

# PHA Plans

## Streamlined Annual Version

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

OMB No. 2577-0226  
(exp. 08/31/2009)

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

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# Streamlined Annual PHA Plan

## for Fiscal Year: 2008-2009

### PHA Name: Municipality of Aguadilla

**NOTE: This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue.**

## Streamlined Annual PHA Plan Agency Identification

**PHA Name:** Aguadilla Municipality

**PHA Number:** RQ-012

**PHA Fiscal Year Beginning:** 07/2008

**PHA Programs Administered:**

**Public Housing and Section 8**

Number of public housing units:  
Number of S8 units:

**Section 8 Only**

Number of S8 units:

**Public Housing Only**

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:				

**PHA Plan Contact Information:**

Name: Higinia Crespo Muñiz  
TDD:

Phone: 787-891-1005 ext. 4000  
Email (if available): higiniac@yahoo.com

**Public Access to Information**

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

X PHA's main administrative office     PHA's development management offices

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

The PHA Plan revised policies or program changes (including attachments) are available for public review and inspection.    X Yes     No.

If yes, select all that apply:

X Main administrative office of the PHA

PHA development management offices

X Main administrative office of the local, county or State government

Public library     PHA website     Other (list below)

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

X Main business office of the PHA     PHA development management offices

Other (list below)

**Streamlined Annual PHA Plan**  
**Fiscal Year 2008**  
[24 CFR Part 903.12(c)]

**Table of Contents**  
[24 CFR 903.7(r)]

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

**A. PHA PLAN COMPONENTS**

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

**B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE**

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

For PHAs Applying for Formula Capital Fund Program (CFP) Grants: (Does not Apply)

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

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

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

**1. Site-Based Waiting Lists (Eligibility, Selection, Admissions Policies)**

[24 CFR Part 903.12(c), 903.7(b)(2)]

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

**A. Site-Based Waiting Lists-Previous Year**

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

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

2. What is the number of site based waiting list developments to which families may apply at one time?
3. How many unit offers may an applicant turn down before being removed from the site-based waiting list?
4.  Yes  No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

**B. Site-Based Waiting Lists – Coming Year**

If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to next component.

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

3.  Yes  No: May families be on more than one list simultaneously  
If yes, how many lists?
4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
- PHA main administrative office
  - All PHA development management offices
  - Management offices at developments with site-based waiting lists
  - At the development to which they would like to apply
  - Other (list below)

## **2. Capital Improvement Needs**

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

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

### **A. Capital Fund Program**

1.  Yes  No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 7 and 8 of this template (Capital Fund Program tables). If no, skip to B.
2.  Yes  No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

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

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

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

<b>HOPE VI Revitalization Grant Status</b>	
a. Development Name:	
b. Development Number:	
c. Status of Grant:	
	<input type="checkbox"/> Revitalization Plan under development
	<input type="checkbox"/> Revitalization Plan submitted, pending approval
	<input type="checkbox"/> Revitalization Plan approved
	<input type="checkbox"/> Activities pursuant to an approved Revitalization Plan underway

3.  Yes X No: Does the PHA expect to apply for a HOPE VI Revitalization grant in the Plan year?  
If yes, list development name(s) below:
4.  Yes X No: Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year? If yes, list developments or activities below:
5.  Yes X No: Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement? If yes, list developments or activities below:

**3. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program**  
(if applicable) [24 CFR Part 903.12(c), 903.7(k)(1)(i)]

1.  Yes X No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If "No", skip to the next component; if "yes", complete each program description below (copy and complete questions for each program identified.)

2. Program Description:

a. Size of Program

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

If the answer to the question above was yes, what is the maximum number of participants this fiscal year?

b. PHA-established eligibility criteria

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

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

3. Capacity of the PHA to Administer a Section 8 Homeownership Program:

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

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

#### **4. Use of the Project-Based Voucher Program**

##### **Intent to Use Project-Based Assistance**

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

1.  Yes  No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option? If yes, check which circumstances apply:
  - low utilization rate for vouchers due to lack of suitable rental units
  - access to neighborhoods outside of high poverty areas
  - other (describe below):
2. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts):

#### **5. PHA Statement of Consistency with the Consolidated Plan**

[24 CFR Part 903.15]

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary) only if the PHA has provided a certification listing program or policy changes from its last Annual Plan submission.

1. Consolidated Plan jurisdiction: (provide name here)  
*Commonwealth of Puerto Rico Consolidated Plan*

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)

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

(To comply with HUD requirements)

1. DOMESTIC VIOLENCE, SEXUAL AND ABUSE CRIMES AGAINST WOMEN AND CHILDREN

The Municipality of Aguadilla in compliance with Public Law 109-162 Violence Against Women Act, Puerto Rico Public Law 54, Public Law 22, will provide and assist these families in need of help by all means possible, we will help with housing and refer them to all agencies prepared to handle these matters so that they can receive all the help necessary.

We will not allow in to the our program any person that has been charged for the action mentioned above in and out of our jurisdiction and in compliance with Puerto Rico Public Law 266 Art. 5, Art 7 and the CFR 982.553 regulations we will deny any participation of such persons in our program.

While awaiting new guidelines from the Department of Housing and Urban Development for implementing VAWA, the Municipality of Aguadilla (RQ012), has adopted the following goals and objective for Domestic Violence Policy:

1. The VAWA applies to the Housing Choice Voucher Program.
2. The applicant/tenant/victim will be treated with respect and dignity.
3. The Municipality of Aguadilla will notify voucher holders of their right under VAWA including the possible portability of voucher between jurisdictions to escape an imminent threat of further domestic violence or staking.
4. VAWA will be incorporate into the landlord and tenant orientation process.
5. Necessary conforming amendment to HCVP rules, regulations and paperwork will be further addressed after receipt of guidelines from the HUD.

## 2. PROHIBITION OF SEX OFFENDERS

The Municipality of Aguadilla will deny admissions if any members of the household is subject to a lifetime registration requirement under a 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.

The PHA might refer identified people as sex offenders to some agencies for help.

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

## **6. Supporting Documents Available for Review for Streamlined Annual PHA Plans**

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

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

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
		Sufficiency
	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
X	Any policies governing any Section 8 special housing types <input type="checkbox"/> Check here if included in Section 8 Administrative Plan	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. Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans, or any other approved proposal for development of public housing.	Annual Plan: Capital Needs
	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing.	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans).	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Public Housing Community Service Policy/Programs <input type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Pet Policy
X	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)
	Consortium agreement(s) and for Consortium Joint PHA Plans <u>Only</u> : Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection.	Joint Annual PHA Plan for Consortia: Agency Identification and Annual Management and Operations

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

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





**8. Capital Fund Program Five-Year Action Plan**

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



**8. Capital Fund Program Five-Year Action Plan**

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

# **MUNICIPALITY OF AGUADILLA**

## **Section 8 Administrative Plan**

### **Policies and Procedures**

Revised March 3, 2008

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# Administrative Plan

## 1. Introduction

The Housing Authority of the Municipal Department of Housing of Aguadilla has revised this Administrative Plan in order to provide organizational and operational guidance for administering and selecting families for participation in the Section 8 Housing Voucher Programs. This plan includes, exclusively, the policies and procedures concerning the treatment of applicants and participants.

## 2. Goals and Objectives

The Municipality of Aguadilla has established the Housing Authority for Voucher Programs in order to assist financially distressed families in meeting their housing needs (decent, safe and sanitary housing). There are two major philosophy components in the Section 8 Program: First, to provide families the opportunity of choice and mobility in selecting where they want to live, and second, to maintain the essential elements of a private relationship between the tenant and the landlord on matters other than the rent. As result of this philosophy the Section 8 Voucher Programs are tenant based, and not to a particular housing unit. Also, part of Section 8 is the development of strategies to coordinate the use of housing assistance under the Section 8 Rental Voucher Programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self sufficiency (*Section 984.101*). The purpose of the Municipal programs is to assist the families during financial distress and to gradually reduce the amount paid by the program.

## 3. Administrative Structure

The Section 8 Office will have the major responsibility and authority in the implementation of the Section 8 Voucher Housing Programs.

The duties and responsibilities of the Section 8 Office may be summarized as follows:

- Overall responsibility for insuring compliance with federal regulations, coordinating the implementation of Tenant Policy, Affirmative Marketing Plan and for directing the day to day activities designed to met program goals and objectives.
- **Housing Inspector** – is responsible for insuring that housing units meet the Section 8 Housing Quality Standards.

- **Section 8 Accountant** – maintains accounting books, records and reports in accordance with Municipal and HUD requirements; assures adequate funds for payment of the rental contracts.
- **FSS Program** – will be operated in compliance with the approved Action Plan as described in Section 984.201 and will provide comprehensive supporting services as defined in Section 984.103.

The Section 8 Office has the following job descriptions of each technical and administrative staff to perform the work required by the Section 8 Housing Voucher Program.

#### **A. Office of the Housing Department Director**

##### **1. Section 8 Program Director**

###### *Administrative Responsibility*

Report directly to the Housing Department Director. Supervise the Section 8 Office and the FSS Program. Coordinate with the Accountant on financial matters. Coordinate the FSS Program Coordinating Committee (PCC).

