility or tenant rent has been made the Housing Agency will use the third party independent verification to make a retroactive determination. A family's rent may be increased or decreased retroactively.

If there is a determination that a family was not initially eligible for program participation the family will be terminated on 30 day written notice to the family and owner. Any ineligible family will be required to make full repayment of subsidy received to which the family was not entitled.

4. Verification of Annual Income

Anticipated income is a prime determinant of an applicant's eligibility for participation and their level of rental assistance. An Annual income means income from all sources received by the family head and spouse (even if temporarily absent), and by each additional member of the family, including all net income to be derived from assets for the upcoming 12-month period.

Annual income will be determined based on appropriate third party verification. Initial income eligibility is established by comparing annual income to the HUD-prescribed maximum income limit.

There is no minimum income requirement for participation in the Section 8 rental assistance programs.

5. Record of Family

A file folder shall be established for each applicant and participant family and shall contain the original application and all data collected to verify and document the family's status. For each participant family the Housing Agency will maintain as part of the family record the family's application, applicable verifications, a copy of the executed lease and the HAP contract, as well as correspondence between the family and Housing Agency. The Housing Agency shall retain all applicant/tenant certifications and relevant documentation as set forth in 24 CFR 982, as amended.

6. Misrepresentation of Family Circumstances

If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the Housing Agency may deny and/or terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition.

7. Determination of Ineligibility

If an applicant is determined to be ineligible for Section 8 rental assistance, the Housing Agency shall promptly state the reasons for its determination to the applicant in writing. The letter shall also state that the applicant may request an informal discussion and explain how to request the informal discussion.

8. Suspension of Voucher Issuance

If there is insufficient funding to assist the family at the top of the waiting list, the Housing Agency will not issue any form of assistance to any other family on the waiting list until there is sufficient funds to assist the family at the top of the waiting list.

However, if HUD awards the Housing Agency funds for a specified category of families on the waiting list, the Housing Agency must select families in that category, even if they are not at the top of the waiting list for one year. All such selections will be made as a Special Admission and so noted in the tenant and waiting list records.

9. Removal from the Tenant-Based Assistance Waiting List

The Housing Agency will remove a family's name from the Section 8 TBA waiting list if the family is determined ineligible in accordance with criteria prescribed by HUD or Housing Agency policy. The Housing Agency may also remove a family's name from its waiting list for family's failure to provide the Housing Agency with a new mailing address and/or any correspondence is returned with no forwarding address or family fails to participate in 2+ scheduled appointment(s) without good cause. The Housing Agency may also remove a family's name from the waiting list based upon a family's written request.

PG-§1.00 Policy and Procedures for Verifying Factors of Eligibility

Verification of income and asset information are required to determine eligibility for admission and continued assistance. All of the family's written representations which affect the family's eligibility or rent must be verified by the Housing Agency's Section 8 Admissions staff.

Written inquiries will include:

1. Statement of the purpose for requesting family data; and
2. Statement signed by the applicant to permit the source to release information/family data.

When an applicant or tenant reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received, (i.e., Temporary Assistance for Needy Families (TANF), welfare, unemployment compensation, child support, etc.) the absence of such income will be verified.

Family may be required to sign verification consent forms for:

- Temporary Assistance for Needy Families (TANF)
- Food Stamps
- Unemployment Compensation
- State Wage Information Collection Housing Agency
- Credit Reports

For an initial determination of eligibility all required verifications must be current (i.e., issued within the 60 day period preceding the date of interview).

Tenant files will contain documentation of all required verifications.

1. Applicants/tenants must cooperate with Section 8 staff and comply with the Housing Agency's certification/verification process by providing enough information to allow the Section 8 office to obtain verification from a third party of all statements regarding eligibility and rent. Family composition is generally treated as a self-certification. The

signature of the head and/or co-head of household on the application for housing assistance will normally be considered sufficient verification for family composition. However, the Housing Agency may require proof of family composition consistent with the Housing Agency's definition of *family*.

2. All income, assets and each applicable deduction will be verified at the time of admission and at each subsequent re-examination. Income will be verified by third party verification. If third party written verification is not possible Section 8 staff shall attempt to receive third party oral verification by calling the source or participating in a meeting with the source. Whenever third party oral verification is utilized the Eligibility Specialist/Housing Representative (OS) who received the information will be required to document the date of the phone contact, the name of the person they spoke with, information received and sign their name. Additionally, the Eligibility Specialist/Housing Representative will complete the Housing Agency's third party oral verification form. This form will identify with whom they spoke, the date, and other critical information. If neither third party written nor oral verification is possible this will be noted in the file and Section 8 staff shall undertake a review of documentation provided by the family. Eligibility Specialists/Housing Representatives are to review documents provided by the family for: *date, authenticity, and completeness*. If documents appear to be altered they should not be considered and alternative documentation should be requested.

The following statements will also be verified and documented in the tenant file:

- a. Age of family members when the sole factor determining factor of eligibility is age or to support deductions claimed for minors or elderly household status;
- b. Displacement, handicap, disability, veteran or serviceman status when they are a factor in determining eligibility for certain deductions or preferences;
- c. Full-time student status.

PG-§1.00.a Policy and Procedures for Third Party Verifications

The verification process during the time of application, interim reexamination and annual Re-examination is a critical task in the administration of the Department of Housing and Urban Development (HUD) assisted housing programs. This task requires Public Housing Agencies (PHA's) to verify factors that affect the determination of an applicant's/participant's adjusted income. The verification process also requires the applicant/participant to provide and disclose information that is true and complete, which is necessary in the administration of HUD's assisted housing programs. The Housing Agency of the Municipality of Las Piedras is committed to insure that all applicants and participants information if verified for accuracy and completeness.

The requirement for third party verification can be found at 24 CFR §960.259(c) (1) and §982.516(a)(2) and states that “The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:

- (i) Reported family annual income;*
- (ii) The value of assets;*
- (iii) Expenses related to deductions from annual income; and*
- (iv) Other factors that affect the determination of adjusted income or income-based rent.”*

The Department has defined third party verification based on verification requirements established by the Inspector General’s Office, prior HUD notices and guidebooks. References: PIH Notice 2001-15: Improving Income Integrity in Public and Assisted Housing Choice Voucher Program Guidebook (Section 12-4) issued April 2001 The Tenant Integrity Program Training Guide issued by the Office of the Inspector General (Page 51) issued October 1989.

Third party verification is defined as independent verification of income and/or expenses by contacting the individual income/expense source(s) supplied by the family. The verification documents must be supplied directly to the independent source by the PHA and returned directly to the PHA from the independent source.

The tenant shall not hand carry documents to or from the independent source. The Agency will mail, fax, or e- mail the verification request form to the independent source. In the event that the independent source does not respond to the Agency’s, faxed, mailed, or emailed request for information, the Agency will secure and document oral third party verification.

The agency will ensure that they use appropriate consent forms to obtain specific information. The HUD Form 9886 authorizes HUD and the PHA to obtain third party verification of the following:

- Any income information or materials from State Wage Information Collection Agencies (SWICA).*
- Income information obtained from previous and current employers. The HUD Form 9886 authorizes HUD only, to obtain third party verification of the following:*
- Income information from the SSA.*
- Income return information from the IRS.*

The HUD Form 9886 may not be used to obtain any other information

Verification Guidance

The Agency will make every effort to secure HUD Systems Available for Upfront Income Verification.

The Agency will use HUD’s Tenant Assessment Sub-System (TASS) and centralized UIV System as acceptable methods for verifying family income.

Note: The Agency will insure to have a valid HUD Form 9886 signed by all household members who are 18 years of age or older in the tenant file.

The Agency will make use of the Third Party Verification to Supplement Upfront Income Verification.

Written Third Party Verification: *Independent verification of income and/or expenses will be secured by contacting the individual income/expense source(s) supplied by the family. The verification documents must be supplied directly to the independent source by the PHA and be returned directly to the Agency from the independent source.*

Oral Third Party Verification: *Independent verification of income and/or expenses will be secured and documented by contacting the individual income/expense source(s) supplied by the family, via telephone or in-person visit. Agency staff will document in the tenant file, the date and time of the telephone call, the name of the person contacted and telephone number, along with the confirmed verified information. This verification method will be the last resource used in the event that the independent source does not respond to the Agency's faxed, mailed, or e-mailed request for information in ten (10) business days.*

Document Review: *The Agency will review original documents provided by the tenant in support of their declaration of income during the income reexamination. This verification method will only be used as the sole source of income verification when all other sources of third party verification cannot be obtained. When the Agency has to resort to reviewing tenant-provided documents, the Agency will document in the tenant file why third party verification was not available.*

Part HH of this plan provides further guidance on the verification method that the Agency will utilize to insure full compliance and adherence with this policy and with HUD's requirements.

The Housing Agency of the Municipality of Las Piedras will use the following verification methods in the order listed below:

- (1) Upfront Verification*
- (2) Written Third Party Verification*
- (3) Oral Third Party Verification*
- (4) Document Review*
- (5) Tenant Declaration*

The Agency will attempt to use upfront income verification first and whenever possible, since it is the most preferred method by HUD and does not rely on an individual filling out a form, which may result in lower data integrity.

If upfront verification is not available then the Agency will obtain required written third party verification. Verification forms are to be mailed, faxed or e-mailed directly

to the independent source. In the event that the independent source fails to respond to written verification requests, the Agency will then contact the independent source by telephone or in a personal visit to obtain the verification. Upon receipt of the information, the Agency must document in the family file, the date and time the information was received along with the name of the person and title that provided the information.

EXCEPTIONS TO THIRD PARTY VERIFICATION REQUIREMENTS:

The Housing Agency of the Municipality of Las Piedras is aware that in some situations, third party verification is not available for a variety of reasons. Oftentimes, the Agency may have to make numerous attempts to obtain the required verifications with no luck, or the income source may not honor written or oral requests for income information, or the asset or expenses to be verified is an insignificant amount, or it may not be cost effective to obtain third party verification of assets and expenses, when the impact on total tenant payment is minimal (See summary of example exceptions to third party verification in Part HH). In these cases, it is acceptable for Agency to review original documents provided by the tenant. However, the Agency is required to document in the family file the reason(s) why third party verification was not available. The Agency will maintain a photocopy of the original document in the family file.

PG-§1.01 Verification of Handicap/Disability Status

To ensure compliance with the non-discrimination provisions of the *Fair Housing Amendments Act of 1988* and *Section 504 of the Rehabilitation Act of 1973*, the Housing Agency will implement the following procedures when verifying a family's representation that the head or co-head/spouse is handicapped or disabled for 12 months or more.

- a. Such verification will only occur when the head/co-head has indicated in writing that a family member is handicapped or disabled and the family feels that such status entitles them to special deductions and/or special assistance in locating suitable units or preference in tenant selection.
- b. Person(s) who receives Supplemental Security Income Disability Payments (SSI) or Social Security Disability (SSD) benefits will be determined handicapped/disabled and no further verification will be required.
- c. No family/family member will be required to neither attest to nor establish their ability to live independently as a condition of initial or continued eligibility for assistance.
- d. If the individual with a disability has been recently de-institutionalized or states they are otherwise disabled, but is not receiving SSI/SSD, verification from a trained professional (i.e., doctor, therapist,) that the named person meets HUD's definition of handicap or disability will be adequate verification. Section 8 staff will provide the third party with a certification form containing the HUD definition.

PG-§1.02 Use of the HUD Form 9886.

The HUD Form 9886, *Authorization for the Release of Information/Privacy Act Notice*, must be executed by all adult household members (and spouse regardless of age) age 18 and older. This form must be completed for each initial certification and annual re-certification. If the family undergoes an interim re-exam and there is a family member who has since the last certification attained age 18, this household member will be required to complete the Form 9886 as part of the interim re-examination.

Eligibility Specialist /Housing Representative will review with the applicants/participants the Authorization for the Release of Information/Privacy Act Notice, to explain (a) how the information provided by the participant will be used by HUD; (b) HUD's restriction on disclosure of the information; and (c) that other information requested by the Public Housing Agency are HUD eligibility requirements.

Note: The Consent form expires 15 months after date signed.

Individual verification forms will continue to be used to collect the specific information to be verified, such as the employment verification form which requests information specific to rate and frequency of pay, as well as potential for overtime, tips, fees, and bonuses.

When the Housing Agency has reason to believe that a family's circumstances have changed, or are different from the representations made on the most recent certification the Housing Agency will send the form 9886 to any/all sources designated on the form.

H. ELIGIBLE FAMILIES

Voucher

If an applicant is determined to be eligible and sufficient funding is available, such applicant shall be issued a *Housing Choice Voucher* signed by a duly authorized representative of the Housing Agency.

Declared Emergencies

In the event of an emergency declared by resolution of the Municipality of Las Piedras Housing Agency Board of Directors, the waiting list for Section 8 Housing Choice Vouchers may be bypassed. Under such circumstances, vouchers may be provided to current residents of public housing (or other forms of assisted housing owned by the Municipality of Las Piedras Housing Agency) to families who meet the qualifications for participation in the Section 8 Housing Choice Voucher program. This housing assistance shall be provided solely for the purpose of relocating such families residing in the housing units specified in the Emergency Declaration to other housing units that meet all Section 8 program requirements.

In the event no suitable relocation units exist within the Municipality of Las Piedras Housing Agency inventory, Section 8 Vouchers shall be used if the family otherwise qualifies for this form of assistance.

Preference in Selection of Eligible Families

In selecting eligible families for participation in the Housing Choice Voucher Program, the Housing Agency shall apply the following order of preference. Eligible families qualifying for any one of the following preferences shall be selected in the order of the date and time of their application:

- Involuntarily Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition).
- Victims of Domestic Violence.
- Working Families and/or those unable to work because of age or disability.

4. **Exception(s) To the Granting of Local Preferences in Tenant Selection**

An applicant will not be granted any local preference if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related criminal activity.

The Municipality of Las Piedras Housing Agency will grant an exception to such a family only if:

- The responsible member has successfully completed a rehabilitation program.
- The evicted person was not involved in the drug related activity that occasioned the eviction.

5. **Notice of Denial of a Preference**

If the Housing Agency determines that an applicant does not meet the criteria for a local preference claimed, the Housing Agency shall promptly notify the applicant in writing. The notice shall state the reasons for the denial and that the applicant has a right to request an informal review with the Housing Agency's staff.

The Housing Agency will not deny a family's claimed preference, nor remove a family from the waiting list solely because the applicant family has applied for, received, or refused other forms of housing assistance.

PH-§1.00 Issuance of Housing Choice Vouchers

1. **Tenant Selection**

The Housing Agency will issue housing choice vouchers pursuant to HUD'S final rule, effective October 1, 1999. An available housing choice voucher will be issued to eligible applicants as the family reaches the top of the waiting list (and in accordance with applicable preferences and date/time of application). The owner decides whether a voucher-holder is suitable for tenancy based upon the outcome of the owner's routine screening.

The Housing Agency, in deciding whether to admit the applicant/family, will not discriminate on the basis of age, race, color, religion, sex, national origin, disability, whether the family has children, whether family members are unwed parents, recipients of public assistance, or children born out of wedlock. The Housing Agency cannot adopt a preference in tenant selection for higher income families over lower income families. [24 CFR §982.202 (b)].

2. Family Briefing

When a family initially receives a Voucher, a full explanation of the Section 8 program requirements shall be provided as part of the family's briefing as outlined in 24 CFR 982.301, as amended, for Voucher holders.

3. Expiration and Extension of Voucher

The term of the Voucher shall be as outlined in 24 CFR 982.303, as amended. The initial term of the voucher is 60 days. As a *reasonable* accommodation for a family where the head or spouse is disabled, the Housing Agency will **initially** grant a family the full 120 day term, as an added reasonable accommodation. A disabled family may hold such form of assistance for more than 120 days term as a *reasonable accommodation* where supported by documentation that the family's inability to secure approved housing within the 120 day term was directly related to a family member's disability.

If a family submits a Request for Tenancy Approval (RFTA) prior to the expiration date and the RFTA is subsequently disapproved, the Voucher may be extended upon written request of the family for a period equivalent to the number of days between the submission of the RFTA and the date of disapproval of the RFTA.

A family may submit a written request for an extension of time to search for suitable housing. The written request must be received before the expiration date on the voucher. The Housing Agency will evaluate each request and determine the likelihood of the family finding housing with additional time to search. An approved extension will be granted for a 30 day period of time with proof of effort to timely secure an approved form of housing. Only in extenuating circumstances, such as hospitalization or jury sequestration, will a second extension of 30 days be granted.

4. Family Break-Up- Eligibility in Event of *Family Dissolution*

If either an applicant's or participant's family experiences a break or division of its original household composition the Housing Agency shall commit the housing assistance to the adult applicant, and who was either head or co-head of household, and who retains custody of any minor children. If there are no minor children involved the housing assistance shall be committed to the person who signed the application for initial or continued assistance. If more than one person signed the application, and there are no minor children involved, the Housing Agency shall require the adults to decide who shall receive the housing assistance. If the adults cannot decide within the time frame prescribed, then the Housing Agency shall terminate the application for initial or continued assistance and each party must make new application for assistance.

In the event the parties elect to resolve the dispute in a court of law, then the Housing Agency shall stay any administrative decision and comply with the terms of the court decision.

5. Family Absence From the Unit

Family may be absent from the assisted unit for up to 30 consecutive days without written notice to the Housing Agency. If the family expects to be absent in excess of 30 consecutive days the family must advise the Housing Agency in writing of the anticipated term of absence and the reason. The Housing Agency may allow the family to be absent from the unit for up to 90 consecutive days with continued assistance on good cause shown. If there is no family member remaining in the unit after 90 consecutive days the Housing Agency will commence the process of terminating housing assistance payments to the owner upon written notice to family and owner. Should the Housing Agency become aware of a family's extended absence from the assisted unit and the family has not received written approval of the Housing Agency the housing assistance may be terminated sooner than 90 days upon written notice to family and owner. A waiver to this part can be granted at the discretion of the Housing Agency's Manager for periods exceeding 90 days but for no more than 180 days. [24 CFR §982.312]

I. SUBSIDY STANDARDS [24 CFR §982.402]

In issuing the choice voucher to an eligible family, the Housing Agency shall determine the number of bedrooms to be placed on the housing choice voucher for families of different size and composition. These standards are developed for the purpose of determining the voucher size that will best meet the family's needs at the lowest cost to the government.

1. In establishing the subsidy standards the Housing Agency shall:
 - a. Consider the smallest number of bedrooms needed to house the family without overcrowding;
 - b. Assign a subsidy standard that does not require more than two persons to occupy the same bedroom;
 - c. Include every member of the family, regardless of age, including a child who is temporarily absent due to placement in foster care;
 - e. Consider a single pregnant woman with no other family members as a two-person family;
 - f. Consider an approved live-in aide for a qualified family;
 - g. Not assign a subsidy standard that requires parent(s) to share a bedroom with a child(s);

- h. Not require children of the opposite sex to share a bedroom as long as one child is age six (6) or older.

In determining the appropriate unit size for a particular family, the Housing Agency may grant an exception to its established standards where justified by the age, sex, health, handicap, or relationship of family members or by other personal circumstances.

A family may lease an otherwise acceptable unit with more bedrooms than the subsidy standard stated on the voucher, though the payment standard (for the voucher program) cannot exceed the payment standard for the designated family unit (subsidy standard) size.

The family may also lease a unit with fewer bedrooms than the subsidy standard size stated on the housing voucher, as long as the smaller unit meets the applicable HQS space requirements at 24 CFR §982.402[d]. However, the calculation of housing subsidy will be based on the actual unit size selected as will the allowance for any tenant-paid utilities.

The living room of a unit may be used as a sleeping room if it meets the HQS standards for a sleeping room. However, the living room cannot be counted as a bedroom for purposes of determining the *applicable payment standard* for the family.

PI-§1.00 Subsidy Standards for Issuing Vouchers.

The Housing Agency will use its subsidy standards to determine the voucher that appears to best meet the family's need for housing while maximizing the use of the space and minimizing the cost to the government. The adopted standards will be consistent with the HQS space standards that are intended to avoid overcrowding. The family, at its option, may select a unit with fewer bedrooms than stated on the vouchers if it does not require more than two persons per sleeping room. This usually results in a lesser payment standard and reduced subsidy.

The Housing Representative is to issue the voucher in the size consistent with the Housing Agency's most recently adopted subsidy standards. Should this result in a unit of five (5) or more bedrooms the Housing Representative shall use the formula in the *Federal Register* for establishing the applicable FMR and Payment Standard.

PI-§1.01 Fair Housing Impact.

The Fair Housing Amendments Act of 1988 extended protections against discrimination in housing to two additional classes of persons:

- (1) persons with a disability; and
- (2) families with children.

The family can select a unit equal in size to the voucher size, or larger or smaller than the voucher size, but consistent with the HQS space standard restrictions (i.e., no more than 2 persons per sleeping room including the use of the living room as a sleeping room).

It is the intent of this Housing Agency to administer all aspects of its program administration and personnel management system in a non-discriminatory fashion.

PI-§1.02 Factors to be Considered

ALL household members and *persons expected to reside* are to be included when establishing the voucher size that will best meet the family's needs.

A temporarily absent family member will be counted for subsidy purposes. A *temporarily absent family member* means a member of the household who is expected to reside in the assisted dwelling unit during the upcoming 12 month period but who will be absent from the unit for some portion of this 12 month period.

1. Children away at school who are listed as family members will:
 - a. Also be included when determining the applicable family subsidy standard; and
 - b. Any other family members who are temporarily absent.
2. A single person household may be assigned a zero bedroom voucher.

PI-§1.03 Section 8 Unit Assignment v. Actual Unit Size Selected.

The Housing Representative establishes the voucher size (i.e., *family unit size*) based upon a review of the family's household composition.

The family may select a unit, which differs from the voucher size, and the Housing Representative under the following guidelines will approve this:

- a. Generally, unit size selected would not result in more than two persons per sleeping room under the voucher program (including the living room).
- b. For a voucher-holder the Payment Standard used to establish subsidy would be based on the lesser of the voucher size or the actual unit size selected by the family.
- c. When a family must pay some or all of their own utilities directly to the utility supplier the utility allowance to be used will always be based on actual unit size selected by the family.

PI-§1.04 Exceptions to the Established Subsidy Standards Prior to Family HAP Being Made (i.e. Applicant Status)

A family may request an exception to the established subsidy standards for the following reasons and with appropriate documentation.

- a. Medical reasons;
- b. Additional household members due to birth, adoption, court-awarded custody, marriage; and
- c. Addition of a live-in aide.

Any request for an exception must be made in writing with the appropriate supporting documentation.

PI-§1.05 Live-In Aide Policy

An elderly, handicapped, or disabled person may have a care-attendant/live-in aide occupy the unit when this care is:

- Essential to the care and well-being of the voucher holder; and
- The care-giver is not obligated to provide financial support for the elderly, handicapped or disabled person; and
- The care provider would not occupy the unit except for the express purpose of providing necessary supportive services.

The Housing Agency requires verification from a source qualified to make the following determinations:

- The care provided is medically necessary;
- Description of the medical and/or necessary supportive services to be provided
- Estimate of the period of time such care will be required.

Persons qualified to provide the required third party verification include, but are not necessarily limited to:

- (1) Medical doctors
- (2) Psychologists/psychiatrists
- (3) Chiropractors
- (4) Osteopaths
- (5) Psychiatric Social Worker

There is no prohibition against a related family member acting in the capacity of a live-in aide. The relative must meet the same criteria and the same third party verification is required. When a

relative is the "live-in aide" they will not be listed as a "family" member and any income of a live-in aide will not be counted as income to the household for purposes of determining eligibility or rent. There will be no "deductions" for a live-in aide and the live-in aide does not retain any right to occupancy as the remaining member of a tenant's family when the voucher-holder vacates the unit/program.

If the live-in aide has other family members they wish to occupy the unit, the Housing Agency shall grant such approval if the addition of the live-in aide's family members does not result in a larger voucher size (i.e., increased subsidy) and the occupancy by the voucher-holder with the live-in aide and live-in aide's family members will not result in overcrowding, (i.e., more than 2 persons per sleeping room).

The live-in aide is subject to screening and approval by both the agency and the owner.

The live-in aide may hold outside employment or attend school if there is evidence that appropriate alternative care will be provided to the elderly, handicapped or disabled person during these periods of time.

The landlord has the right to require the live-in aide to execute a lease rider agreeing to abide by the terms and conditions of occupancy set forth in the lease agreement.

If the live-in aide violates provisions of the lease rider the owner may take action against the live-in aide separate from action against the assisted family.

If the live-in aide or their family members participate in drug-related activities, either the Housing Agency or the owner may rescind the aide's right to occupy the unit.

When the Housing Agency takes such action against the live-in aide the aide is not entitled to the informal hearing process of the Housing Agency.

**PI-§1.06 Exceptions to the Established Subsidy Standards After Subsidy Payments
(HAP) Have Begun (i.e., Participant Status)**

The Housing Representative will review the family's composition as part of the annual re-exam.

1. If there are/will be changes in the household size the voucher size will automatically be adjusted based upon the established subsidy standards and the current/projected family composition.
2. The participant/family may request a different voucher size between regularly scheduled re-exams due to changes in the family size which would result in more than two persons per sleeping room.

All such additions to the family composition must first be approved/documented by the Section 8 Office before there is consideration of the voucher unit size change due to

reasons such as:

- (i) adoption
- (ii) births
- (iii) court awarded custody
- (iv) foster child care
- (v) need for a live-in aide
- (vi) disability of a current household member
- (vii) adult children/other family members wishing to join a family already in occupancy

J. FINDERS'- KEEPERS POLICY

Upon receipt of a Housing Choice Voucher, the family shall be responsible for finding a unit of appropriate size that meets the HQS prior to expiration of the Voucher. The family may select the unit which it currently occupies if the unit meets the HQS and is determined to be *rent reasonable* and the owner is willing to execute new leasing documents under the Section 8 program. The Housing Agency may provide assistance in finding units for those families who, because of age, handicap, or other reasons are unable to find a unit and may provide assistance in cases where the family alleges that discrimination is preventing it from finding a unit. Any such assistance shall be in accordance with the Housing Agency's *Administrative Plan and Procedures* and shall not directly or indirectly reduce the family's opportunity to choose among available units. Section 8 housing choice voucher assistance may not be utilized for dwelling units receiving Section 8 project-based assistance as this constitutes *duplicative assistance*.

K. PORTABILITY [24 CFR '982.354]

The provisions for portability of vouchers shall be as outlined in 24 CFR §982.354, as amended. If neither the head nor spouse resides in Las Piedras at the time of application they must initially lease a unit in Berkeley before they can exercise their right of portability. The Housing Agency limits family moves to not more than one in any twelve month period under portability.

The Housing Agency will deny permission for a family to exercise portability as cited in 24 CFR 982.314(e)(1), in the event that the Las Piedras Housing Agency does not have sufficient funds to pay a higher subsidy in another jurisdiction and the receiving LHA will not absorb the family into their program.

PK-§1.00 Portability of Housing Choice Vouchers

For any family wishing to exercise *portability* an individual briefing session will be scheduled.

Vouchers are portable as the result of various statutory and regulatory provisions. Participating families will be advised during both the initial and annual exam briefing sessions of the portability provisions.

The Municipality of Las Piedras Housing Agency will provide a list of neighboring PHA's with the name, address and telephone number of a portability contact person at each.

Housing Choice Vouchers allow the holder to move to the jurisdiction of any public Housing Agency administering the Section 8 voucher program.

A Housing Representative will provide families wishing to exercise their option of portability with an updated *portability-move* packet. The Housing Representative must establish the family's income eligibility under the receiving PHA's income limits for those families with first time assistance at time of portability, and must forward the most recent form 50058 and related verification forms to the receiving PHA. The family currently receiving subsidy at the time of portability is not required to be income-eligible.

The required HUD form (Form HUD 52665) for recording portability activity will be completed by the Housing Representative and explained to the client family, as appropriate. The Section 8 program manager will be the first point of contact for each *incoming portable* client.

A family who owes money to the Housing Agency will be required to either repay in full or be current under any existing repayment agreement as a condition of eligibility to move with continued rental assistance under portability. A voucher holder must be in full compliance with the family obligations to be eligible for a portability move.

In-coming portable participants currently enrolled in another PHA's FSS program will be automatically enrolled in the Housing Agency's FSS program if slots are available. If not they will be placed on FSS waiting list.

L. FAMILY'S RIGHT TO MOVE [24 CFR §982.314]

Without regard to portability, an assisted family may move to a new unit if:

- the assisted lease for the old unit has terminated;
- the owner has given the tenant a notice to vacate or has commenced an eviction action, or has obtained a court judgment or other process allowing the owner to evict the family; or
- the family has given notice to the owner and the Housing Agency of their intent to terminate the lease.

In order to move with continued assistance, the family must initially occupy an assisted unit for 12 months before terminating the lease with the owner unless there is (a) good cause. *Good cause* may include, but is not necessarily limited to owner's failure to provide services under the lease, or (b) mutual agreement by the owner and tenant to terminate the lease.

A family may move one or more times with continued assistance, either within the jurisdiction of the Housing Agency or to the jurisdiction of another PHA, notwithstanding the limitation of moving only once in a 12 month period under portability.

A family who owes money to the Housing Agency will be required to either repay in full or be current under any existing repayment agreement as a condition of eligibility to move with continued rental assistance under portability.

M. OWNER OBLIGATION TO SCREEN FAMILIES [24 CFR §982.307] .

An owner generally has no obligation to participate in the Section 8 housing choice voucher program and can refuse to accept a voucher holder, even if this means an otherwise acceptable family is unable to lease the unit.

Owners are responsible for screening families selected by the Housing Agency for admission to the program to determine whether they will be suitable tenants. **While the Housing Agency may elect to implement some limited form of *tenant suitability screening* this does not remove the owner of duty for performing tenant screening in a manner equal to the screening performed for unassisted tenants.**

An owner may consider such factors as: (1) the family's history of payment of rent and utility bills; (2) caring for a dwelling unit; (3) respecting- the rights of others; (4) family history of drug-related criminal activity or other criminal activity which threatens the life, safety, or property of others.

The Housing Agency will give the owner the Voucher-holder's current address and, if known, the name and address of the landlord at the family's current and prior address. The Housing Agency will also provide a prospective landlord with any of the following information which is a part of the applicant's/participant's file: record of prior eviction from a unit receiving Section 8 assistance through this Housing Agency; and/or record of family creating excessive damages to a rental unit. [24 CFR§982.307]

N. RENTAL AGREEMENT/ LEASE APPROVAL [24 CFR §982.308]

The Housing Agency must approve the owner's form of lease for the rental unit. The Housing Agency may not give such approval until it determines that the unit is eligible and meets the HQS; that the lease is approvable; the rent to the owner is *reasonable*; and the owner has not been deemed ineligible by HUD or the agency to participate in any HUD-funded housing program.

The Municipality of Las Piedras Housing Agency will establish and maintain records that include comparable data on unassisted units in the market. This data will be used by Section 8 staff in making their determination of the reasonableness of the owner's proposed rent. The Housing

Representative(s) will use the methodology described in Exhibit #2 of this Plan.

All assisted leases must include certain language required by HUD. The language must prohibit certain types of lease provisions involving concessions by the tenant, and include by reference all other lease covenants prescribed by law for the Section 8 housing choice voucher program. The Housing Agency may also decline to approve the owner's lease if the owner fails to execute the required HUD Lease Addendum (Form HUD 52641-A), or if the owner's lease does not comply with major provisions of any applicable state or local landlord tenant laws. [24 CFR §982.308]

PN-§1.00 Housing Representative's Role in Leasing

The Housing Representative is to ensure that all activities and required forms for establishing the assisted tenancy are properly and timely executed. This includes the review and approval of forms provided by the Housing Agency and/or the owner.

PN-§1.01 Review of Owner's Form of Lease

The Housing Representative is to review the owner's form of lease against the *prohibited lease provisions* in the HUD tenancy addendum. Any prohibited lease provision must be struck in red ink from the owner's lease and the owner must initial and date the change. The owner is to be advised of their additional obligation to comply with material terms and provisions of the Louisiana State Landlord-Tenant laws, including laws prohibiting discrimination in the sale, rental or financing of housing.

The Section 8 Supervisor must approve the owner's lease and the Housing Representative must review the owner's lease for:

- a. Initial term of tenancy of one year with a start and end date of 12 months. Where the lease will begin on other than the first day of the month the end date will be the last day of the same month one year later. For example, if the start date is 5/15/00 the end date will be 5/31/01.
- b. Automatic renewal with defined successive term of *month to-month, year to year, etc.*
- c. Amount of rent due under the lease stated as the *tenant rent* calculated by the Housing Representative.
- d. Amount of security deposit in an amount not to exceed one month's contract rent or the deposit charged by owner for their other *unassisted* units, whichever is the lesser.
- e. Required provisions of HUD's Section 8 Tenancy Addendum dated March 2000.

O. TERM OF ASSISTED LEASE [24 CFR §982.309]

The initial term of the assisted lease between the owner and tenant must be at least one year, and the assisted lease must provide for automatic renewal. However, a shorter initial term may be entered into if consistent with local rental market practices.