###### *Functional Responsibility*

Has overall responsibility for compliance with the Administrative Plan, coordination of the Section 8 Program, Tenant Policy Section 8 Office requirements, the FSS Program Operations, and pertinent Municipal policies. Is responsible for meeting program goals and objectives.

###### *Specific Duties*

- Direct technical and administrative work of the Section 8.
- Set program goals and prepare staff workplans.
- Responsible for staff supervision.
- Prepare monthly performance reports.
- Prepare narrative and statistical reports in accordance with HUD regulations.
- Responsible for assuring compliance with HUD regulations in program implementation.
- Responsible for measuring and supervise work performed by program personnel.
- Negotiate contracts with unit owners and tenants.
- Establishment and coordination of the PCC and FSS Program Action Plan.
- Evaluate grievances presented by unit owners and tenants.
- Weekly reports to the Supervisor (HAS Department Director) concerning progress and problems.
- Perform Quality Inspections Report of 5% of the total rented units.

- Analyze and report on current rent reasonableness.
- Coordinate with the consultants on the required documentation in order to prepare additional funds proposals.
- Comply with any other duty assigned by the Federal Programs Director (Supervisor).

## 2. Section 8 Program Technicians

Executes special investigations due to grievances or information received regarding program abuse. The technicians are responsible for ensuring that each family selected to participate in the Section 8 Program enters into a contract which is to be signed by the head of the family.

### *Administrative Responsibility*

Reports to the Section 8 Program Director.

### *Functional (Program) Responsibility*

Responsible for initiation and maintenance of contact with clients and applicants, verification of eligibility and follow-ups. Responsible for maintaining current, updated files on available housing units and providing information to clients. Responsible for establishing the terms and conditions of the lease contract and the consequences for non-compliance [Section 984.302(5)].

### *Specific Duties*

- Interview owners applicants and complete applications for Section 8 assistance, including telephone contacts.
- Verify eligibility of families in order to ensure compliance with program eligibility criteria.
- Prepare case reports and maintain an adequate file of all documents.
- Prepare weekly activity reports.
- Conduct annual family reexaminations.
- Verify family income.
- Participate in negotiation of contracts with owners.
- Maintain files including required documents and current listings of available housing units.
- Periodical contact with realtors, owners, lessees, etc., in order to update rental housing market information in coordination with Housing Inspectors.
- Provide individual information to clients concerning available housing and any other related matters.
- Prepare FSS Program families individual contracts. The contract shall incorporate the individual training and service plans, the family's rights and responsibilities, the

service to be provided and the activities to be completed by the head of the family, and each adult member of the family, who chooses to participate in the program.

- Prepare monthly payrolls for housing owner participants of the Section 8 Program.
- Visit participants and/or neighborhoods to perform any required special investigation or inspection.

3. Section 8 Program Accountant

1) Fiscal Unit Coordinator

*Administrative Responsibility*

Reports to the Section 8 Program Director.

*Functional (Program Responsibility)*

Has overall responsibility for ensuring that all accounting books, records and reports are maintained in accordance with HUD requirements and generally accepted accounting standards.

*Specific Duties*

- Inform Section 8 Program Director on the status of the program's finances.
- Prepare requisitions for program funds.
- Prepare annual Section 8 applications (especially Form HUD 52672 and HUD 52673).
- Maintain a record of rental payments to the owners (HAP Register).
- Coordinate with the Section 8 Program Coordinator about changes in address, income, family composition and any other information pertaining to tenants and owners.
- Prepare financial reports at the end of the fiscal year.
- Perform other duties as required by the Section 8 Program Director.
- Perform the accounting files in accordance with Section 8 Program needs.
- Verify payrolls of Section 8 Program employees.
- Keep records of Portability payments and receivables.
- Prepare monthly trial balances for the Section 8 Program.
- Prepare every three months VMS reports.

4. Section 8 Program Housing Inspector

- Perform initial, annual or special inspections to proposed or under contract existing housing units.
- Will approve units in compliance with Housing Quality Standards.

- Notify owners and participants of deficiencies encountered and will give a time frame to perform the repairs.
- Analyze and report on current rent reasonableness for each contract housing unit.
- Execute the Inspection Form (HUD – 52580), Lead-based Paint Certification, Rent Reasonableness and Request for Lease Approval Forms.
- Fully document each file with the necessary documents.
- Advise clients on all matters including complaint procedure. Hand-deliver documents to participants.
- Arrange appointments with participant owners and tenants to discuss matters related to the Section 8 Program. Make and receive telephone calls related to the Section 8 Program.
- Responsible for the maintenance of documentation related to Housing Quality Standards inspections and of keeping them properly filed.
- Perform other duties as required by the Housing Department Director and/or the Section 8 Program Director.

## **4. Administration of Program Procedures**

The Housing Authority has developed detailed procedures for the administration of Section 8 Housing Voucher Program. These procedures provide the framework for directing, managing, supervising and monitoring program activities. They include local procedures and policies for the treatment of applicants and participants as follow:

### **4.1 Outreach to Families and Owners**

The overall objective of this activity is to assure that program availability is adequately publicized in order to reach eligible families and owners of rental housing units. Affirmative marketing efforts are a key component, since certain groups are difficult to reach by conventional means, in order to ensure that all eligible candidates have an opportunity to participate in the program.

Each time the Section 8 Office enters into Annual Contributions Contract for new units, it makes known to the public- via publication in the Section 8 Bulletin Board and/or other suitable means- the availability and nature of housing assistance for very low income families. This notice contains the following information:

- When families may apply for the program.
- A brief description of the Section 8 and FSS Programs, including the possibility of families receiving assistance for the units which they are currently occupying.

- It states that occupants and applicants of public and/or other housing may apply for the Section 8 Housing Programs if they wish to participate.
- Special outreach for handicapped families.

The HA will publish a notice inviting owners to make dwelling units available for leasing by participating families. This notice is published via memorandum posted in the City Hall Bulletin Board, and in other suitable means, as necessary, in order to reach a maximum number of owners and real estate brokers located in all geographical sectors within the jurisdiction of the Housing Administration.

The HA has an affirmative action marketing program to ensure that opportunities for program participation are adequately publicized in order to reach and/or accomplish the following:

- Families identified by the HA as the least likely to apply (e.g., handicapped families, very low-income families, large families, and homeless families).
- Families identified in the Housing Assistance Plan.
- Owners of rental properties located outside areas of low-income or minority concentrations.
- Families identified in the Rental Rehabilitations Program.
- Provide area- wide housing opportunities to families.

All outreach is done in accordance with the Section 8 Office's approved Equal Opportunity Housing Plan, Administrative Plan, and HUD guidelines for fair housing using the equal housing opportunity logotype, statement and slogan.

The following steps are undertaken annually to assure a successful outreach program for attracting families (if necessary):

- Identify resources available for performing outreach functions, including staff, community service and housing counseling agencies, churches, employers, unions, etc.
- Review methods for taking applications in order to ensure that adequate provisions are made for hardship cases, and review desirability of pooling application resources with other HA services, in order to provide information on a wider range of housing opportunities.
- Plan to implement outreach, aimed at the families least likely to apply, in advance of the date on which formal application-taking procedures are given.
- Alternative means of delivering the outreach message are analyzed, including thus listed below:

- a. Newspaper announcements in widely circulated newspapers and/or other suitable means.
- b. Supportive outreach assistance provides by other organizations like Social services, Head Start, Project Hope, etc.

#### 4.2 Completion of Applications, Determination of Eligibility and Selection of Families (24 CFR, 982)

Families who have completed applications (after all required documents have been received, evaluated and accepted by the HA), and are in the application pool are considered according to the date and time of the application.

The definition of family is contained in 24 CFR, 812.2. *It is defined as "a single or a group of persons living together, subject to the provisions and eligibility criteria established under the program" [Family Composition 982.201 (c)].*

- A. All individuals admitted to the Section 8 program in the Municipality of Aguadilla Housing Authority must be individually determined eligible under the terms of this plan. In order to be determined eligible, the family must meet the following requirements:

**Family status** - All families must have a Head of Household who must be at least

1. 21 years of age or older.

OR

18 years of age or older, emancipated by law, parents or legal guardian.

OR

Emancipated by legal marriage (not common law) in accordance with the Civil Code of the Commonwealth of Puerto Rico.

OR

Emancipated by judicial decree; the orphan minor, without mother or father, may request emancipation by judicial decree. The requirements are:

- The minor must be 18 years old
- The minor must consent to the emancipation
- The emancipation must be in the best interest of minor.

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

stable family relationship.

- a. Children temporarily absent from the home due to placement in foster care are considered family members.
  - b. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.
3. An **elderly family**, which is:
- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
  - b. Two or more persons who are at least 62 years of age living together; or
  - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
4. A **disabled family**, which is:
- a. A family whose head, spouse, or sole member is a person with disabilities;
  - b. Two or more persons with disabilities living together; or
  - c. One or more persons with disabilities living with one or more live-in aides.
  - d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
5. A **displaced family** is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
6. A **remaining member of a tenant family** is a family member of an assisted family who remains in the unit when other family members have left the unit.