The tenant family can terminate the lease at any time after the initial term of the lease. The tenant family must provide written notice of termination to the owner, pursuant to the lease, with a copy to the Housing Agency. The tenant cannot be required to give more than 60 days notice to the owner. [24 CFR §982.309(b)].

The lease can also be terminated at any time by mutual agreement of the owner and tenant. The assisted lease will automatically terminate if the PHA terminates the owner's HAP contract or assistance for the family.

The owner is required to give 30 days written notice to the tenant where the owner is terminating at the end of the lease term.

The owner can terminate the family's tenancy during the term of the lease only for *serious or repeated violations of the lease; violation of federal, state, or local law; or other good cause*. Owner must follow lease terms and landlord/tenant law for such terminations.

Grounds for owners to terminate the lease include, but is not limited to: *criminal activity by the tenant, any member of the tenant's household, a guest, or any other person under the tenant's control that involves drugs or other criminal activity threatening the health, safety, or right to peaceful enjoyment of their residence by persons residing in or near the tenant's residence*. [24 CFR §982.3 1 0].

Owner initiated eviction procedure must be established through the court systems, pursuant to State and local laws and any applicable HUD requirements.

Other good cause generally includes, but is not limited to: the family's failure to accept a new or revised lease; a family's history of disturbance of neighbors or destruction of property the owner's desire to use the unit for personal use or for a purpose other than as a residential rental unit; or a business or economic purpose, such as the owner's desire to lease the unit at a higher rent. During the first year of the lease, the owner may not terminate for *other good cause* unless it involves a family lease violation. [24 CFR §982.310].

PO-§1.00 Assisted Tenancy

The lease between the owner and tenant family is for less than the full rent due on the unit. The Housing Agency will make rental assistance payments to the owner on behalf of the assisted tenant. During the term of the assisted tenancy the owner and tenant family must comply with the terms of the lease and HAP contract to ensure continued eligibility for program participation.

PO-§1.01 Initial and Successive Lease Terms

The Housing Representative must review the owner's form of lease to ensure an initial term of lease for a period of not less than 12 months. The Housing Representative must also ensure that the assisted lease provides for *automatic renewal* (e.g., *month to month or year to year*) after the initial term.

**P. HOUSING AGENCY POLICY GOVERNING OWNER APPROVAL OR DISAPPROVAL
[24 CFR §982.306]**

An owner can be disapproved for program participation. Reasons for denial of participation can include, but are not limited to: owner has been *debarred, suspended*, or is subject to a *limited denial of participation (LDP)* by HUD [24 CFR 24]; owner has been found to have a practice of serious and repeated noncompliance with the terms of the Section 8 housing assistance payments contract (Form HUD 52641); or criminal activity by the owner.

When directed by HUD, the Housing Agency will not approve an owner or owner's unit if there is a government initiated administrative or judicial action is pending against the owner for a violation of the *Fair Housing Act* or other federal equal opportunity requirements or if a court or administrative Housing Agency has determined that the owner has committed such a violation. [24 CFR§982.306 (a)-(b)].

The Housing Agency may deny an owner's request for participation for any of the following reasons: [24 CFR §982.306(c)]

- (1) Violation of owner's obligations under any Section 8 contract;
- (2) Fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- (3) Drug trafficking (based on a *preponderance of evidence*);
- (4) Owner's history of non-compliance with the HQS or other applicable housing standards,
- (5) Owner's history or practice of renting units which fail to comply with state or local housing codes; and/or
- (6) Owner's failure to pay state or local real estate taxes, fines, or assessments.

Q. PAYMENTS DUE THE OWNER: HOUSING ASSISTANCE PAYMENTS AND TENANT RENT

The Housing Agency shall make Housing Assistance Payments to the Owner on behalf of the eligible family in accordance with the HAP Contract. No payments shall be made for any unit occupied by an Owner except in the instance of owner occupied cooperative housing units or owner occupied mobile homes approved for pad rental assistance payments..

The lease between the owner and tenant shall provide *tenant rent* under the applicable HUD formula. The Housing Agency shall make a payment on behalf of the family to the owner that is known as the housing assistance payment (HAP). **The lease between the owner and tenant shall state the tenant's share of the rent.** The HAP contract will provide for the amount to be paid by the Housing Agency. Initially, and until notice of a change in tenant rent or HAP, the owner may collect only the amounts approved by the Housing Agency.

The Housing Agency may abate its housing assistance payment to the owner for non-compliance with material terms of the HAP contract. The Housing Agency may also withhold housing assistance payments to owner for amounts due the Housing Agency under one or more contracts with the Housing Agency. The owner may not collect from the tenant family any amounts withheld by the Housing Agency. The Housing Agency will terminate HAP the date any owner initiated eviction is concluded.

1. Calculation of Tenant Rent and Subsidy.

The tenant's rent and subsidy will be calculated in accordance with the prevailing HUD formula, including the minimum rent as most recently adopted by the Housing Board. The minimum rent adopted by Municipality of Las Piedras Housing Agency is \$50.00 dollars.

2. Establishing and Documenting Reasonableness of Owner's Rent

The rent to owner under the housing choice voucher program must be *reasonable* when compared to comparable unassisted units.

The Housing Representative must execute a rent-reasonableness certification at initial occupancy; whenever the owner submits a request for an increase in contract rent; and when there is a decrease in FMRs of five-percent (5%) or more in the 60-day period preceding the effective date of the rent increase.

The Section 8 staff will utilize the rent reasonableness methodology included at Exhibit #1 of this Plan.

3. Timing of Payments

Tenant rent is due and payable to the owner as of the date stated in the lease.

For new contracts, the Housing Agency shall make assistance payments to the owner as of the effective date of the Housing Agency-approved lease; in some instances this may result in a retroactive payment of HAP. The Housing Agency will make every effort to execute the HAP contract with the owner as of the start of the lease term. The Housing Agency has up to 60 days from the date of the approved lease to execute the HAP contract. An owner is entitled to full payment of the HAP as of the approved lease date. However, if the Housing Agency and owner

do not execute the HAP contract within 60 days of the lease effective date, the lease between owner and tenant shall be voided and no housing assistance payments will be made. [24 CFR §982.305(c)].

In some instances, the first payment for a new lease-up may not be made until the second month after the approved lease and HAP contract signed by the owner has been returned to the Housing Agency.

After the initial payment for a contract has been received the owner shall continue to receive monthly payments between the first and tenth working day of each month that the family occupies the unit as a Section 8-assisted family. The Municipality of Las Piedras Housing Agency shall make every reasonable effort to ensure owner payments are mailed on or before the first day of each month. Lost checks may be reissued after notifying the bank to stop payment.

4. Additional Payments

If the family vacates the unit after the first day of the month without written notice to the owner, with a copy to the Municipality of Las Piedras Housing Agency, as required under the lease and housing choice voucher, the owner is entitled to keep the full housing assistance payment for the month. The Housing Agency will not make further payments to an owner for any month after the month the family vacates.

If the family is approved to lease another unit during the same month, the Housing Agency will make a pro-rated payment to the new owner. In short, a family may be approved for two assistance payments for two different units in the same month, and such payments are not considered duplicate assistance.[24 CFR §982.31 l(d)]

5. Special Claims

Payments other than the regular housing assistance payments and approved *late fees* are prohibited in the housing choice voucher program. Any owner claims for unpaid tenant rent, vacancy loss or unit damage must be pursued with the tenant family.

R. CHANGING THE VOUCHER PAYMENT STANDARD [24 CFR §982.503]

At least annually, the Housing Agency shall evaluate whether an adjustment to the payment standard is necessary to assure continued *affordability* of housing by participating families. The evaluation shall take into account "local factors" as well as the financial impact on the program. In no event shall the payment standard be less than 90% of the most recently FMR, nor greater than 110% of the most recently published FMR without express written approval of HUD.

The following are examples of local factors to be considered in establishing the payment standard schedule:

- (i) participant rent burden
- (ii) actual contract rents for specific bedroom sizes
- (iii) actual rent increases for participating families
- (iv) current fair market rent
- (v) success rate in securing eligible housing
- (vi) rent reasonableness data
- (vii) vacancy rate data
- (viii) market rent data for comparable unassisted units
- (vii) financial impact on the Housing Voucher Program
- (viii) sufficient funding level provided by HUD to support continued assistance to families*

The Municipality of Las Piedras Housing Agency shall analyze whether voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, where such difficulties were found, the Public Housing Agency will consider whether it is appropriate to seek approval of exception payment standard amounts in any part of its jurisdiction and has sought HUD approval when necessary.

In the event that funding levels are insufficient to continue supporting assistance to families, the Las Piedras Housing Agency will analyze costs to the program, burden to participating families, burden to participating landlords and the overall social economic impacts to its communities. In its analysis the Las Piedras Housing Agency determines that funding levels are too low it will attempt to lower its payments standards to a tolerable 90% of FMR levels of funding. The Las Piedras Housing Agency will make every available effort to continue assistance at an adequate level of assistance to include lowering its payment standards below 90% of FMR as an intent to avoid terminations of HAP contracts in accordance with HUD requirements as stated in 24 CFR 982.454.

1. Changes in Application of the Payment Standard

The family's payment standard may be changed at regular re-examination and at the time the family moves, consistent with the Municipality of Las Piedras Housing Agency's most recently adopted payment standard schedule.

2. Adjustment to Initial “Rent to Owner”

The rent to owner (contract rent) shall not be changed during the “initial term of lease”. Owner may request an increase no sooner than 60 days before the anniversary date of the contract to ensure timely review and response from the MAHA and family. The owner may also request approval of an adjustment in the initial rent after the anniversary date upon 60 days written notice. However, any approved increase in rent will not be effective until the first rent period following a 30 day notice of approval to the owner and family.

Owner must provide both the family and the Housing Agency with copy of the owner’s proposed rent. The Housing Agency shall make a determination of the “reasonableness” of the owner’s proposed rent adjustment using the criteria described in Section Q.2 of this plan. If the agency determines the owner’s proposed rent adjustment to be “unreasonable” in light of its review of “like units” (i.e., *unit comparables*) the family will be so advised and given the opportunity to:

- a. Move with continued voucher assistance;
- b. Continue in occupancy with the owner under a non-assisted lease agreement (and absent voucher subsidy).

S. SECURITY DEPOSITS [24 CFR §982.313]

The owner may collect a security deposit from the tenant family that does not exceed one month's contract rent. If the owner collects less than one month's rent as security deposit on the owner's other (unassisted) rental units the security deposits on the Section 8 assisted units must be established at the same amount.

Owner may use the security deposit to cover unpaid tenant rent owing at time of move out, damages and/or other costs allowed under State Landlord-Tenant Act. The Municipality of Las Piedras Housing Agency will provide a prior Section 8 owner with the current address of a family who continues to receive Section 8 assistance when the owner provides evidence that (1) the unpaid rent/damages exceed the security deposit collected and (2) the owner has received a court judgment for additional amounts owed.

T. CONTINUED ELIGIBILITY AND INCOME ADJUSTMENT

A family's eligibility for Section 8 Voucher Assistance (HAP) continues if the family meets the requirements governing eligibility, **until** (1) the Total Tenant Payment equals the Gross Rent for the dwelling unit occupied under the Housing choice voucher Program or (2) until 30% of the family's monthly adjusted income equals or exceeds the applicable payment standard under the Voucher Program; or (3) 10% of family's monthly income equals or exceeds the actual rent plus any allowance for tenant-paid utilities. Payments under both programs can be reinstated if the family's income drops. However, if no payments are made for a period of 180 days (6 months), the HAP contract automatically terminates. [24 CFR §982.455]

Termination of rental assistance at such point shall not affect the family's other rights under its lease Agreement nor shall such termination preclude resumption of payment as a result of subsequent changes in income or rents or other relevant circumstances during the six month term. The family must pay the full contract rent when HAP is reduced to zero, and the assisted lease between the owner and tenant automatically terminates.

PT-§1.00 Interim Reporting Policy and Procedures

Housing Choice Voucher families are required to report the following changes in family circumstances between regularly scheduled re-certifications:

1. **The tenant must report all changes in the household composition.**
 - a. If a household member vacates the unit and is considered by the family to be permanently absent; or
 - b. A new person is proposed to move into the unit.
2. **The tenant may report any of the following changes which would result in a decrease in the tenant's rent:**
 - a. Loss of income;
 - b. Increase in allowable expenses (i.e., *child care, handicapped assistance, medical*).

Decreases in the tenant's portion of the rent will be effective the first day of the month following the month in which the change occurs, sometimes resulting in a retroactive decrease.

However, the MAHA will not reduce a tenant's rent for a loss/reduction in welfare income (TANF) due to family:

- i. Fraud
- ii. Failure to participate in a required work activity
- iii. Failure to participate in a required economic self sufficiency activity.

Any reported reduction in welfare benefits will be verified with the local welfare department. The agency will rely on the written statements of the welfare agency in making its determination of eligibility for a rent reduction.

2. Tenants must report **all** income increases within **10** days of the change. However, rent increases as a result of an increase in *earned* income from a previously reported employer, or an increase in *cash assistance payments* (e.g., SSI, SSD, TANF, etc.) will not go into effect until the next regular schedule annual examination. However, a change of employers, or a family member becoming employed after having reported being unemployed, will result in an interim re-determination of tenant rent. Other family changes resulting in an interim re-determination of tenant's rent is described at section PT 1.02.

3. A new source of income and/or unreported increases in income (where required by this policy) that remains unreported for more than 30 days, will be considered a program violation

resulting in a retroactive increase in tenant's rent. A family with a retroactive increase may be eligible for a repayment agreement. A family cannot, however, enter into multiple payment agreements with the MAHA which may result in a requirement of full payment of the amounts owed.

PT. §1.02 Family Circumstances Requiring Interim Re-exams:

1. For families reporting zero income, interim re-examinations will be scheduled every 90 days and an affected family will be given 30 days written notice of any increase in TTP;
2. For families whose annual income cannot be projected with any reasonable degree of accuracy such as self-employed persons, interim re-examination shall be conducted every 90 days;
3. For families where Housing Agency personnel made an error at admission or re-examination an interim re-exam will be conducted upon notice by the Municipality of Arecibo Housing Agency. The family will not be charged retroactively for an increase in TTP; however, any decrease in tenant's rent will be made retroactive.
4. For families who report a temporary loss of income and the income is expected to be fully restored within 30 days the Housing Agency will not perform an interim re-exam. Staff must receive 3rd party written verification that the income is expected to be fully restored.
5. For families whose rent has been based on false or incomplete information supplied by the applicant or resident an interim re-exam will be conducted upon notice by the Municipality of Las Piedras Housing Agency. Any increase in TTP will be made retroactively.
6. Notice to the Housing Agency of *family income discrepancies* through HUD's *Tenant Assessment Sub-System (TASS)* will require performance of an interim reexam.

PT-§1.03 Forms Used for Interim Reexaminations

Adult household members will be required to sign the applicable forms for third party verification for all factors of income or household composition **that have changed since the last certification**. Family factors impacting the rent calculation, which have not changed will not be re-verified even if the verifications are more than 120 days old. Section 8 staff will only verify the reported changes.

PT-§1.04 Standard for Timely Reporting of Changes and Tenant Penalties for Untimely Reporting

The family must report any required change within thirty (30) calendar days of when income or change in household composition occurs.

If the family does not bring the required information with them to the interview, a new interview date will be set within that month. In addition, third party verification will be sent out to verify the change(s).

An increase in tenant rent may be made retroactively while any decrease will be implemented prospectively, when the family does not keep the second scheduled interview appointment and fails to return by the end of the month. The Total Tenant Payment is calculated when the verification is received, and it will be considered "untimely reporting" by the tenant.

PT-§1.05 When the Change is Reported in a Timely Manner:

When the family reports a required change in a timely manner the Municipality of Las Piedras Housing Agency will notify the tenant of any change in the Tenant's Rent to be effective in accordance with the following guidelines:

1. Increase in the Tenant's Rent will be made effective on the first of the month following the 30-day notice of rent increase.
2. Decreases in the Tenant's Rent will be effective the first of the month following the month the change occurred.

The change may be based on the documentation the tenant brought with them to the interview, followed up by the third party verification sent to the agency. Verbal representation alone by the tenant will not be acceptable. If the tenant has no form of documentation to support a decrease, downward rent adjustment will not be processed until the Housing Agency has received the necessary verifications. In such cases, this will result in a retroactive decrease in tenant's rent and the family is not liable for rent payment until the interim has been completed and the family has been notified of the amount and effective date of the change.

PT-§1.06 Timing of the Next Annual Re-certification:

Without regard to the number of interim re-exams conducted, the family's annual date of re-exam will remain the same.

PT-§1.07 Section 8 Staff Procedures for Conducting Annual Re-exams

The Section 8 Housing Representatives have responsibility for initiating and completing the annual re-exams in a timely manner. This means all required actions, including the annual inspection, is concluded at least thirty (30) days prior to the anniversary date.

The staff shall:

- 1) Send initial notice to re-certify with scheduled appointment date/time 90-120 days prior to the effective date;
- 2) Send follow-up notice within 5 days of a missed appointment if a family fails to show or reschedule appointment;
- 3) Send 30-day notice (3rd notice) of intent to terminate for non-compliance with terms of the voucher if the family has failed to respond to first and second notices. However, third notice must be sent at least 30 days prior to anniversary date. Third notice serves as the 30-day termination notice and shall be sent to both the tenant family and owner with reason(s) for proposed termination and family's right to request an informal hearing.
- 4) If family schedules appointment during the last 30 days Section 8 staff is to process the re-certification. Any changes in tenant's rent will be subject to timing described at §1.04 (i.e., tenant penalty for untimely reporting).
- 5) If family does not participate in re-exam interview by the scheduled effective date Section 8 staff will follow normal termination of assistance procedures.

U. REGULAR (ANNUAL) RE-EXAMINATION OF FAMILY'S INCOME AND CIRCUMSTANCES [24 CFR §882.212/882.515]

1. Annual Re-examination

Re-examination of a family's income and composition shall be made at least annually. If at the time of admission or re-examination, a family's income cannot be reasonably determined for the upcoming 12 month period, the Housing Agency shall require the family to comply with its 30, 60 or 90 day re-exam schedule.

2. Re-determination of Total Tenant Payments and Housing Assistance Payment

The Housing Agency shall make an appropriate re-determination on the amount of Total Tenant Payment and amount of the Housing Assistance Payment. Written Notice of Tenant's Rent and HAP will be provided to both the owner and tenant with a copy to the tenant's file.

3. Termination of Payments

Termination of Housing Assistance Payments due to a determination of family's ineligibility shall be in accordance with applicable HUD guidelines.

4. Changes in Family Size and Composition

Changes in family composition that result in a change in *family unit size* (i.e., "voucher size") will result in issuance of voucher with a different unit size only at the time the family moves, or at the time of the regularly scheduled annual reexamination of family circumstances.

5. Disclosure and Verification of Social Security Number

At re-examination, the family shall be required to disclose and verify Social Security Numbers for any family member age 6+ who has been assigned a social security number since the last certification or re-certification, as outlined in 24 CFR 5, as amended.

6. Evidence of Eligibility for Assistance Based on Citizen or Eligible Alien Status

Each family member, regardless of age, must submit a declaration of status as a U.S. citizen or a U.S. national or evidence of *eligible immigration status*, as defined at Section 214 of the U.S. Housing Act of 1980, and as amended in the Immigration Reform Act of 1996.

For citizens or nationals, all that must be submitted is a signed declaration of citizenship. Non-citizens age 62 and older, as of 6/19/95, must submit a signed declaration of eligible immigration status and proof of age. Other non-citizens must submit a signed declaration of eligible immigration status, proper documentation, and a signed verification form. Adults must sign their own forms. An adult residing in the assisted housing unit who is responsible for the child must sign applicable forms for children. [24 CFR §5]

The Housing Agency will conduct verification of eligible immigration status when other aspects of eligibility for assistance are being verified. The primary method of verification will be the use of the computerized verification system administered by the U.S. Immigration and Naturalization Service (INS). [24 CFR §5]

Housing assistance may be denied or terminated to an applicant or recipient in accordance with 24 CFR §5). An applicant household will have their assistance delayed or denied until at least one continuing family member has established eligibility as a U.S. citizen, U.S. national or an eligible immigrant. If all other factors of eligibility have been confirmed the family may be granted a 30 day extension to comply with the Section 214 provision, as amended. If the family fails to comply within this 30 day period the family will be determined ineligible for housing assistance and their HAP will be terminated.

Section 214 Compliance is a one-time requirement for each family member and is only implemented at re-exam for new family members.

Denial or termination of assistance to an applicant or participant's family can be appealed to the Housing Agency consistent with Section Y and with the INS in accordance with 24 CFR 5 subpart F.

PU-\$1.00 Income Determinations

The gross annual income of the family is used to determine income eligibility and Total Tenant Payment, including sources of income as described at 24 CFR §5, and as periodically revised by HUD.

a. Income of Minors (Family members age 17 and younger)

Only certain sources of income to a minor will be included when determining the family's gross annual income. Such income includes benefit income of a minor such as social security, TANF, or any unearned income of a minor (including interest on a savings account). None of the earned/wage income of a minor will be included.

b. Income of Full Time Students

The Housing Agency will only include the first \$480 of earned income of a full-time student age 18 and older.

If the student receives grant or scholarship income the Housing Agency will not include any of the educational benefit income in calculation of annual income. In no case will the Municipality of Las Piedras Housing Agency include student loans as income to the household no matter how the loan will be expended.

c. Income of Temporarily Absent Family Members

Family composition is a self-certification by the head/co-head of household. It is the policy of the Housing Agency to include:

1. Income of all persons expected to reside in the unit in the upcoming 12 month period.
2. If one or more family members will be absent from the unit for any portion of the 12 month period covered by the certification they will be considered a temporarily absent family member.
3. The absent family member's income will be included for the full 12 month period even if the income will not be available to the household for the period of time

they expect to be absent.

4. If the absent family member is the head or spouse their full income will be included as income to the household even if they are not expected to occupy the unit or to be listed on the lease.
5. If the head or spouse is permanently absent from the household the Housing Representative may require verification.

Acceptable forms of independent verification will include:

- Legal separation papers
- Divorce decree
- Evidence of institutionalization; and
- Document from Department of Human Services identifying current household members.

Dependent upon the circumstances the Housing Agency may consider other forms of verification that the family member is no longer a "member of the family".

In the absence of acceptable verification, the Housing Agency will continue to include the income of the absent family member as if they were only "temporarily absent".

d. Income of a Confined Family Member

If a family member has been permanently confined to a hospital or nursing home the Housing Agency will not include the income of this family member as income to the household, nor will the Housing Agency compute allowances/deductions for a permanently confined household member.

When the confined family member's income is excluded, the confined family member must not be listed on the assisted lease agreement between the owner and tenant family. The permanently absent family member's name can be removed from the existing lease. No new lease is required.

e. Regular Recurring Cash Contributions or Gifts

The Housing Agency will include as income only those cash contributions that the family expects to receive on a regular recurring basis. Staff may use credit reports to determine the potential for such recurring gifts, in addition to signed statements by donors or affidavits by the recipient. If an adult family member "barter" their labor for goods rather than monetary compensation the Municipality of Las Piedras Housing Agency may establish a cash value for the personal service and use it as income to the household.

Non-cash gifts such, as groceries will not be included.

f. Net Income From a Business (or Profession) or From Rental of Real or Personal Property

The net income from a business or from rental of real or personal property will be included as income to the household.

Section 8 Staff will calculate the net income from a business by deducting from the projected gross income the following expenses: straight-line depreciation, the interest portion of loan payments, and all other expenses of the business which are routine expenses of the business, and not related to business expansion or capital improvements.

If there is evidence that the family withdraws cash or assets from the business these withdrawals will be included as income to the household unless there is verification that the withdrawal is specifically for reimbursement of amounts the family invested in the business.

Verification of business expenses to be deducted from the gross income of the business will be in keeping with requirements stated at Exhibit (Statement of Acceptable forms of verification).

Adult family members engaged in the operation of a business or profession will be subject to a 90 day re-exam schedule, as deemed appropriate by staff, for purposes of documenting current income. Section 8 staff may require such adults to maintain reports/records of current income (gross receipts) and expenses for the period between the performances of the interim re-exam.

g. Lump-sum Payments to be counted as Income

The Housing Agency will include only two types of lump-sum payments as income to the household. All other lump sum payments will be treated as an asset. The two types of lump sum payments to be included as income are:

- 1) Lump-sum payments for either a delayed start of a periodic payment (such as delayed payment of unemployment benefits); or
- 2) Lump sum payments for settlement of a disputed claim of what would have been a periodic payment (such as a lump sum payment of back child support).

Where such lump sum payments are received, the Housing Agency will require repayment on a prospective basis rather than a retroactive basis.

This method will result in an increased TTP over 12-18 month period and allows for the gradual repayment of the monies owed for the period of time that Housing Agency "carried" the family while they were awaiting the benefit payments.

In the event the family receives a lump-sum payment that includes payment for a period of time that the family was not receiving housing assistance the Housing Agency will not include that portion of the lump sum payment in its prospective calculation in the amounts to be repaid.

h. Policy Governing Alimony and Child Support

A court-ordered decree will serve as third party verification of the amount of alimony and child support income expected to be received by the family. No other form of verification is required unless the family asserts that they are receiving an amount that differs from the decree. In this instance the Housing Representative must verify the amount which is actually being received; and the family has made all reasonable effort to collect the full amount due, including evidence of filing with courts or agencies responsible for enforcement of the payments due.

If the family is using the services of Legal Aid and there is documentation that the family has made an appointment for the express purpose of pursuing back payments the Municipality of Las Piedras Housing Agency will consider this as an appropriate measure for taking "legal" action. Evidence of filing for enforcement of the child support order with the local Child Support Enforcement Agency (CSEA) and it is also considered an appropriate form of action under this rule.

When third party verification cannot be obtained which counters the decree the amount in the decree will be considered as income to the household.

i. Treatment of Military Pay

The military pay of the head of household or spouse, including allowances with the exception of combat/hazardous duty pay, will be included as income to the household, even if the head/co-head or spouse is not listed on the lease.

1. If the absent head/co-head has income from outside jobs or income from assets these income sources will not be counted as income to the family.
2. If the family receives an allotment from an adult child in the military on a regular recurring basis only the amount of the allotment will be included as income and not the full military pay.

3. In instances where the adult child in the military is listed on the lease they will be treated as a "temporarily absent family member" and the full amount of pay, including all regular allowances, will be counted as income to the household.
4. Verification of the military pay and regular allowances will be solicited first from the unit commander on a form developed by the Housing Agency unless the military requires a different form for verification purposes, in which case the military's form will be used.

If Section 8 staff is unable to receive third party verification (written preferred) a review of documents will be undertaken. The Section 8 staff will document the family file as to why they were unable to receive third party verification. The spouse/co-head must cooperate by providing Section 8 staff with required information such as:

- (a) unit identification/address,
- (b) rank
- (c) serial/social security number

Failure to cooperate will result in a denial of admission or termination of assistance for a participating family.

j. Procedure for Projecting Unstable Income

Where a family member has sporadic, yet recurring income such as a business owner or temporary clerical work (i.e., "Kelly-Girl") the Section 8 staff will include projected income based upon current income and expenses:

1. Place family on a 90-day re-exam cycle;
2. Require family to bring income information for the 12-week period preceding the date of certification;
3. Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 12-month period.
4. Combine the income from this period with the income from the prior period to establish a new baseline weekly or monthly figure;
5. Recalculate the TTP and determine need for additional interim re-exams.

PU-§1.02 Asset Determinations

Income from assets is to be included as income to the household. Asset income to be included can include either actual or *imputed* income from assets depending upon the total value of assets effectively owned by the family. Accordingly, the Housing Representative shall establish the

cash value of assets held by the family.

Assets to be considered will include the following:

- a. Amounts in savings and checking accounts;
- b. Stocks, bonds, savings certificates, moneymaker funds and other investment accounts;
- c. Equity in real property or other capital investments;
- d. Cash value of trusts that are available to the household;
- e. IRA, Keogh and similar retirement savings accounts;
- f. Contributions to company retirement/pension fund;
- g. Assets, which although owned by more than one person, allow unrestricted access by the applicant;
- h. Lump-sum receipts such as inheritances, capital gains, lottery winnings, cash from sale of assets, insurance settlements, Social Security and SSI lump-sum payments and other claims;
- i. Personal property held as an investment such as gems, jewelry, coin collections, antiques cars, etc.
- j. Cash value of life insurance policies;
- k. Assets disposed of for less than fair market value during the two years preceding examination or re-examination.

Where there is a dispute over the "effective ownership" of an asset, the Section 8 staff will determine ownership based upon (a) who reports the asset to IRS for tax liability purposes; and (b) who receives the income from the asset as reported to the IRS.

Where the percentage of ownership is legally defined only that portion/percentage of the cash value of the asset will be included in the calculation of net family assets.

The value of necessary personal property maintained for personal use will not be included in the calculation of net family assets, including but limited to items such as clothing, furniture, jewelry, automobiles, stereo/TV equipment, etc..

If the family, however, maintains personal property for money-making purposes (i.e., investment purposes) the value of such items will be included in the calculation of net family assets. If there is a question/dispute over whether or not personal property is to be included as an asset the definition/ test will be as follows:

- A. *Necessary personal property is not expected to increase in value; and*
- B. *Necessary personal property is usually "used" by the owner.*

This would include *rental property for investment purposes* as an asset to the household. In this instance, the cash value of the rental property and the *net rental income* will be included as a source of income to the household. If the property is part of an active business, as would be the case of a person where real estate is their main occupation, then the property will be treated as Assets of the business and not as a family asset.

The Section 8 staff will include both current and actual assets the family now holds as well as assets the family has disposed of for less than fair market value (i.e., imputed assets) in the two year period preceding the date of certification or re-certification.

It is the policy of this Housing Agency to exclude the imputed assets when calculating the net family assets in two instances. First, where the asset(s) were disposed of for less than fair market value as the result of a legal proceeding/judgment or, second, when the value of the asset at the time of disposal was less than \$1,000.00.

PU-§1.03 Determining Adjusted Annual Income

Adjusted annual income is defined as *gross annual income less allowable deductions from income*.

Congress has established the deductions and allowable expenses to be deducted from the gross annual income. Currently, the Housing Agency is implementing the following deductions from income as applicable to each family's individual circumstances:

- a. \$480 dependent deduction
- b. \$400 elderly/disabled household deduction.

Neither of these deductions from income requires third party verification. Eligibility for the *dependent* and *elderly household* deduction is achieved through a Section 8 staff evaluation of the family's circumstances and prevailing HUD instructions/definitions.

Allowable expenses, which can be deducted from gross annual income, must be third party verified and include:

- a. Reasonable child care expense
- b. Allowable handicapped assistance expense; and
- c. Allowable medical expense.

PU-§1.04 Housing Agency Child Care Policy

Consistent with current HUD instructions at 24 CFR 5 and handbook 4350.3 CHG-1, the MAHA will deduct reasonable child care expense when all of the following is true (and verifiable):

- a. Expense enables a family member to go to work, to school or to look for a job after recently losing a job; (up to 20 hours weekly with documentation acceptable to the Municipality of Las Piedras Housing Agency).
- b. In instances where the child care is necessary to allow an adult family member to seek employment, the agency will allow up to 20 hours of weekly child care expense. The family must provide documentation to support both their efforts to gain employment, and the related child care expense. Staff may use receipts or similar forms of verification that are dated for the period of eight weeks preceding the certification.
- c. "School" is either academic or vocational and the course of study will result in a degree/diploma or a certificate;
- d. Enrollment in school is either full- or part-time in accordance with that institution's definition;
- e. Expense is for the care of children in the assisted household who are age 12 or younger (including the cost of care for a foster child age 12 and younger which is not paid/reimbursed);
- f. Child care expenses cannot be paid to a family member residing in the assisted unit nor paid (or reimbursed) by an organization or individual outside of the unit;
- g. Expense is reasonable in terms of cost and relationship to eligible activity (as stated in [a] above).
- h. Any expense associated with the keeping of children to allow a family member to go to work does not exceed the earnings of the individual who is enabled to work.
- i. No adult is available or capable of providing the childcare during the hours required.
- j. Childcare expenses (not to exceed \$600.00 annually) to unable a family member to seek employment.

Procedures for Establishing Reasonable Costs of Child Care

To determine if the cost of the childcare is reasonable the Housing Agency will conduct a survey of childcare providers at least annually. This survey will include both "in-home" providers as well as institutional providers (e.g., **Kinder Care Center**). Section 8 staff will be provided a schedule of "reasonable" charges and the maximum cost to be deducted will be established in light of the survey results.

If the family incurs expense in excess of the stated amounts on the Housing Agency's schedule the survey amount will become the maximum allowable expense to be deducted unless there are extenuating circumstances. In such cases the approval to exceed the scheduled amounts must be approved by the supervisor of Housing Representatives on a case-by-case basis.

PU-§1.05 Income Verification Requirements

The Housing Representative will request only that information which is necessary to determine the family's eligibility or level of assistance. For some types of income listed in Appendix 1 of this plan, appropriate requests for information are combined with the types of verification that are permitted.