## **B. Income eligibility**

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program shall be a family that is:
  - a. An extremely low-income or a very low-income family;
  - b. A low-income family continuously assisted under the 1937 Housing Act, including families relocated from public housing for the convenience of the agency (continuously assisted families are not counted against the income targeting requirements);
  - c. A low-income family or moderate-income family that is displaced because of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.
2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease.
3. The applicable income limit for issuance of a housing choice voucher is the highest income limit for the family size for areas within the housing authority's jurisdiction. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.
4. Families who are moving into the Municipality of Housing Authority's jurisdiction under portability and are already program participants at their initial housing authority have to meet the income eligibility requirement for the Municipality of Aguadilla Housing Authority program.
5. Income limit restrictions do not apply to families transferring units within the Municipality of Aguadilla Housing Authority Section 8 Program.

## **C. Resident of the Municipality of Aguadilla**

To be eligible for a housing choice voucher the Head of Household must reside or work within the Autonomous Municipality of Aguadilla.

## **D. Citizenship/Eligible Immigrant Status**

To be eligible for a housing choice voucher at least one member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a (a)); or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

Family eligibility for assistance.

1. A family shall not be eligible for assistance unless at least one member of the family residing in the unit is determined to have eligible status, with the exception noted below.
2. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance (See Section 11.5(E) for calculating rents under the noncitizen rule).
3. A family without any eligible members and receiving assistance on June 19, 1995, may be eligible for temporary deferral of termination of assistance.

#### **E. Social Security Number Documentation**

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

#### **F. Signing Consent Forms**

1. In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD and the Municipality of Aguadilla Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
  - b. A provision authorizing HUD or the Municipality of Aguadilla Housing Authority to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
  - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
  - d. A statement allowing the Municipality of Aguadilla Housing Authority permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and

- e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

### **G. Suitability for tenancy**

The Municipality of Aguadilla Housing Authority determines eligibility for participation and will conduct criminal background checks on all adult household members, including live-in aides. The Municipality of Aguadilla Housing Authority will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area, the Municipality of Aguadilla Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form designed by the Municipality of Aguadilla Housing Authority. The information received because of the criminal background check shall be used solely for screening purposes. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the Municipality of Aguadilla Housing Authority's action has expired without a challenge or final disposition of any litigation has occurred.

The Municipality of Aguadilla Housing Authority 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 [24CFR 982.553(2)]. The Housing Authority will check with the State Sex Offender Registration Program ([www.sijc.gobierno.pr/cjisportal](http://www.sijc.gobierno.pr/cjisportal)) and will ban for life any individual who is registered as a lifetime sex offender. The Municipality of Aguadilla Housing Authority will check with our state registry and if the applicant has resided in another State(s), with that State(s)'s list. Sex Offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as sex offenders.

If an applicant is about to be denied housing, based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the denial or eviction occurs.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the Municipality of Aguadilla Housing Authority will provide to the owner the name, address, and phone number of the applicant's current landlord

and any previous landlords that are known to the housing authority.

#### **H. Live-in-Aides Eligibility Rules**

A family consisting of one or more elderly, near elderly or disabled person may request the Municipality of Aguadilla housing authority to approve a live-in – aide to reside in the unit and provide necessary supportive services for a family member who is a person with disabilities.

The living-aide is a person who:

- a. is determined to be essential to the care and well being of the persons;
- b. is not obligated for the support of the persons; and
- c. would not be living in the unit except to provide the necessary supportive services

A living-in-aide is not a party to the lease and must be approved in advance by the Municipality of Aguadilla Housing Authority, if needed as a reasonable accommodation to make the program accessible and usable by the family member with the disability. Income from living-aides are not included as part of the household's annual income.

A statement from a qualified medical professional will be needed to document the need or necessity for a live-in-aide.

The need for a live-in aide does not mean that the Municipality of Aguadilla is obligated to approve any specific person. The Municipality of Aguadilla will refuse to approve or withdraw approval if:

- a. The person commits fraud, bribery or any other corrupt act in connection with any federal housing program,
- b. The person commits drug-related criminal activity or violent activity or
- c. The person currently owes rent or other amounts to the Municipality of Aguadilla Housing Authority or to another HA in connection with Section 8 or public housing assistance.

Selection will be governed by Date and Time of application. Application forms must be signed. The process must comply with [24 CFR, 982.208 (1) (9)] Title VI of the Civil Rights Act of 1964 (42 U.S.C 2000d); Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601-19/ Fair Housing Act); Executive Order 11063 on Equal Opportunity in Housing; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975, and the American with Disabilities Act (42 U.S.C. 12101-12213). The preferences must be consistent with the HA Affirmative Fair Housing Objectives.

The Housing Authority of Aguadilla applies the Federal Preferences in a manner consistent with the provisions of Section 882.219, the non-discrimination requirements as established in Section 882.111, and Section 984.104( c) of the FSS Program.

### **Special Admissions.**

Special admission may occur for families in specially identified circumstances without regard to waiting list status. This special admissions cannot exceed 2% of the approved vouchers.

Each case will be evaluated on its merits, and the granting of the voucher will be approved by the Housing Committee. The Housing Committee consists of: Federal Director, a representative from the Mayors Office and a representative from Section 8. The families with the following conditions qualified under this special funding.

- A. overcrowded
- B. terminal illness or special medical care
- C. Homeless parents with children
- D. Fire damaged property (not criminal act)

#### Restrictions on Assistance to Non-citizens

Verification of eligible immigration status will be conducted by the HA simultaneously with verification of other aspects of eligibility requirements for assistance under 24 CFR Section 214 (200.180 thru 200.192, Sub-part G) and Section 912.

The HA will verify eligible immigration status in accordance with the INS procedures described in 24 CFR Section 912.8.

### **4.3 Suspension of Application-taking**

If there is insufficient funding to admit all eligible applicants to participate in the Section 8 Program, this HA will suspend at any time, the acceptance or processing of new applications or the addition of new listings to the waiting list.

When the number of applicants on the waiting list is such that new applicants would have to wait for more than one year for a voucher, the HA will suspend the taking of applications. This will avoid both unnecessary applications processing costs and false hopes to applicant families that assistance would be available to them in the near future. Suspension of application taking will be publicly announced in the same manner

as the public notices for program availability, and once resumed, public notices will be made.

When Aguadilla Municipality decided to purge the list, it will be as follows:

Purging the waiting list will begin with standardized mailing to mailing list applicants, requiring a verification of continued interest. This document will include address, phone number, household composition, income, type of preference. This document will provide a deadline by which the applications must be returned and clearly explain what will happen if the application is not received by the deadline date. The applicant will be removed from the mailing list.

The original letter will be attached to the file with a note to the file indicating the date and reason for removing the applicant from the waiting list.

#### **4.4 Initial Screening of Applications**

4.4.1 The procedures and documents required for determining family eligibility are as follows:

- Applicant's presentation of evidence regarding all income received by the family including Social Security benefits, Social Services, pensions, child support, scholarships, assets, etc.
- Applicant's and participants are required to disclose and verify their Social Security numbers as well as their children's Social Security numbers (children over 6 years of age), and their employers business identification number (if necessary).
- Certification of employment signed by the employer.
- Affidavits for seasonal workers or for the self employed.
- Eviction notices, where applicable.
- Marriage certificates or divorces decree, where applicable.
- Birth certificates of all family members.
- Good Conduct Certificate issued by the Police Department.
- Certification of ongoing studies for all children over 18 years of age.
- Affidavit for common-law couples.
- Income tax returns forms if applicable.
- Certification of unemployment for persons who are older than 18 years of age and are not studying.
- Certification of a handicap or a medical disability.
- Family group photograph.

- These items will be required at the discretion of the agency whenever applicable (provided that it would not impose financial hardship).
- Authorization for release of information for all members of households over 18 years of age.

The applicant is required to sign a form authorizing program personnel to corroborate the information presented with the respective public agencies and/or other institutions- e.g., the Social Services Department, and to obtain verification of income.

Program personnel may also conduct interviews at their current place of residence and have their living conditions documented.

Once the family's eligibility has been determined, the family is notified by mail of the determination taken.

Ineligible families will be offered an informal hearing if requested, on the determination of ineligibility no later than thirty (30) days after the date their application was submitted.

#### 4.4.2 Computation of Gross Family Contribution

Computation of gross family contribution will be determined as per HUD's regulations. The computation for gross family contribution will be made once all income has been duly accounted for and properly verified, and all credits and unusual expenses have been determined eligible under the other applicable factors.

Computation of gross family contribution (GFC) is the greater of the following computations:

- a. 10% of the monthly income before any deductions.
- b. 30% of the monthly income after allowances for minors, medical (if applicable) and other eligible expenses.

### 4.5 Briefing of Families and Issuance of Vouchers

When the family receives a certificate, the following items will be fully explained:

- Family and owner responsibilities under the lease and HAP contracts.
- How to find a suitable unit.
- Housing Quality Standards.