In deciding whether to add information to a particular verification request that is not listed below, the Housing Representative must ask:

- 1) *Is this information necessary to determine the individual's eligibility for assistance or level of assistance?* If the answer is *yes*, then the Housing Representative may verify that information.
- 2) If the answer is *no*, then the Housing Representative may not verify that information.

V. INSPECTIONS OF DWELLING UNIT [24 CFR '982.401]

1. Initial Inspection of Unit

Before approving any Lease Agreement, the Authority shall inspect the unit for compliance with the HUD Housing Quality Standards, as amended by local code, where applicable. Any such amendments to the HQS will board adopted.

- a. If there are any deficiencies which must be corrected, the Housing Agency shall notify the Owner and tenant of the corrections required. The Housing Agency shall re-inspect the unit to insure that all deficiencies are corrected prior to approving a Lease or HAP Contract.

- b. The Authority shall prepare and maintain reports on initial inspections and any required re-inspections. The inspection report shall specify (i) any deficiencies which must be corrected; and (ii) any other deficiencies (comments), as a factor in determining the *reasonableness* of the rent to owner.

2. On-going Inspections to Determine If Unit meets HQS

The Housing Agency shall inspect or cause to be inspected each unit at least annually, and at such other times as may be necessary, to assure that the owner and tenant family is maintaining the unit to meet the HQS and providing the agreed upon utilities and other services.

3. Applicability of the HQS Occupancy/Space Standard

The HQS Occupancy Standard shall be used as *acceptability criteria* for space and security requirements. The *family unit size* on the assigned housing choice voucher shall be established in accordance with the following general criteria:

- (a) Parents are not required to share a bedroom with a child (regardless of age)
- (b) Children of the same sex are expected to share a bedroom (regardless of age)
- (b) Two children of the opposite sex, ages 6 or younger are expected to share a bedroom
- (c) Two children of the opposite sex over the age of 6 are not expected to share a bedroom
- (d) Adults of different generations (e.g., grandmother, mother, daughter) will be assumed to have separate bedrooms
- (e) An unrelated adult, such as a live-in aide, is not expected to share a bedroom with a family member
- (f) Elderly or disabled household members (related or unrelated) will be considered for separate bedrooms; and
- (g) Spouses or persons operating in a *spousal type* relationship are expected to share a bedroom.

Exceptions to the above criteria will be made, when necessary, for persons with disabilities as a *reasonable accommodation* under law. For example, a husband and wife could be assigned a two bedroom voucher if there are documented disabilities/medical conditions that necessitate separate bedrooms.

Similarly, a family may actually select a unit smaller than the designated *family unit size* as long as the unit selection will not result in more than two persons sharing a *sleeping room* (as defined by HUD regulations).

The Housing Agency shall not charge the family or the owner for any inspection performed. (24 CFR §982.405.)

4. Determination that Unit does not meet HQS

The owner is generally responsible for maintaining a unit in accordance with the HQS, and failure to carry out this responsibility can result in Housing Agency enforcement action.

When a unit does not meet the HQS and the Owner or tenant fails to take corrective action after being duly notified, the Housing Agency may exercise any of its rights, including abatement of HAP (even if the family continues in occupancy), reduction of HAP and/or termination of the Contract. The Housing Agency cannot make HAP for a dwelling unit that fails to meet the HQS unless the owner corrects the defect(s) within the time period specified by the Housing Agency.

Life threatening defects must be corrected within no more than 24 hours, and other defects must be corrected within no more than 30 days or any Housing Agency-approved extension.

Life threatening defects are defined to include, but not necessarily limited to:

- Electrical hazards (e.g., *exposed wiring*, “*shorting*”, *open/non-functioning junction boxes*, *improper wiring*, etc.);
- Broken/missing smoke detectors
- Severe tripping hazards (e.g., *missing floorboards*, *severely broken/missing steps in rooms used for living*, etc.)
- Severe water leaks (i.e., freely running water that poses a threat to life or property)
- Noxious gases/odors
- Blocked fire exits
- Sharp edges (e.g., broken protruding glass)
- Improperly stored flammable liquids (e.g., gasoline, kerosene, etc.)
- Health hazards as defined by local/county code

5. Family Obligation to Comply with the HQS

The family is responsible for any HQS breach caused by its failure to maintain tenant paid utilities, by its failure to maintain tenant-supplied appliances, or damage to the unit by a family member or guest over and above ordinary wear and tear. The family, like the owner, must correct any life-threatening defect for which it is responsible within no more than 24 hours and any other defect within 30 days or any Housing Agency-approved extension.

The Housing Agency may terminate Section 8 rental assistance for a family that causes an HQS breach. [24 CFR §982.404].

6. Housing Agency and Owner Obligations for Units with *Lead-Based Paint*

Prior to execution of the HAP contract the owner must inform the Housing Agency and the family of any knowledge the owner has of the presence of lead-based paint on the surfaces of the residential unit. [24 CFR §982.401]

The Municipality of Las Piedras Housing Agency will inspect units constructed before January 1, 1978, **expected to be occupied by children under the age of six** to determine if there is deteriorated paint. All deteriorated paint will be made intact before the Municipality of Las Piedras Housing Agency will enter into a HAP contract. If the unit will be occupied by a child with an *elevated intervention blood lead level*, the Municipality of Las Piedras Housing Agency will perform an inspection of the unit to determine whether there is lead-based paint on chewable surfaces or any deteriorated lead-based paint. Chewable surfaces include all painted chewable surfaces in the unit within reach of a six-year-old child (i.e., painted surfaces up to five feet from the floor).

The Municipality of Las Piedras Housing Agency will pay for the lead-based paint testing of unit constructed before January 1, 1978 that will be occupied by children under the age of six if the local or state health agencies are unwilling or unable to do so.

A clearance test will be performed by the Municipality of Las Piedras Housing Agency for initial and annual units when the amount of deteriorated paint exceeds the *de minimis* levels specified in the regulations of no more than 20 square feet collectively on exterior surfaces or no more than two square feet in any one interior space or room, or no more than 10 percent of the total surface area on an interior or exterior type of component with a small surface area such as window sills, baseboards, and trim. The Municipality of Las Piedras Housing Agency will ensure that the owner is responsible for:

- a. Payment of subsequent clearance test where the initial clearance test failed the unit, and
- b. Submittal of the results of the subsequent clearance tests to the Municipality of Las Piedras Housing Agency and the family.

Pursuant to §982.401(j)(3) the Municipality of Las Piedras Housing Agency will undertake a visual inspection for defective paint surfaces, on which paint is cracking, scaling, chipping, peeling or loose, in all pre-1978 units that will be occupied by families with children under the age of six. If defective paint surfaces are found, the unit may not be approved unless surfaces have been treated in accordance with §982.4401(j)(6).

When inspecting a dwelling unit (both initial and annual inspections) that was constructed before January 1, 1978, and that will be occupied by a family with a child under the age of six with an identified EBL condition, the Housing Agency will include:

- a. visual inspection for deteriorated paint;
- b. a test for lead-based paint on chewable surfaces; and

- c. any other tests required by local or State laws.

The Municipality of Las Piedras Housing Agency will also inspect and, if applicable, have the owner treat exterior chewable surfaces within five feet from the ground.

The MAHA will conduct a risk assessment of the unit in which the child, under age of six with an environmental intervention blood-lead level (EIBLL) lived at the time the blood as last sampled, unless an evaluation has already been conducted by the public health department. Risk assessments will be conducted within 15 days of being notified by the public health department or other medical health providers that a EIBLL child under age of six resides at a unit assisted by a housing choice voucher pursuant to 24 CFR §35.1350(d).

Clearance inspections will be performed within 24 hours of the owner's notification that repairs have been completed. For initial units, if the unit fails a second time the Municipality of Las Piedras Housing Agency shall notify the owner that the family may not lease the unit with assistance under the housing choice voucher program, unless final clearance is achieved. If the unit is under a HAP contract, the Municipality of Las Piedras Housing Agency will notify the owner that the Housing Agency will abate payments and that the HAP contract will be terminated once the family is relocated.

7. PHA Data Collection and Record keeping

The owner and the Housing Agency must comply with all requirements of the final rule on Lead-based Paint published, effective September 15, 2000.

The Housing Agency will attempt to collect annually from local health agencies the names of children with an *elevated blood level (EBL)*, and will annually attempt to match this information with the names and addresses of assisted families. If a match occurs, the Housing Agency must determine whether local health officials have tested the unit for lead-based paint. If the unit has lead based paint the Housing Agency will require the owner to treat the lead based paint in accordance with 24 CFR 982.401. If the owner does not take the required corrective action in the time prescribed, the Housing Agency will issue the affected family a voucher to move.

The Housing Agency will keep a copy of each unit's inspection report for at least three years. If a dwelling unit requires testing for lead-based paint, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the Housing Agency will maintain the unit inspection reports indefinitely and, if applicable, the owner's certification of treatment.

The Municipality of Las Piedras Housing Agency will document that it requested from local and State health departments the address of families with RBL children assisted with housing choice vouchers in the tenant-based assistance programs.

8. Applicability of Local Code to Health and Safety

Section 8 Representatives will use local code requirements for existing housing in determining the appropriate corrective action to be taken by an owner for any defects related to the health and/or safety of the occupants.

9. Conduct of Quality Control (QC) Inspections

The Section 8 program supervisor will re-inspect at least 28 units initially inspected by the Section 8 Housing Representatives.

The QC inspections will be performed throughout the year, and a record of all such QC inspections will be maintained in a separate file, as SEMAP Documentation.

The QC sampling will include units that initially passed and failed HQS to assure:

- (i) consistency between Representatives
- (ii) uniform application for HQS

PV-§1.00 Overview

The Municipality of Las Piedras Housing Agency adheres to the acceptability criteria as found in 24 CFR 982.403 and the HUD Inspection Booklet (governing the Section 8 Housing Quality Inspection Standards. HUD's Housing Quality Standards are applicable to all housing assisted under any form of HAP contract.

PV-§1.01 *New/Move Unit Inspection Procedures*

The Housing Agency shall conduct unit inspections before lease approval and execution of a HAP Contract to ensure the unit is in compliance with the HQS or HUD-approved variations for the Municipality of Las Piedras Housing Agency's Section 8 program.

Once a Voucher- Holder and prospective owner have requested lease approval for a specific unit, the Housing Agency is responsible for the following:

- a. The Housing Inspector shall make every reasonable effort to schedule a unit inspection on the date the owner indicates the unit will be ready for inspection within seven days of receiving RFTA, or as soon thereafter as possible. Lengthy delays of inspections will be avoided since delays can cause owners and families to lose interest in program participation.
- b. The Housing Inspector shall conduct a thorough inspection of the unit to determine compliance with all HQS *Performance Requirements and Acceptability*

Criteria prior to lease approval.

- c. *Marginal units* (i.e., those that are likely to fall below the HQS within a year) will not be approved.
- d. The Housing Inspector will inspect the unit using the long or short version of Form HUD-52580, as instructed by the supervisor of inspections.
 - (i). If the unit fail its initial inspection the owner will be given ten (10) calendar days in which to make the required repairs.
 - (ii). If the unit fails the re-inspection and the owner cannot show "good cause" for failure to comply, the unit shall not be eligible for re-inspection under the same RFTA. Family shall be advised to search for another unit and to submit another RFTA before the expiration date of the voucher.

All determinations resulting from each inspector's on-site inspection will be adequately documented in the participant file.

PV-§1.02 Additional Duties of the Inspector

Prior to or during the inspection, the Housing Inspector (Representative) shall obtain the following information to assist the Housing Representative in making additional determinations which are required by the program:

- a. The actual number of bedrooms (excluding living/sleeping rooms) contained within the unit to insure that the proper FMR limitations are used and that the owner's statements on the *Request for Tenancy Approval* regarding unit size are factual (applicable to the voucher program).

For example, an owner may have considered the unit to be a three bedroom unit, but the Housing Agency may find that only two of the bedrooms meet the applicable HQS criteria (e.g., a window, two electrical outlets or one outlet and one permanently installed light fixture).

Unless the owner is willing and able to bring the third bedroom into compliance, the unit must be considered a two-bedroom unit for rent reasonableness, and for determining whether the unit meets the HQS space and security criteria.

- b. Information with respect to the unit's age, quality, amenities, location, contract and gross rents, unit type, and square footage of living space, which is necessary to determine whether the requested rent to owner is reasonable.

The Housing Agency's Representatives will assist in collecting and validating the information given as they have first hand knowledge of the units and the rental marketplace.

PV-§1.03 Annual Inspection Procedures

The Housing Agency is required to inspect each dwelling unit at least annually to determine if the owner and tenant family is maintaining the unit in a decent, safe, and sanitary condition.

- a. The Housing Agency shall conduct its annual inspection(s) within one year of the date of the previous inspection. The annual re-inspection will usually coincide with the anniversary date of the contract. In some limited circumstances the Section 8 Office may conduct the re-inspection and the family re-examination at different points in time, but both activities will occur within 12 months of the initial activity.
- b. The Housing Agency will also promptly conduct inspections as part of the re-exam process to ensure that any deficiencies are corrected as of the anniversary date.
- c. The same procedures and forms as used for initial inspections shall be used for annual inspections.
- d. At re-exam, the inspector shall use the inspection form to document improvements that may have been made to the unit since the last inspection to determine whether information pertaining to rent reasonableness should be updated. This documentation for Housing Agency files is especially important if the owner is requesting an annual adjustment in the contract rent on the basis of such actions.
- e. The Housing Agency shall also cite recommended improvements to encourage upgrading of units above the HQS on the annual inspection form. Such improvements may be in the owner's best interest since this may justify a higher comparable rent.

PV-§1.04 Special Unit Inspections

There may be circumstances other than the initial and annual inspections which require the Housing Agency to determine a unit's compliance with the HQS criteria, as follows:

- a. Written or oral complaints/requests from participating families, owners, or other sources regarding the unit's condition or lack of maintenance and services by the responsible parties; or

- b. Owner requests to determine if a unit (s) qualifies for potential participation, such preliminary inspections may not be considered as substitutions for required initial inspections that may result from the submission of a Request of Lease Approval.

PV-§1.05 Required Actions After Completed Inspections

A. Initial Inspections

The following requirements apply to results of inspections performed in connection with an initial RFTA Tenancy. If the inspector has questions about the adequacy of certain items, these issues will be discussed with the family.

- 1) If the Housing Agency's inspection reveals that the unit meets the applicable HQS criteria, the Housing Agency may proceed with the other necessary determinations, such as rent reasonableness, preparation of HAP Contract and approval of lease, etc. The Section 8 Housing Representative shall notify the owner and family of the inspection results and may send the family a copy of the completed form.
- 2) If the Section 8 Inspection reveals HQS violations, the Housing Agency shall notify the owner and the family that the unit may not be leased under the program until all deficiencies is corrected. A written list of the deficiencies will be forwarded to both the owner and the family with a prescribed time period for corrective action (10 ten calendar days unless there are extenuating circumstances).
- 3) At the time of re-inspection of the failed unit the Section 8 Inspector will re-inspect all those items that were cited in the original deficiency notice. Should the unit pass the re-inspection the Section 8 Inspector will document the file accordingly and promptly notify the Housing Representative of the need to precede with the other required lease-up activities? Should the unit fail the re-inspection the owner and family will both be notified that the unit will not be re-inspected under the initial RFTA and that the family is to continue their search?
- 4) Neither the family nor the owner is entitled to an informal review of the decision to fail the unit for non-compliance with the HQS.

B. Annual Inspections

If the occupied unit fails HQS; or is otherwise not in compliance with any other provisions of the HAP Contract, the Section 8 Inspector will immediately notify the owner of the deficiencies, in writing. It is not the responsibility of the Section 8 Housing Inspector to prepare detailed repair specifications. The notice will describe the deficiencies which are in violation of the HQS and require that the conditions be corrected within a time period specified by the Section 8 Inspector to be determined by the Housing Agency as follows:

- 1). If there are serious deficiencies that present an immediate danger to the health and safety of the family, (e.g., exhaust fumes from heating system) the Housing Agency requires the owner or tenant (to be determined by the Inspector) abate the hazardous condition within not more than 24 hours. If the owner/tenant does not take the required actions within the 24-hour time period, assistance payments will be abated until such time as the owner/tenant corrects the deficiencies.

In the event the "emergency" repairs are not completed within a maximum of 72 hours (or less if so prescribed by the Housing Agency) the contract will be terminated.

If the repairs to be made by the owner/tenant are made within the prescribed time frame the HAP will resume as of the date the deficiencies are fully corrected. The Housing Agency will not make payments for the period the unit was not in compliance and the owner/tenant had been notified, in writing, of the start of the abatement period.