- Procedures for both the family and owner regarding dwelling unit inspections.
- Fair Housing Equal Opportunity and Grievance Procedures.

The certificate or voucher issued to the family will be determined by the size of the family. The length of extension for a voucher, beyond the initial 30 days term, must be established by the HA based on a just cause accepted by the HA. Three (3) thirty (30) day extensions will be granted by the HA if warranted. After the request for lease approval is submitted, the HA will extend the voucher for a period not to exceed thirty (30) days based on a good cause. In case a voucher expires, the family may reapply and be added to the waiting list in order of priority.

The family may obtain the pertinent request form for lease approval. The family will be given ample opportunity to discuss and raise questions with relation to the above mentioned orientation. Personal assistance will be provided to families in an attempt to help them find adequate housing.

The HA will encourage participation of owners of suitable units located put side areas of low income or minority concentrations. Owners will be oriented in relation to this matter.

**4.6 A Certificate Holders Packet will be given to the family containing the following:**

- Request for lease approval
- Required lease provisions
- Lead-based paint notices and certificate
- Fair housing information
- Schedule of utility allowances
- Informal hearing procedures
- Information on the total tenant payment (tenant rent)
- Portability eligibility (24 CFR 982.354 & 982.355)

**4.7 Housing Quality Standards and Inspections**

The Section 8 Office utilizes the inspection form HUD-52580 to perform and record the inspections of each unit.

The housing unit must comply with the Housing Quality Standards and Acceptability criteria. The inspection is performed with participation of the owner, the tenant and the Section 8 Program Personnel. Each person initials each page of the inspection form,

and signs the last page. This procedure is used for initial inspections. Re-inspections can be performed with tenant only.

To assure Housing Quality Standards, the Section 8 Program will supervise 5% of all inspections. Reports of inspections, (5% of inspections and re-inspections) will be kept in the program's files.

#### **4.7b 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. If the family does not comply with the utilities, will be a HQS failure. Family must bring utilities up date 15 days, no more than 30 days or PHA will cancelled contract to the family. The utilities must be under the head of house name or other adult family member. 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]

#### **4.8 Utility Allowances**

The HA will conduct a study on utility allowances when it is considered necessary. The schedule will be adjusted whenever rates have increased or decreased by 10% or more.

#### **4.9 Lease Approval and Housing Assistance Payments, Contract Execution and Rent Reasonableness.**

- 4.9.1 Prior to executing a lease contract, the Section 8 Office undertakes a study to determine the rent that is being paid for housing units in the area with the same characteristics. Each participant's file has a copy of the study conducted certifying the reasonableness of the contract rent. Reasonableness of rent will determine by consulting the Department of Consumer Affairs and/or by means of comparison with the rent of similar standard units in the neighboring areas.

The Section 8 Office informs families on the process of locating a suitable housing unit as well as on lease provisions. When possible, the owner is oriented about program procedures and regulations at the Section 8 Office. In cases where the rent is over the fair market rent and the difference is considered reasonable, the HA may approve the exemption rents up to 10% over the FMR, but this may not exceed 20% of the units under ACC for the HA Certificate Program. Records

and documents related to lease approval will be filed at the program's office for the life of the contract and for at least 3 years after cancellation of the same.

The HA will use a model lease contract approved by HUD. The HA will conduct a study on rent reasonableness when it is considered necessary to establish that the contract rent is not in excess of rents currently being charged by owners for comparable unassisted units.

4.9.2 In accordance with Final Rule 982 (7/3/95), the HA eliminated the imposed limit on the amount of owner security deposit. The HA prohibits security deposits in excess of private market practice.

4.9.3 The HA will assist the families that claim that illegal discrimination has prevented the family from leasing a suitable unit: Ex., single women with many children.

4.9.4 The HA states that it will follow its policy to provide non-confidential information about a family to prospective owners.

4.9.5 Statement of the PHA'S rent determinations policies

The determination of rent policies and contribution is based on HUD's regulation. The computation for gross family contribution will be made once all income has been duly accounted for and properly verified, and all credits and unusual expenses have been determined eligible under the applicable factors.

Computation of gross family contribution (GFC) is the greater of the following computation.

- \$50.00 minimum payment to all applicants.
- 10% of the monthly income before any deductions.

The housing unit payment standard is based on the Fair Market Rent (FMR) concerning the location and the size of the unit.

#### **4.10 Annual and Interim Re-certifications**

A systematic review of family income, composition, and exceptional medical (if applicable) or other unusual expenses shall be controlled by means of annual re-examinations (re-certification) of all cases. Interim reviews are triggered by requests made by the families or by any indication that the status of the family had changed. Ninety days prior to the expiration of the contract, the tenants are notified by mail of the need for a re-examination of the family's income, composition, unusual expenses,

etc. This letter indicates the date, time and place, and which documents are necessary for the re-examination.

Section 8 Office procedures call for the re-examination of a family's income and circumstances, usually done annually or whenever triggered by evidence of change, or by periodically conducted investigations. Follow-up actions are taken and special examinations are conducted when circumstances and information prevent a family's annual income from being projected with any reasonable degree of accuracy.

#### **4.11 Informal Review & Hearing for Denial, Reduction, or Termination of Assistance**

The HA, upon determining that an applicant or participant is ineligible, will notify the applicant or participant, in writing, on the reason(s) for the ineligibility and of their right to request an informal review for applicants, or informal hearing for participants.

4.11.1 *Procedure:* When an informal review or hearing is requested by an applicant, certificate or voucher holder, or tenant, said informal review or hearing will be conducted by an employee of the HA or another public official who is not directly involved in the day-to day administration of the program. In addition:

- The family may retain counsel or other representation, if desired, at its own expense.
- Either the family or its counsel/representative must be given the opportunity to examine the evidence and question any adverse witness (es). The family, or its counsel/representative, must also be given the opportunity to present testimony and evidence in its favor. The decision of the official presiding over the hearing must be in writing, must be based solely on the evidence provided at the hearing, and must state the legal and evidentiary grounds for the decision.

#### **4.12 Repayment of Debt to the HA and Denial Assistance**

4.12.1 The HA will offer an applicant and/or participant the opportunity to enter into an agreement for repayment of the money owed to the HA or amounts paid to an owner by the HA. *The agreement will be on the terms prescribed by the HA.* The HA may at anytime deny or terminate assistance for breaching an agreement. If the participant breaches an agreement, the HA may terminate housing assistance payments which are being made on behalf of the participant under an outstanding contract.

- 4.12.2 The HA will no longer consider the participation of a family in the Section 8 existing Housing Voucher Program, after the family has been denied assistance and they have been terminated by the program due to violations of the Program's policies and procedures.
- 4.12.3 The HA will allow the family to be absent from the dwelling unit for no more than 90 days under the following circumstances:
- Illness or hospitalization verification will be requested.
  - Illness of a relative who needs care from a family member, in another location verification will be requested.
  - Vacations for no more than 30 days.
- 4.12.4 The HA will continue giving assistance, after the break-up of a marriage, to the family member to whom the custody of the children was granted by the court. In a case where there are no children involved, the HA will determine who will continue to receive the assistance.

#### **4.13 Terminations and Evictions**

- 4.13.1 Under the program, eligible families will automatically continue to receive assistance unless the contract is terminated by the HA for reasons similar to those set forth in the HAP contract, such as:
- The family vacates the unit in violation of the lease.
  - The owner terminates tenancy in accordance with regulations.
  - The family moves from its unit without the owner's approval and/or without notifying the program.
  - Our HA, in accordance with the Final Rule 982, dated July 3, 1995, eliminated the right of the owner to claim reimbursement from the HA for damages, unpaid rents and other amount owed by the tenant under the lease. The owner must seek, from the tenant, payment of any damages.
  - If the family vacates the unit in violation of its lease, the owner retains the payment for the month in which the vacancy occurred.
  - The owner has evicted the family in accordance with State/Local Law (the owner must notify the Section 8 Office prior to instituting eviction procedures).

The Municipality of Aguadilla Housing Authority will deny assistance to applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;

- C. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. Have a family member who was evicted from federally assisted housing within the past three years because of drug-related criminal activity. The three year limit is based on the date of such eviction, not the date the crime was committed.

However, the Municipality of Aguadilla Housing Authority may admit the household if the PHA determines:

1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Municipality of Aguadilla Housing Authority; or
  2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).
- F. Have a household member who is currently engaging in illegal use of a drug;
  - G. Have a household member whose illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
  - H. Have a household member who has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine (drugs) on the premises of federally assisted housing;
  - I. Have a household member who is subject to a lifetime registration requirement under a State sex offender registration program;
  - J. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
  - K. Have a household member who is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

The Municipality of Aguadilla Housing Authority may deny assistance to applicants who:

- A. Have a household member who is currently engaged in, or has engaged in the following during the last 5 years before the projected date of admission:

- a. Drug-related criminal activity;
- b. Violent criminal activity;
- c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the Municipality of Aguadilla Housing Authority (including an Municipality of Aguadilla Housing Authority employee or an Municipality of Aguadilla Housing Authority contractor, subcontractor or agent).

For purposes of this section, a household member is “currently engaged in” criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.

- B. Have a family member who violated any family obligations under previous participation in the program;
- C. Have a family member who has been evicted from federally assisted housing in the last five years;
- D. Have a family member that the Municipality of Aguadilla Housing Authority ever terminated assistance for under the program;
- E. Have a family member who has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- F. Currently owes rent or other amounts to the Municipality of Aguadilla Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act;
- G. Have not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- H. Have breached an agreement with Municipality of Aguadilla Housing Authority to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority;
- I. If a family participating in the Family Self-Sufficiency Program, a family fails to

comply, without good cause, with the family's FSS Contract of Participation;

- J. Have engaged in or threatened abusive or violent behavior towards any Municipality of Aguadilla Housing Authority staff member or resident;
- K. If a welfare-to-work, (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

If the Municipality of Aguadilla Housing Authority denies admission to the Municipality of Aguadilla Housing Authority's Housing Choice Voucher program on the basis of a criminal record, the Municipality of Aguadilla Housing Authority will provide the person with the criminal record (i.e., the family member) and the applicant head of household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record, in the procedures for the Informal Review Process for Applicants. The applicant will have 10 calendar days to dispute the accuracy and relevance of the record in writing. If the Municipality of Aguadilla Housing Authority does not receive the dispute within the allotted time, the applicant will be denied.

4.13.2 The HA may also terminate the contract if:

- The family no longer requires assistance.
- The unit fails HQS.
- The unit is overcrowded and does not meet the HQS space requirements.
- The family does not comply with the obligations stated in the contract.
- The HA discovers program abuse and fraud.
- The owner is not in compliance with the terms of the housing contract.
- The tenant does not comply with the re-certification process on time.

The family/owner will be notified, in writing, 30 days prior to the termination of the contract.

4.13.3 Evictions: Although the HA does not authorize or deny eviction actions, owners are required to:

- Comply with the requirements of State/Local Law.
- Provide a copy of the notice to the HA when the notice is given to the family.

The HA must determine whether the family is eligible to receive continued assistance under the Section 8 Program.

## 4.14 Administration of the Voucher Program

### 4.14.1 Overall Approach and Objectives

The Section 8 Existing Housing Voucher Program offers expanded opportunities for rental assistance to very low-income families by utilizing existing housing units. One of the Housing Voucher Program's principal features is its flexibility: *families will have a broader range of housing and neighborhoods to chose from*. They may select units with rents higher than the applicable Payment Standard but will receive no additional assistance payment; conversely, if rents are lower than the standard, the assistance payment is not reduced. This feature makes the program different from the Section 8 Existing Certificate Program, specifically in the following areas:

### 4.14.2 Increase Choice of Housing

- No Fair Market Rent cap on amount of rent that can be paid for a unit leased under the Housing Voucher Program.
- Families have unlimited choice of any housing that meets the Housing Quality Standards, and are not limited to choosing units in the bottom half of the standard housing inventory.

### 4.14.3 Greater Equity

- In-place families who do not want to move are not precluded from participation in the program because the rent for their unit exceeds the limits of Fair Market Rent.
- All similar families (i.e., same number of household members and same income) receive identical subsidies.
- Each Family has the choice of how much of its income it wishes to devote to housing.

## 5. Additional Terms and Concepts

**In addition to the terms and concepts used in the Certificate Program, for the purpose of the Voucher Program the following terms, definitions and concepts apply**

- Eligible Family- An eligible family, as defined in 24 CFR Part 887, Section 151 (a), that qualifies as a very low income family at the time it initially receives assistance under the HA Housing Voucher Program.
- Lower Income Family- A family whose income does not exceed 80% of the Median Income for the area, as determined by HUD.
- Applicable Standard- the Schedule of Housing Costs used to calculate the Housing subsidy.
- Initial Payment Standard- This schedule applies to all families at the outset of the Housing Voucher Program. The family size is based on the HA's occupancy standards. The Initial Payment Standard Schedule is based on the Fair Market Rent Schedule or the HUD approved community-wide exemption rents in effect at the time of execution, by HUD, of the HA original ACC for the first increment of funding under the Housing Voucher Program.
- New Family/Mover Schedule- The HA may establish a new family/mover schedule at any time. The amounts on the new family/mover schedule can be any amount between the Initial Payment Standard (or Adjustment Standard, if applicable) and the FMR in effect at the time the new family/mover schedule is adopted.
- Adjustment Standard Schedule- The HA may, at its discretion, establish an adjustment standard schedule twice during any five-year period in order to assure continued affordability. The amounts of the adjustment standard can be any amount between the Initial Payment Standard (or previous adjustment standard schedule, if applicable) and the FMR in effect at the time the adjustment standard schedule is adopted. No adjustment standard schedule may be established if less than 60 months have elapsed since the next to the last adjustment standard schedule was adopted.
- Housing Voucher- A document issued by the HA declaring a family to be eligible for participation in the Housing Voucher Program stating the terms and conditions for the family's participation.
- Housing Voucher ACC- A written agreement between HUD and a HA to provide annual contributions to the HA for Housing Assistance Payments, and administrative fees to the HA. Separate from Part I of the Section 8 Existing Housing Certificate ACC.

- **Housing Voucher Contract-** A written contract between the HA and an Owner- on a form prescribed by HUD for the Housing Voucher Program- in which the HA agrees to make Housing Assistance Payments to the Owner on behalf of an eligible family.
- **Gross Rent-** the actual rent for the unit stated in the lease and payable to the owner, plus any utility allowance(s) appropriate for that unit.
- **Utility Allowance-** The allotted amount, by unit size and type, for tenant-furnished utilities and services, based on the typical cost of each utility and service in that locality.
- **Total Tenant Payment-** The portion of the monthly gross rent payable by an eligible family, including the utility allowance paid by said family.
- **Minimum Total Tenant Payment-** The minimum amount of gross rent that an assisted family must pay toward rent, which is equivalent to 10% of the family's gross income.
- **Portability-** Portability is the ability for a Housing Voucher holder to move from the jurisdiction of its current HA to the jurisdiction of another HA.

A HA which administers a Housing Voucher Program may accept or refer a Housing Voucher or Certificate holder from another HA jurisdiction (24 CFR 982.354 & 982.355).

Unlike the Certificate Program, there will be no HA limits on increases which the owner can impose. Families will make their own decisions about the reasonableness of the rent.

Owners must provide at least 60 days written notice of any proposed rent increase to the family and the Municipality.

#### **Interim Re-examinations (Re certifications)**

The HA will apply the same policies and procedures for processing interim re-examinations as are used in the Certificate Program.

If the family stays in the same unit:

- The HA will recalculate the Housing Assistance Payment using the Applicable Payment Standard.
- No changes will be made in the Applicable Payment Standard until the next annual re-examination or until the family moves to another unit.

If the Family moves at the time of the interim re-certification, the New Family/Mover Schedule will be used. If the moving family has a change in family

composition, the bedroom sizes appropriate to the family's new circumstances will be used.

### **Enforcing Quality Standards (HQS)**

The HA will complete HQS inspections and complaint inspections as needed.

The HA may abate or terminate housing assistance to owners if the unit fails HQS.

The HA understands that HUD may reduce administrative fees if it fails to enforce HQS.

### **Easing of Pressure on Fair Market Rents**

- Decreases the demand for units at, or below, Fair Market Rents.
- If a pre-program unit meets housing quality standards but exceeds the Fair Market Rent cap, families may participate in-place without moving to a lower costing unit.
- Landlords will have to set rents at the level the market is willing to pay, rather than HUD determining the Fair Market Rent.

### **Organization and Staffing**

The Voucher program extends the HA's fiscal responsibility to manage subsidized funds and administrative costs. Therefore, the staff directly involved in the administration of Federal Programs in this HA will be designated according to the number of vouchers assigned to the Program and administrative expenses as follows.

The Office of the Program Director for the Section 8 Housing Assistance Program will have the overall responsibility for ensuring compliance with federal regulations and the implementation of policies and procedures pertaining to the Voucher Program.

This Staff will perform the following functions:

- Prepare all the necessary documents, budgets, forms, and files required by the program.
- Prepare and/or adapt the necessary forms, information, instructions, and material required for the organization and implementation of the program.
- Initiate the training of staff to work on the project, at the HA.

During the leasing schedule and intake period, coordinate, supervise, organize, and actively participate in the following:

- Outreach to Eligible Families and Contact with Owners.
- Determination of Family Eligibility and Tenant Selection.
- Verification of Income and Determination of Total Tenant Payment.
- Briefing of Family and Issuance of Vouchers.
- Housing Quality Standards Inspections.
- Lease Approval and Contract Execution.
- Payments to owners.
- Provision of Housing Information and Services to Recipient Families.
- Annual Re-certification or Interim Desertification.
- Re-inspection of Units under Contract.
- Family Mobility and Portability of Vouchers.
- Terminations and Evictions.
- Monitoring Applicable Payment Standards and Budgets.
- Security Deposits and Claims for Damages, Unpaid Rents and Vacancy Loss.
- Informal Hearings for Denial, Reduction or Termination of Assistance.