- 2). If there are other deficiencies that do not affect the health and safety of the occupants, a determination of whether the owner or the tenant's family must make the repairs will be made. In either case, the owner or tenant must correct the items within 30 days or less.

The time period for corrective action will be specified in the Housing Agency's notice to the owner, and such time frame will be dependent upon the type, nature, extent of the repairs to be made.

- 3). If the owner or tenant does not take the required corrective action within the specified time period, the Housing Agency will determine if an extension of time is warranted depending upon the nature of the required work and any extenuating circumstances.

If an extension is not granted, the Housing Agency will either abate the housing assistance payments or terminate the HAP Contract.

- 4). If the HAP Contract is terminated, the Housing Agency will determine whether to reissue the family's voucher. If the unit deficiencies, which resulted in the termination of HAP were tenant caused the family may be terminated from the program.

If the owner fails to make any owner-required repairs and the owner has a history of HQS non-compliance the owner may be barred from future/continued program participation.

- 5). During the period when payments have been abated, the Housing Agency will apprise the tenant of its responsibility to pay its share of rent to the owner and will advise the owner that abatement of the HAP is not grounds for termination or other adverse action against the family.

- 6). Section 8 Housing Representatives will re-inspect the unit to ensure that all HQS deficiencies have been corrected (a) as of the date of the scheduled inspection, and (b) prior to approval of any annual or special rent adjustment.

C. Special Complaint Unit Inspections

If problems similar to those discussed in the preceding sections are disclosed during a special unit inspection (e.g., performed as a result of a complaint from the family, owner, or other source), the same steps shall be taken by the Housing Agency, as outlined in the sections above, as appropriate.

If an annual or special inspection reveals that a unit or building has serious or life threatening deficiencies, the Housing Agency will re-inspect other units in the building leased to Section 8 assisted families, even though annual inspections of these units are not yet required.

D. Inspections Which Reveal Tenant Non-compliance

If an annual or special inspection reveals that a unit is no longer in a decent, safe, and sanitary condition according to the applicable HQS criteria because of the tenant's lack of maintenance, the tenant is responsible for taking appropriate action to correct deficiencies. In addition to notifying the tenant, in writing, of any deficiencies and corrective action required, the Section 8 Housing Representative shall also advise of the possible consequences of non-compliance. If the owner or Housing Agency is unable to get compliance from the family, the Housing Representative shall either abate the HAP payments or terminate the HAP Contract and the family's housing voucher. If the family remains in occupancy the family will become responsible for the full payment of the rent and the *assisted lease agreement* shall automatically terminate.

PV-§1.06 Termination of Payments and Contracts

If the Housing Agency finds the owner or tenant in continued non-compliance with the HQS both parties will be sent advance written notice of abatement of HAP and/or termination of the HAP contract.

When it has been determined that a unit fails to meet the HQS and the owner/tenant has failed to correct the failed items within the prescribed time frame, the housing assistance payment for the unit will be abated.

The abatement will continue until all failed items have been corrected or for 30 days from the date of abatement, whichever is the earlier.

The Housing Agency will re-inspect the abated units as soon as possible after the date of the owner's contact with the Housing Agency to report the completed work.

The abatement will end if it is confirmed at the re-inspection that all required repairs have been satisfactorily accomplished. Owner or tenant's failure to make required repairs during the abatement period will result in the issuance of the 30-day notice of termination.

While the termination notice is running the abatement will remain in effect. Once the HAP Contract is terminated it will not be reinstated for the same family, at the same unit.

The participating family will be reissued a Voucher to allow for a move with continued assistance if the HQS non-compliance was solely related to the owner's failure to act.

If the repairs are completed before the effective date of the termination, the termination notice can be rescinded if the tenant chooses to stay in the unit.

W. GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE

The Housing Agency may deny assistance to an applicant or terminate assistance for a participant family because of the family's action or failure to act. Grounds for denial or termination of assistance may include violation of obligations under the program, prior eviction from public housing or prior termination of voucher assistance, a debt to the Housing Agency or another Housing Agency in connection with the Section 8 or public housing program, and drug related or violent criminal activity. [24 CFR §982.552-553]. *The Housing Agency will terminate HAP Contracts as stipulated in 24 CFR 982.454, in the event that there are insufficient funding levels from HUD. The Housing Agency will notify in writing the landlord and participant on the date of effectiveness of termination. Once the Housing Agency regains sufficient levels of funding the Agency will re-instate participants if their circumstances have not changed.*

X MAHA POLICY GOVERNING

The Housing Agency has a Policy of Zero Tolerance for "Drug Related or Violent Criminal Activity". If the tenant, any member of the tenant's household, any guest or other person under the tenant's control engages in (a) any Criminal Activity that threatens the health, safety, or right of the peaceable enjoyment of their resident by persons residing in or near the participants resident. Drug related Criminal Activity means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of controlled substance as defined in sec. 102 of the Controlled Substance Act (21 U.S.C. §802). Tenant and persons of the age of majority listed in the tenants' household engages in one and only one such act of Criminal Activity shall be cause for termination of Assistance, and cause for refusal of subsequent housing applications for a period of three (3) years. The Municipality of Las Piedras Housing Agency may utilize without regard to federal or local preferences it's available voucher Housing Agency, or any such Housing Agency/assistance made available through HUD's national pool of subsidy, to assist persons who are cooperating with a federal, state or local law enforcement investigation involving drug-related criminal activity, and when the applicant or participant is under a threat assignment and recommended for relocation to minimize or eliminate the potential for harm to the family.

Y. INFORMAL REVIEW OR HEARING ON AGENCY ACTION OR DECISION
[24 CFR §982.554-555]

A family who feels adversely affected as a result of an agency determination is entitled to an *informal hearing*. The request for an informal discussion must be filed in writing within fourteen (14) calendar days from the date of the written notification of the Housing Agency's action or decision.

Under the Section 8 program policies, the Housing Agency is not required to provide a hearing for determinations involving administrative discretion, general policy issues or class grievances, utility allowance schedules, refusal to extend or suspend a voucher term, refusal to approve a new lease, noncompliance with the HQS, or exercising or not exercising any right or remedy against the owner under the HAP contract. [24 CFR§ 982.555(b)]

PY-§1.00 Informal hearing for participant (24 CFR §982.555)

a) *When hearing is required:*

1. The Municipality of Las Piedras Housing Agency will give a participant's family an opportunity for an informal hearing to consider whether the following PHA decisions relating to the individual circumstances of a participant's family are in accordance with the law, HUD regulations and PHA policies:
 - i) A determination of the family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
 - ii) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.
 - iii) A determination of the family unit size under the PHA subsidy standards.
 - iv) A determination that a voucher program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards, or the PHA determination to deny the family's request for an exception from the standards.
 - v) A determination to terminate assistance for a participant family because of the family's action or failure to act (see §982.552).
 - vi) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

2. In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA will give the opportunity for an informal hearing before the PHA terminates housing assistance payments for the family under an outstanding HAP Contract.
- b) *Notice to family*
1. In the cases described in paragraphs (a)(1) (i), (ii) and (iii) of this section, the PHA will notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
 2. In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA will give the family prompt written notice that the family may request a hearing. This notice will:
 - i) Contain a brief statement of reasons for the decision.
 - ii) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
 - iii) State the deadlines for the family to request an informal hearing.
- c) *Expeditious hearing process.* Where a hearing for a participant's family is required under this section, the PHA will proceed with the hearing in a reasonably expeditious manner upon the request of the family. (i.e., 3-5 working days)
- d) *Participant's Hearing procedures*
1. *Discovery*
 - i) By family. The family will be given the opportunity to examine before the PHA hearing any PHA documents that are directly relevant to the hearing. The family will provide requested copies at the cost of five cents per page payable in cash at the office of the Central Administrative Office of the Municipality of Las Piedras Housing Agency. If the PHA does not make the document available for examination on request of the family, the Municipality of Las Piedras Housing Agency may not rely on the document at the hearing.
 - ii) By PHA. The HA hearing procedures do provide that the PHA must be given the opportunity to examine at PHA offices before the PHA hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the

family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.

- iii) Documents. The term "documents" includes records and regulations.
- 3. *Representation of family.* At the family's own expense, the family may be represented by a lawyer or other representative.
- 4. *Hearing officer: Appointment and Housing Agency.*
 - i) The hearing may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.
 - ii) The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA hearing procedures.
- 5. *Evidence.* The PHA and the family must be given 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.
- 6. *Issuance of decision.* The person who conducts the hearing must issue a written decision(s), stating briefly the reason(s) 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. A copy of the hearing decision shall be furnished within seven (7) working days to the family.
- f) *Effect of decision.* The PHA is not bound by a hearing decision:
 - 1) Concerning a matter for which the PHA is not required to provide an informal hearing under this section, or that otherwise exceeds the Housing Agency of the person conducting the hearing under the PHA hearing procedures.
 - 2) Contrary to HUD regulations or requirements, or otherwise contrary Federal, State, or Local laws.

If the PHA's general counsel determines that it is not bound by a hearing decision, the general counsel must notify the family within seven (7) working days of the determination, and of the reasons for the determination.

Z. USE OF SECTION 8 VOUCHERS FOR WITNESS RELOCATION PURPOSES
[P.L. 104-134, 110 Stat. 1321]

Section 8 Rental Vouchers designated by HUD for the exclusive purpose of providing for families who have cooperated as witnesses in efforts to combat crime in public, Indian, and other assisted housing, including Section 8 Tenant-Based assisted housing, will be assigned consistent with the policies and procedures prescribed in HUD Notice 96-83.

The Municipality of Las Piedras Housing Agency may utilize its own voucher funding for this same purpose on a case-by-case basis upon approval of the HUD Regional office.

In all such instance, the Municipality of Las Piedras Housing Agency may maintain the tenant's files of these families separate from the remaining tenant files and under a fictitious name to ensure the confidentiality and security of all such families. These files may be maintained in the office of the Manager or the Office of General Counsel of the Municipality of Las Piedras Housing Agency.

AA. USE OF SECTION 8 ASSISTANCE TO PROMOTE HOMEOWNERSHIP

Section 8 Housing Choice Voucher assistance may be utilized to promote homeownership opportunities under a Lease-Purchase Agreement (LPA), upon approval of the board of Housing Authority to adopt a Section 8 Homeownership Program.

The LPA is an agreement between an owner and tenant of a rental unit that gives the tenant the opportunity to purchase. The owner may offer either an option or an obligation to purchase.

The Housing Representative must review the LPA for:

- (i) same required provisions as for any assisted tenancy; and
- (ii) Reasonableness of rent in comparison to the rent for other comparable, unassisted units. For this purpose, comparable rent may not include any value or incremental increase for tenant's right to purchase. The rent to owner must be comparable to units without an LPA. Additionally, the tenant may not pay any amount in excess of the established tenant's rent to the owner as a condition of occupancy under the LPA.

Approval of the unit, the lease, and the lease terms will be made in accordance with the normal program requirements, including HQS.

Section 8 assistance terminates when the family takes title to the unit.

BB. CONDUCT OF ANNUAL SURVEY OF UTILITY SUPPLIERS

The Municipality of Las Piedras Housing Agency will undertake an annual survey of local utility suppliers. Said survey will establish the need to retain, increase and/or decrease tenant allowances based on a review of area rates and consumption.

The survey results will be formatted and submitted to the Municipality of Las Piedras Housing Agency Board of Housing Agency with staff's recommendation.

Whether the allowances remain the same or change, an allowance schedule will be published with a current date.

CC. EQUAL OPPORTUNITY REQUIREMENTS

The Housing Agency will administer its programs in a non-discriminatory manner. The Housing Agency shall not provide disparate services or treatment to any applicant, participant or owner based upon *race, color, creed, national origin, sex, handicap, or familial status*. The Housing Agency shall comply with all applicable provisions of federal, state and local fair housing laws. Further, the Housing Agency affirms its ongoing compliance with non-discrimination requirements governing assisted housing. [24 CFR §1 and 24 CFR §8].

DD. EXPENDITURES FROM OPERATING RESERVE

A budget is prepared by the Housing Agency for expenditures from the Operating Reserve (Section 8 administrative fees from prior years) for other housing purposes each fiscal year and approved by the Board of Housing Agency.

EE. SEVERABILITY

If any rule, section, sentence, clause or phrase of the rules and regulations or its application to any person or circumstances or property is held to be unconstitutional or invalid, the remaining portions of these rules and regulations or the application of these rules and regulations to other persons or circumstances or property shall not be affected. The Housing Agency hereby declares that it would have adopted these rules and regulations, and each and every rule, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the other rules, sections, sentences, clauses, or phrases is declared unconstitutional or invalid.

FF. REPAYMENT POLICY AND PROCEDURE

Repayment Agreements may be used to modify the terms (periodic amount and timing) of delinquent amounts owed. The circumstances under which repayment agreements are acceptable are under the discretion of the Section 8 manager as long as the family meets the basic eligibility requirements, as stated below, for a repayment agreement. The Section 8 manager is cautioned against the indiscriminate use of these agreements as they can become an obstacle to timely collection of monies due and owing the Housing Agency.

PFF-§1.00 Purpose of Repayment Agreement

A repayment agreement sets up an legally binding agreement between a delinquent tenant and the Municipality of Las Piedras Housing Agency under which the tenant agrees to pay current rent and charges plus a fair amount each month toward delinquent rent or charges until the delinquency is repaid in full.

The Municipality of Las Piedras Housing Agency, for its part, agrees not to terminate the lease of the delinquent tenant for nonpayment unless the tenant breaks the terms of the repayment agreement.

PFF-§1.01 Eligibility to Enter into a Repayment Agreement

A tenant is eligible to execute a repayment agreement when all of the following conditions are met:

- a. no other repayment agreement is in force,
- b. any repayment agreements executed within the past 12 months have been fully satisfied in the manner prescribed by the agreement,
- c. the tenant has not been delinquent 3 times within the preceding 12 month period,
- d. the repayment agreement is requested within the 14 day delinquency remedy period which is concurrent with the running of the 14-day notice (this requirement may be waived if the tenant can prove that he/she was physically incapable of requesting this agreement during this period of time through no fault of his/her own),
- e. the tenant is not under any actual or pending eviction proceeding,
- f. there are no carryover balances from the previous month, and
- g. the reason for the request for the repayment agreement is valid and is fully substantiated and documented.

Generally, these agreements should be restricted to clear cases of hardship (e.g., death in the immediate family, serious illness of tenant/lease holder, lost or stolen benefit check/paycheck, an unexpected Municipality of Las Piedras Housing Agency charge that exceeds the tenant's ability to pay in one sum). The Section 8 supervisor shall document the reason for granting each request for a repayment agreement.

PFF-§1.02 Terms of Repayment Contracts

The maximum duration of any repayment agreement that the Section 8 manager may approve shall be 12 months, inclusive of the month in which the down payment is made. The terms of all Municipality of Las Piedras Housing Agency repayment contracts shall be as follows:

<u>Balance Due</u>	<u>Payment Due</u>
\$26-\$100	\$25 down and \$25 per month
\$101-\$500	25% down and balance within 11 months with minimum payment of \$35/month
\$501-\$1000	25% down and balance within 11 months with minimum payment of \$50/month
\$1001+	25% down and balance within 11 months with minimum payment of \$75/month

When the down payment required exceeds \$125, the Section 8 supervisor may approve arrangements resulting in the payment of the portion that exceeds \$125 in equal installments over a two month period.

PFF-§1.03 Preparation to Negotiate a Repayment Agreement

The Section 8 supervisor will conduct a file review before meeting with the tenant to determine whether the tenant's rent was computed correctly, whether the tenant is entitled to some interim reduction in rent not yet granted, whether the tenant utility allowance schedule has been reviewed within the past year as required by HUD regulations (24 CFR, Part 965), or whether the tenant might be entitled to a rent abatement because of documented conditions hazardous of life, health or safety.

Any of these situations might reduce or alter the amount delinquent (or eliminate the delinquency) so all these possibilities must be checked before meeting with the tenant. If any of these conditions are present and warrant a reduction in the amount of rent or charges due, an adjustment is to be made and any resulting rent credit shall be applied retroactively to the time that the circumstances arose.

The Section 8 supervisor's file review should also include an examination of the tenant's payment history, any pending eviction actions, special circumstances and income. The Section 8 supervisor should be thoroughly familiar with the specific tenant's circumstances and be able to fully document the tenant's eligibility and sufficiency of justification for a repayment agreement.

PFF-§1.04 Negotiating a Repayment Agreement

Once the Section 8 manager has determined that the tenant is eligible the parties will meet to address the terms of the agreement. The primary topics for the negotiation are the down payment and the amount of the subsequent monthly payments under the agreement. The negotiation shall be carried out in a professional and non-threatening manner.