### **Additional Policies for the Voucher Program Outreach for Eligible Families**

If a family refuses the form of assistance offered by the Voucher program, the alternative will be for, whenever appropriate, the family to remain on the waiting list for an Existing Voucher, or to refer the family to public housing or other resources that are available.

The maximum Housing Voucher subsidy the HA may pay is the Applicable Payment Standard minus 30% of the family's monthly adjusted income. A family can never pay less than 10 % of monthly gross income.

The Municipality of Aguadilla Housing Authority will issue a Housing Choice Voucher for a particular bedroom size – the bedroom size is a factor in determining the family's level of assistance. The following guidelines will determine each family's unit size without overcrowding or over-housing.

The subsidy to be paid will be based on the size of the unit the family is eligible to occupy, based on the following standards:

<b>Family Members</b>	<b>Bedrooms</b>
1-2	1
2-4	2
3-4	3
4-8	4
5-10	5

The family may select a unit that is larger than the bedroom size authorized by the HA, but the family must pay for the increase in cost.

Before establishing or changing the Adjustment Standard Schedule, the HA will notify the public by means of posting public notices regarding consultation on the impact of affordability adjustments on the number of families that can be assisted.

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Municipality of Aguadilla Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children currently under a 50% or more joint custody decree, children who are temporarily away at school or temporarily in foster-care.

Bedroom size will also be determined using the following guidelines:

- Children of the same sex will share a bedroom.
- Children of the opposite sex, both under the age of six (6), will share a bedroom.
- Persons of different generations will not be required to share a bedroom.
- Foster adults and children will not be required to share a bedroom with family members.
- Live-in aides will get a separate bedroom.

The Municipality of Aguadilla Housing Authority will grant exceptions to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a disability or a medical reason that require special medical equipment such as respiratory machines, oxygen tanks, dialysis equipment, or positional bed.

The family unit size will be determined by the Municipality of Aguadilla Housing Authority in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger

or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

### **Verification of Income and Determination of Annual Income and Total Tenant Payment**

Once the family has filed an application and has provided the evidence required to complement it, office personnel will verify with sources and references, all basic information given by the applicant, by means of a personal interview, telephone contact or by the mail. When all information is verified and the family is determined eligible, the calculation of the Total Tenant Payment will be made. Annual Income, Adjusted Income and Total Tenant Payment will be estimated based on the definitions of income as per CFR 813. Direct orientation will be given to the family on the Vouchers Packet they will receive.

#### **5.7a METHODS OF VERIFICATION (UIV POLICY)**

The PHA will verify information through the six methods of verification acceptable to HUD in the following order:

1. Up-front income verification (UIV)/EIV - only for special security benefits purpose.
2. Third-party written verification.
3. Agreements with federal, state, and local government agencies.
4. Third-Party Oral Verification.
5. Review of documents.
6. Certification/self-declaration.

#### **Up-Front Income Verification**

The PHA will use up-front income verification tools, including EIV.

When HUD announces the availability of the UIV system for our PHA, we will utilize additional UIV tools.

#### **Use of Third-Party Verification to Supplement Up-Front Income Verification**

Up-front income verification replaces, to the maximum extent possible, the more time-consuming and less accurate third-party verification process of contacting individual employers identified by families or reviewing outdated income verification documents. However, third-party verification may continue to be necessary to complement up-front income verification. Up-

front income verification should not be considered an automatic substitute for other third-party verification. Rather, up-front income verification may supplement other verification documentation, such as original, current tenant-provided documents.

### **Third-Party Written Verification**

Third-Party verification is used to verify information directly with the 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 e-mailed request for information, the Agency will secure and document oral third party verification. The family will be required to sign an authorization allowing the information source to release the specified information.

Two attempts to obtain third-party verification will be made before relying on another method.

Verifications received electronically directly from the source are considered third-party written verifications.

Third-Party verification forms, including computerized printouts, will not be hand-carried by the family under any circumstances. The PHA will send requests for third-party written verifications to the source at all times regardless of whether the family provides a computerized printout.

The PHA will allow the first attempt 15 days for return of third-party verifications. Second attempt may try for another 15 days.

If third-party written verification is not used, the PHA will document the reasons in the file.

Verifications are valid for 90 days from date of receipt.

### **Third-Party Oral Verification**

Oral third-party verification will be used when written third-party verification is delayed or impossible. When third-party oral verification is used, staff will be required to complete a Certification or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is provided by telephone, the PHA must originate the call. If third-party verification is not available, the PHA will compare the specified information to any documents by the

family.

### **Review of Documents**

In the event that third-party written or oral verification is unavailable or information has not been verified by a third party within four weeks, the PHA will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents contain complete information.

All such documents, excluding government checks, will be photocopied and retained in the family file. When documents cannot be photocopied, staff viewing the documents will complete a Certification of Document Viewed or Person Contacted form

The PHA will accept the following documents from families providing that tampering can be easily noted:

- ✓ Printed wage stubs
- ✓ Signed letters (provided that the information is confirmed by phone)
- ✓ Other documents identified by PHA as acceptable verification

The PHA will accept faxed documents.

The PHA will not accept photocopies.

If third-party verification is received after documents have been accepted as provisional verification and there is a discrepancy, the PHA will contact the third-party source and the family to resolve differences.

The PHA will allow up to one week for families to provide documents when third-party verification is impossible to obtain.

The PHA will not delay the processing of an application beyond 30 days because a third-party information provider does not return a verification in a timely manner.

### **Self-Certification/Self-Declaration**

When information cannot be verified by a third party or by review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement signed under penalty or perjury in the presence of a witness.

The PHA will allow up to one week for a family to provide a self-certification or self-declaration if other forms of verification are impossible to obtain.

### **Briefing of Family and Issuance of Vouchers**

When the family receives as Voucher, the following items will be fully explained, and a Holder's Packet, will be given to them containing the following:

- Family and Owner responsibilities under the Lease and Contract.
- How to find a suitable unit.
- Housing Quality Standards.
- Procedures for Family and owner dwelling unit inspections.
- Portability eligibility (24 CFR 982.354 & 982.355).

The family will obtain the pertinent forms for lease approval upon issuance of the voucher. The family will be given ample opportunity to discuss and raise questions related to the above mentioned orientation. Personal Assistance will be provided to families in an attempt to help them find adequate housing.

### **Annual and Interim Re-certifications**

The HA must annually re-examine income and family composition for families receiving assistance in the Housing Voucher Program.

Re-examinations will be, at least, on an annual basis, and will generally be scheduled to coincide with other annual activities. Documents required will be as follows:

Senior citizens will not bring Good Conduct Certificate and "Departamento del Trabajo".

The same procedures used for determining Total Tenant Payment, Tenant Rent, and Housing Assistance Payment at the initial certification will be used for the re-examination. However, the HA will first determine the Applicable Payment Standard to be used to compute the family's current Housing Assistance Payment, unless:

- The HA instituted an Adjustment Standard Schedule which is higher than the Payment Standard currently being used.
- The family's size/composition has changed and the family is eligible for a larger or smaller unit.
- The family chooses to move to a new unit.
- Families in the program will be notified of the results of the re-examination.

- Families determined ineligible would be informed in writing, and given an opportunity for an informal hearing.

### **5.9b 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 (3<sup>rd</sup> 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 (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.

**Procedures to be followed for families eligible for continued assistance are generally the same as in the Certificate Program.**

- The family and owner are notified of changes in HAP and Tenant Rent.
- An annual unit inspection is conducted.
- A new lease and Housing Voucher Contract are prepared and executed (if applicable).
- Families who intend to move will be briefed and issued a new Housing Voucher briefing packet.

**Family Mobility and Portability of Vouchers**

A participating Housing Voucher family is allowed to move, from one Housing Voucher jurisdiction to another, with continued assistance. This special program feature is defined as a Portability. This HA will implement this concept in the following manner:

5.11.1 General procedures

This HA, for portability purposes, is the Initial HA:

- A family must live in the Initial HA's Jurisdiction and hold a Housing Voucher, and be a current participant for at least one year to be eligible for portability.

The initial HA may deny a family's request to move under the portability procedures only if the number of portable Housing Vouchers exceed 15% of its total units under lease in the Housing Program. The family will be required to notify the HA, in writing, of their desire to move with at least 60 days prior notice.

Once a family notifies the Initial HA that they want to move under the portability procedures, the Initial HA will contact the receiving HA. The Initial HA will notify, to the Receiving HA, that:

- The family is eligible for assistance.
- A housing Voucher has been issued to the family.

The receiving HA must initially re-certify the family's income in order to calculate the Housing Assistance Payment based on the Applicable Payment Standard in effect at the Receiving HA.

The Receiving HA will bill the Initial HA for the Housing Assistance Payments and HA fee, unless it has given the family one of its own certificates of Housing Vouchers. Families may move more than once under the portability procedures. However, the Initial HA may limit moves to one in any 12 month period, and in compliance with the rental contract. The Housing Voucher reverts to the Initial HA when the eligible family leaves the program.