The Section 8 supervisor should attempt to shorten the duration of the agreement by seeking the largest down payment and subsequent monthly payments that the tenant can afford. Under no circumstances may the Section 8 manager agree to a term that is in excess of 12 months or which requires a down payment of less than what is specified by the Municipality of Las Piedras Housing Agency policy.

The Section 8 supervisor shall emphasize to the tenant that the repayment agreement being negotiated must be paid off in full and in accordance with the terms before the tenant can be considered for any other repayment agreement. The Section 8 supervisor should also inform the tenant that failure to abide by the terms of the agreement will be grounds for termination of rental assistance for amounts due and owing the Housing Agency.

PFF-§1.05 Executing the Repayment Agreement

When the terms of the Agreement have been settled, the Section 8 Housing Representative will complete the Repayment Agreement for approval and signature of the Section 8 supervisor. The form will then be explained to the tenant and both parties will sign it in the appropriate places. Two copies of the executed Agreement will be made and given to the tenant. The supervisor will place the original of the agreement in the tenant's file.

The Section 8 supervisor shall provide accounting with the pertinent information from all executed repayment agreements.

GG. Family Self Sufficiency Enrollment

The Municipality of Las Piedras Housing Agency will enroll families as required and consistent with 24 CFR §984.105 in the Family Self-Sufficiency Program (FSS), to promote the development of local strategies, integrate programs, and coordinate public and private resources to enable low-income families to achieve economic independence and self-sufficiency.

Under the FSS Program, participating families will enter into contracts with the Municipality of Las Piedras Housing Agency to set forth the resources for education, job training, counseling and other forms of assistance while living in assisted housing.

The FSS program will limit the increase in rent payable by very low-income families due to increases in earned income. The excess will be used to fund an escrow savings account that is available to the family upon successful completion of the program.

HH Mandatory Prohibition of Sex Offenders

The Municipality of Las Piedras has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration under State sex offender registration program (24 CFR 982.553 (2)). The Municipality of Las Piedras (RQ063) will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where dwelling unit is located and in other States where household members are known to have resided. The screening is to be carried-out through the Puerto Rico Police Department, which issues a *Certificate of Conduct*.

The Municipality of Las Piedras will deny admission if any member of the household is subject to a lifetime registration requirement under State sex offender registration program. Sex offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as sex offenders.

II. Domestic Violence Statement- Housing Choice Voucher Program

The Violence Against Women Act (VAWA), Public Law 109-162 was signed into law on January 5, 2006. Section 603 of the law amends Section 5A of the US Housing Act (42 U.S.C. 1437c-1) to require PHA's Five Years and Annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or program of the PHA that are to intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Section 606 and Section 607 amend Section 8 and public housing sections of the US Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assaults, or stalking-as well members of the victim's immediate families-from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim. While awaiting new guidelines from the Department of Housing and Urban Development for implementing VAWA the Municipality of Las Piedras (RQ063) has adopted the following goals and objectives, for Domestic Violence Policy:

- The VAWA applies to the Housing Choice Voucher Program.
- The applicant/tenant/victim will be treated with respect and dignity.
- The Municipality of Las Piedras will notify Housing Choice Voucher owners and managers of VAWA.
- The Municipality of Las Piedras will notify vouchers holders of their rights under imminent threat of further domestic violence or stalking.
- VAWA will be incorporated into the landlord and tenant orientation process.
- Necessary conforming amendments to Housing Choice Voucher Program rules, regulations and paperwork will be further addressed after receipt of guidelines from the Department of Housing and Urban Development (HUD).

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TABLE OF CONTENTS

SAMPLE FORMATS FOR OBTAINING WRITTEN OR ORAL THIRD PARTY VERIFICATIONS

APPENDICES:	Page #
A. Employment Income	A2
B. Military Employment	A3
C. Social Security, Pensions, SSI, SSD	A4
D. Unemployment Compensation	A5
E. Public Assistance	A6
F. Alimony or Child Support	A7
G. Net Income From a Business	A8
H. Regularly Recurring Cash Contributions	A8
I. Family Assets (Current)	A11
J. Family Assets Disposed of For Less than FMV	A11
K. Income from Sale of Property Pursuant to a Purchase Money Mortgage or Similar Arrangement	A11
L. Rental Income from Property	A12
M. Full Time Student Status	A12
N. Child Care Expense	A12
O. Medical Expenses	A13
P. Need for A Larger Unit Due to Handicap	A14
Q. Handicapped Assistance Expense	A14
R. Family Type and Membership in Family	A14
S. Local Preferences	A15
T. Handicap/Disability Status	A21
U. Citizen/Eligible Immigrant Status	A22
V. Required Warning Statement for Each Verification Form	A24

Appendix 1: Sample formats for obtaining written and/or oral third party verifications

A. Employment Income.

1) Relevant Information to Verify with Third Party:

a) Nonmilitary employment

(1) Date first employed

(2) BASE PAY RATE (Gross) (check one)

Per Hour \$_____ ; OR per Week \$_____ OR
per Month \$_____.

Date present rate effective _____

Expected Average Hours to be worked during next 12 calendar
months at Base Pay Rate:

Per Week _____ or Per Month _____.

(3) OVERTIME PAY RATE

Per Hour \$_____

Expected average number of hours to be worked per week during
next twelve calendar months _____ hours.

(4) OTHER COMPENSATION NOT INCLUDED ABOVE
(Specify for Housing Agency's, bonuses, tips, etc.)

FOR _____ \$ _____
Per _____

(5) TOTAL Anticipated Base Pay Earnings for the next 12 calendar
months

TOTAL Anticipated Overtime Earnings for the next 12 calendar
months

(6) Medical Insurance Premium Deducted (if any) (Currently,
applicable to elderly families only)

- (7) Has Employment been Terminated? ___Y ___N If Yes, Is Individual Eligible for Unemployment Benefits?

B. Military Employment

- (1) Years _____ and months _____ of service for pay purposes.
Number of Dependents Claimed _____

- (2) Monthly Income from the following sources:

Base Pay and Longevity Pay
Proficiency Pay
Sea and Foreign Duty Pay
Hazardous Duty Pay
Imminent Danger Pay
Subsistence Allowance
Quarters Allowance(Include only amount contributed by

Government)

Other (Explain)

TOTAL AMOUNT RECEIVED MONTHLY \$ _____

- 3) Acceptable forms of verification include:
- a) Employment verification form completed by the employer verifying frequency of pay; effective date of the last pay increase; and probability and effective date of any increase during the next 12 months.
 - b) Check stubs or earning statements showing employee's gross pay per pay period and frequency of pay.
 - c) W-2 forms if applicant has had the same job for at least two years and pay increases can be accurately projected.
 - d) Notarized statements, affidavits or income tax returns signed by the applicant describing self-employment and amount of income or income from tips and other gratuities.

- 4). Date Employment Terminated:

- 5) Relevant Information to Verify with Third Party:

- a) Date of Hire
 - b) Date of Termination
 - c) Last Day Actually Worked
 - d) Do you anticipate rehiring this employee? If, Yes, when
 - e) Will the employee receive additional paychecks for Workman's Compensation? If YES, provide the name and address of the company through which this can be verified.
 - f) Is employee eligible for unemployment benefits?
 - g) Total Severance Pay Anticipated for the next 12 months.
- 6) Acceptable forms of verification
- a) Termination of employment verification
 - b) Letter from employer stating date of termination.
 - c) Letter from an Housing Agency providing unemployment compensation stating that the individual's employment terminated and that unemployment benefits will begin.

C. Social Security, Pensions, Supplementary Security Income (SSI), Disability Income.

This paragraph is not suggesting that Section 8 Housing Representatives group verifications of these different sources of income into one verification. Section 8 Housing Representatives may have to adapt the questions, depending on the source of income being verified. This paragraph provides suggestions on the types of questions that are appropriate to ask a third party.

NOTE: HUD anticipates that the Social Security Administration will be terminating its third party verification service in 1996. Until this happens, the Housing Agency will continue to use a third party verification that is acceptable by the Social Security Administration.

- 1) Relevant Information to Verify with Third Party:
- a) Name of Original Annuitant
 - b) Pension Claim Number or SSN of Person Receiving the Pension Claim
 - c) Current monthly gross amount of pension or annuity
 - d) Deductions from gross for medical insurance premiums
 - e) Date benefits began

- f) Effective date of current amount
- g) For annuities, ask: Did the individual invest in an annuity? If yes, what is the amount invested? Does the individual receive regular payments? When are they received (monthly, annually)?
- h) For pensions and annuities, ask: Is the individual reimbursed for medical costs?
- i) For social security, ask: Has the monthly payment been reduced for overpayment of previous benefits? If so, by how much?

2) Acceptable forms of verification:

- a) Benefit verification form completed by Housing Agency providing the benefits.
- b) Award or benefit notification letters prepared and signed by the authorizing Housing Agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letters can't be obtained.)

D. Unemployment Compensation:

1) Relevant Information to Verify with Third Party:

- (a) Gross Weekly Payment
- (b) Sate of Initial Payment
- (c) Duration of benefits: ___weeks
- (d) Is the claimant eligible for further benefits?
- (e) If No, what is the date the benefits are terminated?

2) Acceptable forms of verification

- (a) Verification form completed by the unemployment compensation Housing Agency.

- (b) Records form unemployment office stating payment dates and amounts.

E. Public Assistance:

1) Relevant Information to Verify with Third Party:

- (a) Number of Members in the Family
- (b) Names of the children for whom benefits are received and their social security numbers
- (c) Date of Initial Assistance
- (d) Is recipient covered by Medicaid? If yes, What is the Medicare spend down amount?
- (e) Does the recipient meet his/her spend down each period?
- (f) What is the Rate per month under the following grant:
- (g) Aid to Families with Dependent Children
 - (ii) General Assistance
 - (iii) Supplemental Social Security
 - (iv) Other Assistance - Type TANF
- (h) The following question applies only to "as-paid" states only: Amount Specifically Designated for Shelter and Utilities (This is the Maximum allowance for Rent and Utilities)
- (i) The Grant is increased by the following Amounts: (Specify purpose)

employment income	\$ _____
child care allowance	\$ _____
transportation	\$ _____
Other _____	\$ _____
- (j) The grant is reduced by the following amounts:

Alimony	\$ _____
Child Support	\$ _____
Other (specify)	\$ _____

- (j) Is there any thing else that will influence the amount of the grant? If yes, specify purpose and amount.
- (k) Has the monthly payment been reduced for Overpayment of previous benefits? If so, by how much?
- (l) TOTAL MONTHLY GRANT \$ _____

2) Acceptable forms of verification

- a) All Welfare Programs. Welfare Housing Agency's written statements as to type and amount of assistance family is now receiving, and any changes in assistance expected during the next 12 months.
- b) Additional Information for As-Paid Programs:

Welfare Housing Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount a family may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the client's grant.

F. Alimony or Child Support Payments:

1) Relevant Information to Verify with Third Party:

- a) Amount of alimony or child support being provided to the family
- b) Will such amounts be terminated within the next 12 months. If so, when?

2) Acceptable forms of verification

- a) Copy of a separation or settlement agreement or divorce decree stating amount and type of support and payment schedules
- b) A letter from the person paying the support.
- c) Copy of latest check. PHA must record the date, amount, and number of check.

- d) Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

G. Net Income from a Business. The following documents show income for the prior years. Housing Representatives must consult with tenants and use this data to estimate income for the next 12 months.

- 1) IRS Tax Return, Form 1040, including any:
 - a) Schedule C (Small Business)
 - b) Schedule E (Rental Property Income)
 - c) Schedule P (Farm Income)
- 2) An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)
- 3) Audited or unedited financial statement(s) of the business.
- 4) Loan Application listing income derived from the business during the previous 12 months.
- 5) Applicant's notarized statement or affidavit as to net income realized from the business during the previous years.

H. Recurring Gifts. Acceptable forms of verification.

- 1) Notarized statement or affidavit signed by the person providing the assistance. It must give the purpose, dates and value of gifts.
- 2) Applicant's notarized statement or affidavit that provides the purpose, dates and value of gifts.

I. Family Assets Now Held.

- 1) Relevant Information to Verify with Third Party:

For non-liquid assets, collect enough information to determine the current cash value--the net amount the family would receive if the asset were converted to

cash.

- a) Type of Account
- b) Current balance or, for checking accounts, the average balance for the-last 6 months
- c) Date account opened
- d) Date account closed
- e) Is this an interest bearing account? If so, what is the interest-rate?
- f) For trust funds:
 - (i) What is the value of the trust fund?
 - (ii) What is the anticipated amount of income to be earned by the trust over the next 12 months?
- g) For property, what is the equity value?

2) Acceptable forms of verification

- a) Verification forms, letters, or documents from a financial institution, broker, etc.

NOTE: When financial institutions charge a fee to the applicant or tenant for providing verifications, the forms of verification in paragraph (b) below would be the preferred method.

- b) Account statements, passbooks, broker's quarterly statements showing value of stocks or bonds, etc., and the earnings credited the applicant account statements, or financial statements completed by a financial institution or broker.

NOTE: The PHA must adjust the information provided by the financial institution to project earnings expected for the next 12 months.

- c) Quotes from a stockbroker or realty agent as to net amount family would receive if the liquidated securities or real estate.
- d) Copy of IRS Form 1099 prepared by the financial institution showing the amount of income provided by the asset.

- e) Real estate tax statements if tax Housing Agency uses approximately market value.
- f) Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the individual.
- g) Appraisals of personal property held as an investment.
- h) Applicant's notarized statements or signed affidavits describing assets or to verify cash held at the applicant's home or in safe deposit boxes

J. Asset Disposed of For Less than Fair Market Value During Two Years Preceding Effective Date of Certification or Re-certification. Suggested information to obtain as acceptable forms of verification are included below:

- 1) Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding effective date of the certification or re-certification.
- 2) If the family certifies that they did dispose of assets for less than fair market value--a certification that shows:
 - a) All assets disposed of for less than fair market value;
 - b) The date they disposed of the assets;
 - c) The amount the family received; and
 - d) The assets' market value at the time of disposition.

K. Income from Sale of Real Property Pursuant to a Purchase Money Mortgage, Installment Sales Contract, or Similar Arrangement. The following provides suggested information to verify with a third party and acceptable forms of verification:

- 1) A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the applicant is NOT sufficient since appropriate breakdowns of interest and principal are not included.)
- 2) Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

L. Rental Income from Property Owned by Applicant/Tenant. The following provide suggested information to verify with a third party and acceptable forms of verification:

- 1) IRS Form 1040 with Schedule E (Rental Income).
- 2) Copies of latest rent checks, leases, or utility bills.
- 3) Documentation of applicant's/tenant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or Amortization schedules showing monthly interest expense.)

- 4) Lessee's written statement identifying monthly payments due the applicant and applicant's affidavit as to net income realized.

M. Full-Time Student Status. The following provides suggested information to verify with a third party and acceptable forms of verification.

- 1) Written verification from the registrar's office or appropriate school official.
- 2) School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school

N. Child-Care Expenses. The following provides suggested information to verify with a third party and acceptable forms of verification:

- 1) Written verification from the person who receives the payments.
- 2) Verifications must specify the hours and days during which the care is provided, the names and ages of the children cared for, and the frequency and amount of compensation received. (Section 8 Housing Representatives should recognize that child care costs may be higher during summer and holiday recesses.)

NOTE: Housing Representatives should ask the verifying party to indicate children age 12 or younger.

- 3) Applicant's certification as to whether any of those payments have been or will be reimbursed by outside sources.

NOTE: Housing Representatives may wish to use separate verification consents for childcare and disability/handicap care

O. Medical Expenses. The following provide suggested information to verify with a third party and acceptable forms of verification:

- 1) Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, etc., of:
 - a) The estimated medical costs to be incurred by the applicant and of regular payments due on medical bills; and
 - b) The extent to which those expenses will be reimbursed by insurance or

government Housing Agency.

- c) Whether the provider accepts Medicare assignment.
- 2) The insurance company's or employer's written confirmation of health insurance premiums to be paid by the applicant.
 - 3) Social Security Administration's written confirmation of Medicare premiums to be paid by the applicant over the next 12 months.
 - 4) For attendant care:
 - a) Doctor's certification that the assistance of an attendant is medically necessary.
 - b) Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family (or copies of canceled checks the family used to make those payments).
 - c) Applicant's certification as to whether any of those payments have been or will be reimbursed by outside sources.
 - 5) Receipts, canceled checks, or pay stubs that indicate health insurance premium costs, etc., that verify medical and insurance expenses also likely to be incurred in the next 12 months.
 - 6) Copies of payment agreements with medical facilities or canceled checks that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
 - 7) Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. Section 8 Housing Representatives may use this approach for "general medical expenses", such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

P. Need for Larger Unit because of Physical or Mental Disability or Handicap: A health care provider (that is deemed a reliable source) must certify that such a unit is necessary because of a disability or handicap. As a routine practice, Section 8 Housing Representatives should accept the recommendation of the individual as to which health care provider can provide this information.

Q. Disabled/Handicap Assistance Expense:

- 1) Attendant Care:
 - a) Attendant's written certification as to: amount received from the applicant/tenant; frequency of receipt; hours of care provided; and/or copies of canceled checks applicant/tenant used to make those payments.
 - b) Family's written certification as to whether they receive reimbursement for any of the attendant care expenses and the amount of any reimbursement received.
- 2) Auxiliary Apparatus: Receipts for purchases of, or evidence of monthly payments for, auxiliary apparatus.
- 3) In all Cases:
 - a) As routine practice, Section 8 Housing Representatives should accept the individual's written statement that an auxiliary apparatus or attendant care is necessary for employment. If the PHA determines that verification is necessary in a particular case, the PHA should obtain written certification from a health care provider (that is deemed a reliable source) or a rehabilitation Housing Agency that the disabled/handicapped family member requires the services of an attendant or the use of auxiliary apparatus to permit the disabled/handicapped family member to be employed or to enable another family member to be employed. This paragraph follows established practices regarding individuals' requests for reasonable accommodations where the PHA relies on the individual to determine what is needed.
 - b) Family's written certification as to whether they receive reimbursement for any of the auxiliary apparatus expenses and the amount of any reimbursement received.

R. Family Type and Membership in Family:

- 1) For elderly household where the Head, Co-Head or Spouse is 62 years of age or older--Verification of age may be provided by:
 - a) Copy of a birth certificate, baptismal certificate, census record, official record of birth or other authoritative document or

- b) Receipt of SSI Old Age benefits or Social Security retirement benefits.
- 2) For Disability or Handicap (because the individual's eligibility for admission is dependent on his/her being a person with handicaps or disabilities or because the individual claims eligibility for allowances that are given to persons with handicaps or disabilities)

Verification of handicap/disability may be provided by:

- a) Receipt of Supplemental Social Security disability or Social Security disability benefits would provide verification that an individual met the HUD definition of disabled
- b) Certification by a health care provider (that is deemed to be a reliable source) that the individual meets the relevant definition of disabled or handicapped person.

Note: Any other request for information about the individual is not relevant and may not be asked (e.g., diagnosis; treatment plan).

- 3) For family membership of persons younger than age 18--verification of age may be provided by birth certificate, adoption papers and/or custody agreements.

S. Local Preferences:

1) **Involuntarily Displaced:**

a) Relevant Information to Verify with Third Party:

- (1) Date of Displacement or if displacement has not yet occurred, the anticipated date of displacement;
- (2) The applicant will be involuntarily displaced if the applicant has vacated or will have to vacate his /her housing unit as a result of one or more of the following actions:
 - (i) A disaster, such as a fire or flood, has made the unit uninhabitable;
 - (ii) Code enforcement, public improvement or development program activities by a U.S. Housing Agency or a State or local government body or Housing Agency;

- (iii) The owner/PHA has taken an action which forces this applicant to vacate the unit:

The action was beyond the applicant's ability to control or prevent;

The action occurred despite the applicant's having met all previously imposed conditions of occupancy and

The action was not a rent increase.

- (iv) The applicant has vacated a housing unit because of domestic violence or the applicant lives in a housing unit with a person who engages in domestic violence or has recently engaged in such violence. Provide the name of the person who engages in domestic violence.

NOTE: The applicant must certify that the person who engaged in such violence will not reside with the applicant family, unless the PHA has given advance written approval. If the family is admitted, the PHA may deny or terminate assistance to the family for breach of this certification.

Domestic violence means actual or threatened physical violence directed against one or more members of the applicant's family by a spouse or other member of the applicant's household. The violence must have occurred recently or is of a continuing nature.

- (v) Family members provided information on criminal activities to law enforcement Housing Agency and based on a threat assessment, a law enforcement Housing Agency recommends re-housing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.
- (vi) One or more members of the applicant's family are or recently have been the victim of one or more hate crimes and the applicant has vacated a housing unit because of such crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

Hate crime means actual or threatened physical violence or intimidation that is directed against a person or his or her property and that is based on the person's race, color, religion, sex, national origin, handicap, or family status.

- (vii) The current unit is inaccessible to a member of the family

because:

A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit and

The current owner is not legally obligated to make the changes to the unit that would make critical elements accessible to the disabled person.

NOTE: It is most likely that two separate third parties would verify the above statements.

(viii) Family will be displaced as a result of the sale of a HUD multifamily project.

2) Acceptable Forms of Verification

- (1) Displacement by disaster. Verification from a unit or Housing Agency of government that an applicant has been or will be displaced as a result of a disaster that results in the inhabitability of an applicant's unit.
- (2) Displacement by government action. Verification from a unit or Housing Agency of government that an applicant has been or will be displaced by activity carried on by an Housing Agency of the United States or by an State or local government body or Housing Agency in connection with code enforcement or a public improvement or development program.
- (3) Displacement by Private PHA action. Verification in a form prescribed by the Secretary, from an owner or owner's agent that an applicant had to or will have to vacate a unit by a date certain because of PHA action.
- (4) Domestic violence. Verification of displacement because of domestic violence from the local police department, social services Housing Agency, or court of competent jurisdiction, or a member of the clergy, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence.
- (5) Displacement to avoid reprisals. A threat assessment by a law enforcement Housing Agency.
- (6) Displacement by hate crime. Verification by a law enforcement Housing Agency or other reliable information.
- (7) Displacement by inaccessibility of unit. Verification by a health care professional that a family member has a mobility or other impairment that makes critical

elements of the current unit inaccessible and statement by the current PHA that it is not legally obligated to make necessary changes to the unit to make it accessible.

- (8) Displacement by HUD disposition of multifamily project. Verification by HUD with respect to the disposition.

2) **Substandard Housing:**

a) Relevant Information to Verify with Third Party:

(1) The unit:

- is dilapidated because it:
- does not provide safe and adequate shelter, and endangers the health, safety, or well-being of a family, or
- has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. (The defects may involve original construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure.)

INDICATE DEFECT:

Does not have operable indoor plumbing;

Does not have a useable flush toilet in the unit for the exclusive use of the family;

Does not have a useable bathtub/shower in the unit for the exclusive use of the family;

Does not have electricity, or has inadequate or unsafe electrical service;

Does not have a safe or adequate source of heat;

Should, but does not, have a kitchen or

Has been declared unfit for habitation by an Housing Agency or unit of government.

NOTE: Single Room Occupancy (as defined by 24 CFR 982.102) is not substandard solely

because it does not contain sanitary or food preparation facilities or both.

OR

(3) **The applicant is a homeless family that:**

lacks a fixed, regular and adequate night time residence and also has a primary night time residence that is:

a supervised publicly/privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing)

an institution that provides a temporary residence for individuals intended to be institutionalized or a public/private place not designed for, or ordinarily used for sleeping by human beings.

Homeless family does not include an individual imprisoned or otherwise detained pursuant to an Act or Congress or a State law.

b) **Acceptable Forms of Verification**

- (1) Verification from a unit or Agency of city of government or from an applicant's present landlord that the applicant's unit is "substandard housing"
- (2) In the case of a "homeless" family, a verification of this status from a public or private facility that provides shelter for such individuals, or from the local police department or social services agency.

3) **The family is experiencing an excessive *Rent Burden* as evidenced by their paying more than 50% of gross monthly income for their monthly rent and utilities:**

a) **Relevant Information to Verify with Third Party:**

RENT

- (1) The applicant named above is paying \$ _____ for rent per _____. (indicate whether weekly, or monthly).
- (2) Has the applicant been paying this rent for less than 90 days? If yes, what is the amount the applicant was paying? (Indicate whether weekly, monthly)

- (3) Does the applicant pay separately for rent and utilities?

UTILITIES

The applicant named above is paying \$_____ in utilities per month..

The applicant pays on average \$ _____ per month based on the most recent 12 months. If information is not obtainable for the entire 12 months, then provide an average for the most recent period available \$_____

The applicant receives \$_____ per month under an energy assistance program. Was this included in the amount provided above?

b) Acceptable Forms of Verification

- (1) Income.
- (2) Rent. Verify the amount due to the family's landlord (or cooperative) under the lease or occupancy agreement.
 - (a) Contact the landlord (or cooperative) or its agent directly.
 - (b) Require the family to furnish copies of its most recent rental (or cooperative charges) receipts (which may include canceled checks or money order receipts) or a copy family's current lease or occupancy agreement
- (3) Utilities. Request the family to provide copies of the appropriate bills or receipts, or obtain the information directly from the utility or service supplier

T. Verification of *Handicap/Disability* Status

IMPORTANT: The verification should request the third party to identify any of the relevant definitions that apply to the individual. Any other request for information about the individual is not relevant (e.g., diagnosis; treatment plan)

- YES
NO
- 1) A person having a physical or mental impairment that:
- a. is expected to be a long-continued and indefinite duration;
 - b. substantially impedes the person's ability to live independently; and
 - c. is such that the person's ability to live independently could be improved by more suitable housing conditions.

- YES
NO
- 2) A person with a physical impairment that:
- a. is expected to be of long-continued and indefinite duration;
 - b. substantially impedes the person's ability to live independently
 - c. is such that the person's ability to live independently could be improved by more suitable housing conditions.

- YES
NO
- 3) The person has a disability as defined in

Section 223 of the Social Security Act: An inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.

NOTE: Receipt of veteran's disability benefits does not automatically qualify person as disabled, because the Veterans Administration and Social Security Administration define disabled differently. Applicants who meet Social Security's definition of disabled are considered disabled even if they do not receive Social Security benefits.

U. Citizen/Eligible Immigration Status

ALL members of household must sign a declaration stating whether they are:

- (i) **U.S. Citizen**
- (ii) **Eligible Non-Citizen**
- (iii) **Ineligible Non-Citizen**
- (iv) **Not Contending Eligibility**

Household members who claim eligible citizen status do not have to prove such status.

If any member of the household claims they are an **eligible non-citizen**, Occupancy Specialist must:

- (I) receive documentation to support such claim
- (ii) verify the claim with the U.S. *Immigration and Naturalization Service (INS)*

Acceptable forms of verification of *eligible immigration status* include:

Form I-551: Alien Registration Receipt Card (for permanent resident aliens). This form is sometimes called a resident alien card;

Form I-151: Alien Registration Receipt Card (for permanent resident aliens-**issued prior to 1979**). **This form will no longer be valid after March 20, 1996**, and it isn't listed on the declaration form that household members must return to you. HUD instructions state this form is acceptable documentation while it is still valid. No follow-up is required after the expiration date.

Form I-94: Arrival -Departure Record, marked with one of the following:

- : *Admitted as Refugee Pursuant to Section 207"*;
- : *Section 208 or Asylum*;
- : *Section 243(h) or Deportation stayed by Attorney General*; or
- : *Paroled Pursuant to Sec.12(d)(5) of the INA.*

Form 1-94: Arrival-Departure Record, with none of the above words marked on it but accompanied by one of the following documents:

- : A final court decision-granting asylum (with no appeal taken);
- : A letter from an INS asylum officer granting asylum (if the asylum application

was filed on or after Oct. 1, 1990), or from an INS district director granting asylum (if the application was filed before Oct. 1, 1990);

- : A court decision granting withholding of deportation; or
- : A letter from an asylum officer granting withholding of deportation (if the application was filed on or after Oct-1, 1990).

Form I-688: *Temporary Resident Card*, which must be marked with the words *Section 245A or Section 210*;

Form I-688B: *Employment Authorization Card*, which must be marked with the words *Provision of Law 274a. 1 2(I 1) or Provision of Law 274a.12*;

A receipt issued by the INS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified.

- ! An original of the applicable INS document must be submitted to management for **each** household member claiming eligible noncitizen status to prove that they have such status.
- ! PHA/owner is to photocopy the original document and return it to household members.
- ! Housing Representative must also obtain a *signed verification consent form* that allows you to verify the claim of eligible *immigrant status* with the INS.

V. Required Warning Statement for Each Verification Form

Each verification form must include the following statement:

PENALTIES FOR MISUSING APPLICANT AND TENANT INFORMATION:

Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper use of information collected from the applicant or tenant. Any person, who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or tenant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or tenant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use.

Exhibit 1: Rent Reasonableness Methodology

Exhibit 2: Repayment Policy and Procedures

Exhibit 3: Income Types Policy and Procedures

Municipality of Las Piedras Housing Agency

Procedures and Methods of Third Party Verification, the lower level verification method imposes a higher burden of compliance of verification to program staff.

Upfront Income Verification (UIV)	Highest level of verification preferred
Written 3 rd Party	High level of verification preferred
Oral 3 rd Party	Medium level of verification preferred
Document Review	Medium-Low level of verification preferred
Tenant Self Declaration	Low level of verification preferred (use as last resort only)

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Self-Employment	Not Available	The Agency mails or faxes a verification form directly to sources identified by the family to obtain income information.	The Agency will call the source to obtain income information.	The Agency will accept any documents (i.e. tax returns, invoices and letters from customers) provided by the tenant to verify self-employment income. Note: The Agency will document in the tenant file, the reason third party verification was not obtained.	The Agency will accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self employment. Note: The PHA must document in the tenant file, the reason third party verification was not available.
Social Security Benefits	Use of HUD Tenant Assessment System (TASS) to obtain current benefit history and discrepancy reports.	The Agency mails or faxes a verification form directly to the local SSA office to obtain social security benefit information. (Not Available in some areas because SSA makes this data available through TASS.)	The Agency will call SSA, with the tenant on the line, to obtain current benefit amount. (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHA's to use TASS.)	The Agency may accept an original SSA Notice from the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares monthly social security benefits. Note: The Agency will document in the tenant file, the reason third party verification was not available.

Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	encourages PHA's to use TASS.) The Agency mails, faxes or e-mails a verification Form directly to the local Social Services Agency to obtain welfare benefit information.	The Agency will call the local Social Services Agency to obtain current benefit amount(s).	The Agency will review the original award notice or printout from the local Social Services Agency provided by the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits. Note: The Agency will document in the tenant file, the reason third party verification was not available.
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Verification of Employment Income: The Agency must obtain as much information as possible about the employment, to include but not limited to; start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form.

Effective Date of Employment: The Agency must always confirm start and termination dates of employment.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Child Support	Use of agreement with the local Child Support Enforcement Agency to obtain current child support amount and payment status electronically, by mail or fax or in person.	The Agency mails, faxes or e-mails a verification Form directly to the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.	The Agency will call the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.	The Agency will review the original court order, notice or printout from the local Child Support Enforcement Agency provided by the tenant to verify current child support amount and payment status. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares current child support amount and payment status. Note: The Agency will document in the tenant file, the reason third party verification was not available.
Unemployment Benefits	Use of computer matching agreements with the State Wage Information Collection Agency to obtain unemployment compensation electronically or by mail or fax or in person. Use of HUD systems, when available.	The Agency mails, faxes, or e-mails a verification Form directly to the State Wage Information Collection Agency to obtain unemployment compensation information.	The Agency will call the State Wage Information Collection Agency to obtain current benefit amount.	The Agency will review an original benefit notice or unemployment check stub, or printout from the local State Wage Information Collection Agency provided by the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares unemployment benefits. Note: The Agency will document in the tenant file, the reason third party verification was not available.
Pensions	Use of computer matching agreements with a Federal, State, or Local Government Agency to obtain pension information electronically, by mail or fax or in person.	The Agency mails, faxes, or e-mails a verification Form directly to the pension provider to obtain pension information.	The Agency will call the pension provider to obtain current benefit amount.	The Agency will review an original benefit notice from the pension provider provided by the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares monthly pension amounts. Note: The Agency will document in the tenant file, the reason third party verification was not available.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Assets	Use of cooperative agreements with sources to obtain asset and asset income information electronically, by mail or fax or in person.	The Agency mails, faxes, or emails a verification form directly to the source to obtain asset and asset income information.	The Agency will call the source to obtain asset and asset income information.	The Agency will review original documents provided by the tenant. Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares assets and asset income. Note: The Agency will document in the tenant file, the reason third party verification was not available.
Comments	The Agency will make every available effort to secure wage, unemployment, and SSA information, the PHA should use the information as part of the reexamination process.	When the independent source completes the verification form(s) and returns the form(s) directly to the Agency. The tenant will not hand carry documents to or from the independent source.	The Agency will document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.		The Agency will use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful. Notarized statement will include a perjury penalty statement.