#### 5.11.2 PHA Fees

This Municipality, as the Initial HA:

- Retains funding when the family leaves its jurisdiction.
- May be eligible to receive up to \$215.00 as a preliminary fee if the portable Housing Voucher qualifies for it.

A Receiving HA which chooses to administer the Housing Voucher is entitled to a \$215.00 Preliminary Fee, and the \$45.00 Hard-to House Fee from the Initial HA for each portable Housing Voucher it accepts.

For each Housing Voucher family under lease, the Receiving HA bills the Initial HA for the full amount of the Housing Assistance Payment and 80% of the on-going administrative fee (calculated by using the Initial HA's applicable FMR).

A Receiving HA which issues its own Housing Voucher to a family using the portability opportunity may claim the Preliminary Fee from Housing Voucher Fee reserve at the time of the Year-end Settlement.

### **Termination and Eviction**

Assistance under the Housing Voucher Program will be automatically continued for eligible families unless the Housing Voucher Contract is terminated.

#### Termination

The Housing Voucher Contract may be terminated by the HA for reasons similar to those set forth in the AP Contract, such as:

- The family vacates the unit in violation of the lease.
- The owner terminates tenancy in accordance with HUD regulations.

- The family moves from its unit with the owner's approval.
- The owner has evicted the family in accordance with State/Local Law.

The HA may also terminate the Housing Voucher Contract if:

- The family no longer requires assistance.
- The unit fails HQS.
- The unit is overcrowded and does not meet the HQS space requirements.
- The family does not comply with the obligations stated in the Housing Voucher.
- The HA discovers program abuse.
- The owner is not in compliance with the terms of the Housing Voucher Contract.

**The family/owner will be notified in writing prior to termination. The requirements for the HA to conduct an informal hearing also apply to Housing Voucher Families.**

#### Evictions

Although the HA does not authorize or deny eviction actions, owners are required to:

- Comply with the requirements of State/Local Law.
- Provide a copy of the notice to the HA when the notice is given to the family.

The HA must determine whether the family is eligible to receive continued assistance under the Housing Voucher Program.

**Monitoring Applicable Payment Standards and determine if any changes are appropriate.**

At least annually, the HA will review Applicable Payment Standards and determine if any changes are appropriate. On a continuing basis, the HA will monitor expenditures to ensure that annual contract authority is not exceeded. The HA will submit end-of year financial reconciliation.

### **Security Deposits: Amounts Owed by Tenants**

In accordance with Final Rule 982 (7/3/95), the HA eliminated the imposed limit on the amount of owner security deposit. The HA prohibits security deposits in excess of private market practice.

### **Elimination of Payments to Owners for Damages, Vacancy Loss and Unpaid Rents**

Our HA, in accordance with the Final Rule 982, dated July 3, 1995, eliminated the right of the owner to claim reimbursement from the HA for damages, unpaid rents and any other amount owed by the tenant under the lease. The owner must seek, from the tenant, payment of any damages.

If the Housing Voucher family vacates its unit in violation of its lease, the owner retains the payment for the month in which the vacancy occurred.

## **6. Monitoring Program Performance**

The HA has established an internal program and performance control system for monitoring compliance with program requirements. The objectives of the system include the following:

- To ensure compliance with HUD program and regulatory requirements.
- To track the performance of the Section 8 and Program against established goals and objectives.
- To identify HA operational areas where improvement or corrective action is required.
- To ensure effective utilization of staff and other resources in order to meet program demands.
- To provide the basis for corrective action-planning where formal changes in organization, operation or significant program-related areas are indicated.

The monitoring and control system calls for the establishment of detailed files and record keeping, and the periodic review of files and records, with regular reports prepared and submitted to the Program Director.

The Director reviews the information presented by the staff and summarizes the data. This summary is utilized to compare planned and actual program performance regarding the HA's goals. Files have been established to provide the basis for monitoring and ensuring compliance with a variety of program requirements as well as

fulfillment of Section 8 and FSS Program goals. Monitoring of the program records and files will cover the following program requirements and performance:

### **Program and Performance Requirements**

- The 100% very low-income requirement.
- The HUD-approved unit size distributions.
- The 10% exemption authority needed for more than 20% of the units, the HA's request must be approved by HUD prior to the execution of any additional AP contracts for units with higher contract rents.
- The utilization of the program by eligible elderly, handicapped, and disabled families.
- The annual and special re-examinations requirements.
- Accuracy of AP payments to owners.
- Leasing progress in a new increment of units.
- Occupancy rate of units in the management phase.
- Supervisory review of 5% HQS and 10% of Section 8250.058.
- Size of waiting list.
- Implementation of Federal Preferences.
- Implementation of HQS.
- Determination of rent reasonableness.
- Annual revision of utility allowance.
- Implementation of a non-discrimination policy.

### **Section 8 Office Occupancy Records (including FSS Program)**

- Tenant files
- Family service records

### **Section 8 Office Internal Statistical Reports**

- Percentage of minority participant families.
- Percentage of single-parent, female head-of household, participant families.
- Percentage of assisted families on Social Services.
- Percentage of assisted families with earned income.

- Percentage of assisted families with unique needs for whom contract rents of up to 120% of the FMR's were authorized by the HUD field office.
- Percentage of families who leased in-place.
- Percentage of assisted families who leased units of smaller or larger sizes than those listed on their certificates.
- Number of assisted families who have been evicted with Section 8 Office authorization.
- Number of families who have left the program.
- Number of units occupied by handicapped families.
- Number of vacancy loss claims.
- Number of AP Contract terminations due to non-compliance with Housing Quality Standards.
- Number of owner who has dropped out of the program.

## **7. Project Based Certificate Program**

The HA unit selection policy will be as follows: (In the event that Aguadilla Municipality have the Program)

The HA will take the applications and determine the eligibility of all tenants residing in approved units who wish to apply for the program. After eligibility of all tenants has been determined, the owner must be informed of any adjustment in the number of units to be assisted. In order to make the most efficient use of housing assistance funds, an agreement may not be entered into covering any unit occupied by a family that is not eligible to receive housing assistance payments. Therefore, the number of units approved by the HA for a particular proposal must be adjusted to exclude any units(s) determined by the HA to be occupied by the family not eligible to receive housing assistance payments. Eligible families will be briefed at this stage as to their rights and responsibilities under the program.

## **8. Local Policy for Mobility and Portability for the Section 8 Existing Housing Certificate and Voucher Programs**

The HA has developed the following policy concerning limitation on adjacent HA's Vouchers moves:

- This HA will not accept, or refer, mobility or portability of Certificates or Vouchers from, or to, any adjacent HA's.

The determination taken to establish this policy is based on the fact that the adjacent HA's Municipalities are within commuting distance from our Vouchers can be administered and served by the HA's without having to assign them to, or recuse them from our HA.

## **9. Local Policy Concerning Verification of Documents and/or Information**

The following policy for the treatment of applicants and participants regarding verification of citizenship and/or place of birth will be executed through a third party verification. If third party verification cannot be used, the HA will document in the file why another method was used. This policy also applies to all other Program verification requirements.

### **A) ENTERPRISE INCOME VERIFICATION AND TENANT ASSESSMENT SUBSYSTEM (EIV)**

PHA will use HUD's New Enterprise Income Verification (EIV) and Tenant Assessment Subsystem to reduce tenant misrepresentation of income.

In order to reduce income, rent errors and improper subsidy payments. PHA will verify through EIV during a family re-examination or interim. This system will automatically and uniformly maintain income information in computerized form for a large number of individuals.

This way we will ensure the correct amount of assistance is provided to eligible families who need it. If the tenant disputes the UIV data, the PHA will request a written third party verification.

PHA will still request written 3<sup>rd</sup> party verification (24 CFR 5.236). The family must supply any information that the PHA or HUD determines necessary in the administration of the program or information necessary for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

## **10. Local Policy Concerning Prohibition of Preference if Applicant was Evicted for Drug-related Criminal Activity (24 CFR, 982.208) and Administrative Hearing Process/Termination Notice**

This HA may not give preference to an applicant (federal preference, ranking preference, or local preference) if any member of the family is a person who was evicted during the past three (3) years because of drug-related criminal activity from

housing assisted under a 1937 Housing Act program. It's up to us, as a HA, the final decision to give admission preference in any of the following cases:

- If the HA determines that the evicted person has successfully completed a rehabilitation program approved by the HA.
- If the HA determines that the evicted person clearly did not participate in or know about the drug-related criminal activity.
- If the HA determines that the evicted person no longer participates in any drug-related criminal activity.

Participants of the Section 8 Existing Housing Voucher Programs who are involved in drug-related criminal activity will be oriented to the Administrative Housing Process as soon as they receive a Termination Notice.

The HA could require evidence from any family member involved in drug-related criminal activity about the rehabilitation plan in any institution certified by the state agencies in order to approve it.

## **11. Mandatory Prohibition of Sex Offenders**

The Municipality of Aguadilla has established standards that prohibit admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (s)). The Municipality of Aguadilla (RQ012) will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to lifetime sex offender registration requirement in the State where the dwelling unit is located and in other States where the 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 and via internet through their website.**

The Municipality of Aguadilla will deny admission if any member of the household is subject to a lifetime registration requirement under a 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.

## **12. 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 U.S. Housing Act (42 U.S.C. 1437c-1) to require PHA's five-year and annual PHA Plans

to contain a Domestic Violence Policy Statement regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Section 606 and Section 607 amend the Section 8 and public housing sections of the U.S. Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims’ 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 Aguadilla (RQ012) 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 Aguadilla will notify Housing Choice Voucher owners and managers of VAWA.
- The Municipality of Aguadilla will notify voucher holders of their rights under VAWA including the possible portability of vouchers between jurisdictions to escape an 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).

### **13. HOMEOWNERSHIP PROGRAM (SPECIAL HOUSING TYPE UNDER SUBPART M OF 24 982 CFR )**

Homeownership option allows first-time homeowner to use the voucher subsidy to meet monthly homeownership expenses, instead of using voucher subsidy to help family with rent.

#### **13.01 Options:**

- Family responsible of finding eligible property they wish to purchase.
- Homeownership assistance payment is provided to help the new homeowner with monthly homeownership expenses.
- HA may make monthly payment directly to the family or to the lender.

#### **13.02 Subsidy:**

- Payment standard determines maximum subsidy in voucher program.

- HA uses the same voucher program payment standard amounts for Homeownership families.

### **13.3 Family Eligibility B:**

Minimum income requirement:

- Federal minimum wage multiplied by 2000 hours ( \$10,300 annual income)
- Except for the elderly or disabled family, welfare assistance may not be considered in determining if family meets minimum income requirement.

### **13.4 Eligible units:**

- Unit under construction or already existing at the time HA determines family eligible for homeownership.
- One unit property or single dwelling unit in coop or condo (yes: townhouses, no: duplex)

### **13.5 Time Limits:**

- Time limits do not apply to elderly or disables families
- Maximum term
  - 15 years if the initial mortgage has term of 20 years or longer.
  - 10 years in all other cases.
  - Time limits apply from initial purchase, regardless of whether family moves to new unit.

## **14. CODE OF CONDUCT**

24 CFR, Part 982.161, states the Conflict of interest provision, where:

“(a) Neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

- (1) Any present or former member or officer of the PHA (except a participant commissioner);
- (2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;
- (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with

- respect to the programs; or
- (4) Any member of the Congress of the United States.
  - (b) Any member of the classes described in paragraph (a) of this section must disclose their interest or prospective interest to the PHA and HUD.
  - (c) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.”

If any person fails to comply with the regulations in regard to Influence of Federal Transactions and Disclosure of Lobbying Activities, it will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. Any person who misused federal funds or property from this program is subject to criminal penalties according to the law.

**COMMONWEALTH OF PUERTO RICO  
AGUADILLA MUNICIPALITY  
AGUADILLA, PUERTO RICO**

**FAMILY SELF-SUFFICIENCY PROGRAM  
ACTION PLAN**

**July 1, 2003**

## **I. EXECUTIVE SUMMARY:**

The purpose of this Program Action Plan is to delineate and establish viable as well as obtainable goals and strategies, whereby the families will be guided towards achieving economic independence and ultimately self-sufficiency in accordance with congress' intent upon the enactment of the law creating the Family Self Sufficiency Program.

It is the intent of the Municipality of Aguadilla, namely the Municipal Housing Department, to implement a locally administered FSS Program in accordance with 24 CFR 984. Initially the Program will commence with a total of 25 units as mandated by H.U.D. These families will be receiving supportive services which will afford them the opportunity to achieve economic independence as well as obtaining safe, secure and affordable housing. These same services will be coordinated between the Municipal Housing Department and the locally established PCC.

## **II. FAMILY DEMOGRAPHICS:**

The Municipality of Aguadilla has a population of 64,685 (Census 2000). The families that will be served by the Family Self-Sufficiency Program are currently under Housing Choice Voucher. Aguadilla Housing Authority has 826 household members. Our participants are one hundred percent white and Hispanics. There are sixty one percent female household with children in the Housing Choice Voucher Program and the average household size is 3.3. (Resident Characteristics report May 31, 2003)

### **III. FAMILY SELECTION:**

The participants to be assisted under this program will be selected from the current families in our locally administered Housing Choice Voucher Program. A brief session will be held with the families to explain the benefits of the FSS Program. During the briefing the families will be informed if there not interested in the Program they will not loose their voucher.

If the family is on the waiting list, and do not desire to partake in the FSS Program, they will not leave their place on the waiting list.

### **IV. SERVICES OFFERED:**

The followings services will be offered to the FSS families:

- a. Child care services
- b. Career planning
- c. Educational services
- d. Job Training – W.I.A.
- e. Household finances
- f. Household management

### **V. OUTREACH EFFORTS:**

This Program will be offered to current families prior to selecting a family from the waiting list. In order to inform the community at large of the existence of this Program, it will be advertised through the local and

national spanish speaking newspaper, or in the events of receiving any new funding and/or leasing authorization from H.U.D.

Other outreach efforts will be carried out by holding informal briefing sessions with local and state agencies as well as members of the PCC of the existences and benefits provided under the FSS Program.

## **VI. FSS ACTIVITIES AND SUPPORTING:**

### **A. Department of Education**

They will help the families through a general orientation about the program they have available under the Public law 188 and orientation to school drop-outs and programs for adults. (See Attachment A)

### **B. Centro de Gestión Unica**

They will provide counseling and assistance to adults and youth members of the families. (See Attachment B)

### **C. Banco Popular de Puerto Rico**

As a member of the committee this financial institution will provide our participants with financial education. (See Attachment C)

D. Instituto de Educación Técnica Ocupacional La Reine

This institution will offer FSS participants with literature education skills combine with occupational trainings and job searching assistance. They will give opportunity for education and will also provide the knowledge necessary for the career world. (See Attachment D)

E. Universal Technology of Puerto Rico, Inc.

They offer programs' Certificates and Associate degrees with economic assistance available. You will see the information in Attachment E.

F. Rev. Francisco Luis González Vargas

The minister will offer Family Self-Sufficiency participants with counseling in ethic values, family relationships, motivation and physics development. (See Attachment F)

G. Angie's ABC – 123 Day Care Center Bilingual School

This center is willing to evaluate and provide childcare services to the families under the Self-Sufficiency Program. (See Attachment G)

## H. Work Department and Human Resources

This department will be offering orientation and services in accordance with the participants needs. (See Attachment H)

## **VII. METHOD FOR IDENTIFICATION OF THE FAMILY:**

The FSS Coordinator will interview the prospective families interested in participating in our FSS Program. After the initial briefing, a needs assessment will be conducted to determine what services are required so that the family complies with their FSS participating contract.

Once the needs assessments has been conducted, the families will be guided in the process of establishing and implementing viable and obtainable goals.

## **VIII. PROGRAM TERMINATION:**

The termination for assistance under the Family Self Sufficiency Program are the following:

1. The failure of the participant's families or members to honor the terms of the FSS contract.
2. Expiration of the contract term.
3. A family decision to withdraw voluntarily from the FSS Program.
4. By any act that is inconsistent with the purpose of the FSS as well as established H.U.D. rules and regulations in accordance with 24 CFR 982.551.

The following actions are considered as automatic termination of the family's participation:

1. The family vacates the unit in violation of the lease.
2. The owner terminates tenancy in accordance with Regulations.
3. The family moves from the unit without owner's approval or the PHA's authorization.
4. The owner has evicted the family in accordance with State/Local laws.
5. The family's failure to act and/or violates the Statement of Family Responsibility.
6. Program abuse committed and detect by the PHA.

Grievance Procedure = The Municipality of Aguadilla will hereby adhered to established procedures as set forth in the H.U.D. approved Administrative Plan – (Attachment E).

**IX. ASSURANCE OF NON INTERFERENCE:**

The Municipal Government of Aguadilla guarantee that a family's decision to not participate in the FSS Program will not affect the family's admission to Housing Authority of the family's right to occupancy in accordance with its lease.

Certify by,

Carlos Méndez Martínez  
Mayor

**X. TIMETABLE:**

The timetable, for the implementation of the Family Self-Sufficiency Program proposed is as follows:

<b>BEDROOMS</b>	<b>3 MONTHS</b>	<b>6 MONTHS</b>	<b>9 MONTHS</b>	<b>12 MONTHS</b>	<b>TOTAL</b>
1					
2	2	3	2	1	
3	5	5	7		
4					

**XI. CERTIFICATION OF COORDINATION:**

I, Mayor of the Municipal Government of Aguadilla, Certify that we have coordinated with the following agencies:

- A. Department of Education
- B. Centro de Gestión Unica (WIA)
- C. Banco Popular de Puerto Rico
- D. Instituto de Educación Técnica Ocupacional La Reine
- E. Universal Technology College of Puerto Rico, Inc.
- F. Rev. Francisco Luis González Vargas
- G. Angie's ABC – 123 Day Care Center Bilingual School
- H. Work Department and Human Resources

By:

Carlos Méndez Martínez

Mayor of Municipal Government of Aguadilla